

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0888-MLM-E **TCEQ ID:** RN101720928 **CASE NO.:** 33627

RESPONDENT NAME: City of Broaddus

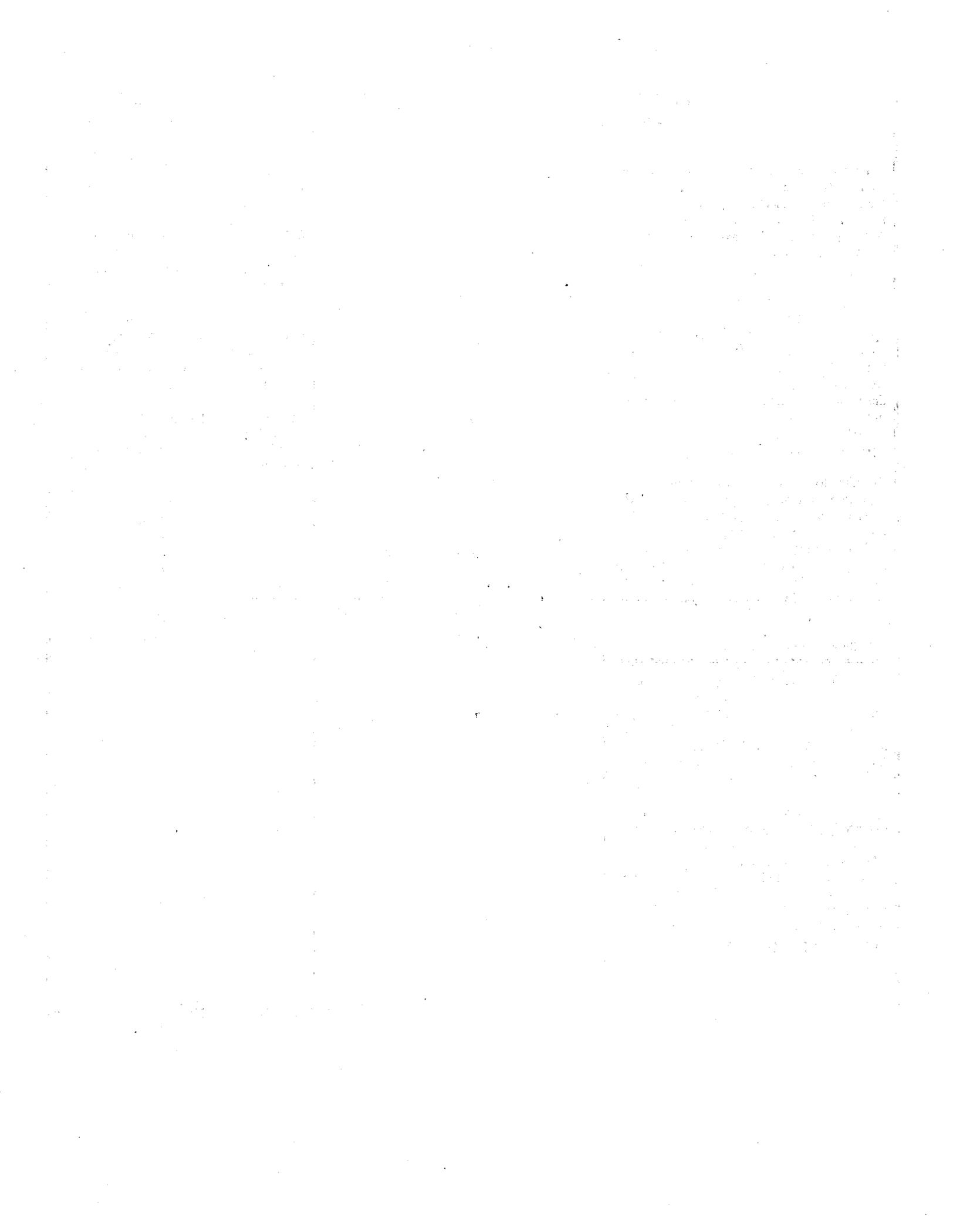
ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of Broaddus, located approximately 300 feet west of State Highway 147, adjacent to Caney Creek, San Augustine County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 16, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Pamela Campbell, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4493; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: The Honorable William W. Barth, Mayor, City of Broaddus, P.O. Box 149, Broaddus, Texas 75929 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 6, 2007</p> <p>Date of NOV/NOE Relating to this Case: March 26, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER/WASTE</p> <p>1) Failure to submit the Annual Sludge Reports ("ASRs") by September 1. Specifically, the Respondent failed to submit the 2002, 2003, and 2006 ASRs to the TCEQ as required [30 TEX. ADMIN. CODE § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011772001 Sludge Provisions].</p> <p>2) Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Respondent did not have an intruder-resistant fence around lift station no. 2 and the control panel was not locked [30 TEX. ADMIN. CODE § 317.3(e)(4)(C) and TPDES Permit No. WQ0011772001 Operational Requirements No. 1].</p> <p>3) Failure to dispose of sludge at a TCEQ authorized land application site or co-disposal landfill. Specifically, a pile of dried sludge was on the ground by the pump house [30 TEX. ADMIN. CODE § 330.15(a) and TPDES Permit No. WQ0011772001 Sludge Provisions].</p> <p>4) Failure to properly maintain safety equipment for the gas chlorination facilities. Specifically, the leak detector and ventilation fan in the chlorination facility were not operable. Also, the self-contained breathing apparatus ("SCBA") is located in the community hall, not at the Facility as required [30 TEX. ADMIN. CODE § 317.6(b)(1)(D) and</p>	<p>Total Assessed: \$29,367</p> <p>Total Deferred: \$28,079 <input checked="" type="checkbox"/> Expedited Settlement (\$5,873) <input checked="" type="checkbox"/> Financial Inability to Pay (\$22,206)</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$288 (remaining \$1,000 due in 10 monthly payments of \$100 each)</p> <p>The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay part of the administrative penalty.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor.</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent submitted the 2003 ASR to the TCEQ Beaumont Regional Office on February 6, 2007.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately after the effective date of this Agreed Order, move the SCBA from the community hall to outside the entrance to the chlorination room at the Facility;</p> <p>b. Immediately after the effective date of this Agreed Order, begin using secondary standards to check the accuracy of the Hach Pocket Colorimeter II when performing chlorine residual analysis of the effluent;</p> <p>c. Immediately after the effective date of this Agreed Order, begin properly preparing COC records;</p> <p>d. Within 15 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions a. through c.;</p> <p>e. Within 30 days after the effective date of this Agreed Order, submit the 2002 and 2006 ASRs for the Facility;</p> <p>f. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision e.;</p> <p>g. Within 60 days after the effective date of this Agreed Order, properly remove and dispose of algae in the effluent weir trough and all dried sludge at the Facility at an TCEQ authorized land application site or co-disposal landfill;</p> <p>h. Within 60 days after the effective date of this Agreed Order, provide an intruder-resistant fence around lift station no. 2 and provide a lock for the control panel;</p> <p>i. Within 60 days after the effective date of</p>

<p>317.6(b)(1)(E), and TPDES Permit No. WQ0011772001 Operational Requirements No. 1].</p> <p>5) Failure to maintain an accessible stairway to the Facility. Specifically, the sidewalls of both trains are over ten feet in height and access to the Facility decks was by ladders [30 TEX. ADMIN. CODE § 317.7(b) and TPDES Permit No. WQ0011772001 Operational Requirements No. 1].</p> <p>6) Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, corrosion and delamination were noted on the train no. 1 ladder; the influent troughs; the aeration basin's walls, supports, and outer lips; the catwalks; and on the hand railings of both trains [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0011772001 Operational Requirements No. 1].</p> <p>7) Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, clarifier no. 1 had a significant amount of algal growth in the effluent weir trough and the clarifier no. 2 sludge rake was broken [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0011772001 Operational Requirements No. 1].</p> <p>8) Failure to properly perform chlorine residual analysis. Specifically, a review of the chlorine residual log indicated that the operator is not using secondary standards to check the accuracy of the Hach Pocket Colorimeter II [30 TEX. ADMIN. CODE § 319.11(c) and 319.11(d) and TPDES Permit No. WQ0011772001 Monitoring and Reporting Requirements No. 2].</p> <p>9) Failure to properly prepare complete chain of custody ("COC") records. Specifically, a review of the November 2004 and May 2005 COC records indicated that the Respondent consistently failed to include the container type, number of samples, and the preservative used [30 TEX. ADMIN. CODE § 319.11(a) and TPDES Permit No. WQ0011772001 Monitoring and Reporting Requirements No. 2].</p>		<p>this Agreed Order, repair or replace the leak detector and fan in the chlorination room;</p> <p>j. Within 60 days after the effective date of this Agreed Order, install stairways to access both trains of the Facility;</p> <p>k. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions g. through j.;</p> <p>l. Within 180 days after the effective date of this Agreed Order, repair or replace the broken sludge rake on clarifier no. 2 and repair or replace the corroded areas of the Facility; and</p> <p>m. Within 195 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision l.</p>
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Additional ID No(s): TPDES Permit No. 117720001





Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

TCEQ

DATES	Assigned	14-May-2007		
	PCW	17-Jul-2007	Screening	29-May-2007
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	City of Broaddus		
Reg. Ent. Ref. No.	RN101720928		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	33627	No. of Violations	9
Docket No.	2007-0888-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Pamela Campbell
Multi-Media	Municipal Solid Waste	EC's Team	Enforcement Team 1
Admin. Penalty \$	Limit Minimum	\$0	Maximum
		\$10,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$25,100
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	17% Enhancement	Subtotals 2, 3, & 7	\$4,267
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Notes: The Respondent has three NOV's for the same or similar violations and has one month of self-reported effluent violations.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts	\$1,442	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$16,325	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$29,367
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OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$29,367
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STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty	\$29,367
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DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

Adjustment	20%	Reduction	Adjustment	-\$5,873
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PAYABLE PENALTY

\$23,494

Screening Date 29-May-2007
Respondent City of Broaddus
Case ID No. 33627
Reg. Ent. Reference No. RN101720928
Media [Statute] Water Quality
Enf. Coordinator Pamela Campbell

Docket No. 2007-0888-MLM-E

PCW

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 17%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The Respondent has three NOVs for the same or similar violations and has one month of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 17%

Screening Date 29-May-2007

Docket No. 2007-0888-MLM-E

PCW

Respondent City of Broaddus

Policy Revision 2 (September 2002)

Case ID No. 33627

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN101720928

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0011772001 Sludge Provisions

Violation Description Failed to submit the Annual Sludge Reports ("ASRs") by September 1. Specifically, the Respondent failed to submit the 2002, 2003, and 2006 ASRs to the TCEQ as required.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Three single events are recommended, one for each sludge report.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Broaddus
Case ID No. 33627
Reg. Ent. Reference No. RN101720928
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$150	1-Sep-2003	1-Dec-2007	4.3	\$2	\$43	\$45
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

This is the estimated costs to prepare and submit the annual sludge reports. The date required is the date the 2002 sludge report was due and the final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$150

TOTAL

\$45

Screening Date 29-May-2007	Docket No. 2007-0888-MLM-E	PCW
Respondent City of Broaddus		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 33627		<i>PCW Revision May 25, 2007</i>
Reg. Ent. Reference No. RN101720928		
Media [Statute] Water Quality		
Enf. Coordinator Pamela Campbell		
Violation Number	2	
Rule Cite(s)	30 Tex. Admin. Code § 317.3(e)(4)(C) and TPDES Permit No. WQ0011772001 Operational Requirements No. 1	
Violation Description	Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Respondent did not have an intruder resistant fence around lift station no. 2 and the control panel was not locked.	
		Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input style="width: 50px;" type="text" value="10%"/>
	Potential	<input type="checkbox"/>	x	<input type="checkbox"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input style="width: 50px;" type="text" value="0%"/>
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment as a result of this violation.				
	Adjustment				<input style="width: 100px;" type="text" value="\$9,000"/>

\$1,000

Violation Events

Number of Violation Events	<input style="width: 50px;" type="text" value="2"/>	Number of violation days	<input style="width: 50px;" type="text" value="112"/>	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	monthly	Violation Base Penalty <input style="width: 100px;" type="text" value="\$2,000"/>
	quarterly	x	semiannual	
	annual	<input type="checkbox"/>	single event	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Two quarterly events are recommended from the investigation date (February 6, 2007) to the screening date (May 29, 2007).				

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input style="width: 150px;" type="text" value="\$112"/>	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$2,340"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$2,340"/>	

Economic Benefit Worksheet

Respondent City of Broaddus
Case ID No. 33627
Reg. Ent. Reference RN101720928
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment	\$1,500	6-Feb-2007	1-Mar-2008	1.1	\$5	\$107	\$112
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

This is the estimated costs to install a fence around lift station no. 2 and to install a lock on the control panel.
 The date required is the investigation date and the final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$112

Screening Date 29-May-2007

Docket No. 2007-0888-MLM-E

PCW

Respondent City of Broaddus

Policy Revision 2 (September 2002)

Case ID No. 33627

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN101720928

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number 3

Rule Cite(s) 30 Tex. Admin Code § 330.15(a) and TPDES Permit No. WQ0011772001
Sludge Provisions

Violation Description Failed to dispose of sludge at a TCEQ authorized land application site or co-disposal landfill. Specifically, a pile of dried sludge was on the ground by the pump house.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

112 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
single event		

Violation Base Penalty \$2,000

Two quarterly events are recommended from the investigation date (February 6, 2007) to the screening date (May 29, 2007).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$2,340

This violation Final Assessed Penalty (adjusted for limits) \$2,340

Economic Benefit Worksheet

Respondent City of Broaddus
Case ID No. 33627
Reg. Ent. Reference No. RN101720928
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$500	6-Feb-2007	1-Mar-2008	1.1	\$27	n/a	\$27
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: This is the estimated cost to dispose of the stockpiled sludge at a TCEQ authorized land-application site or co-disposal landfill. The date required is the investigation date and the final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$500

TOTAL \$27

Screening Date	29-May-2007	Docket No.	2007-0888-MLM-E	PCW
Respondent	City of Broaddus	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	33627	<i>PCW Revision May 25, 2007</i>		
Reg. Ent. Reference No.	RN101720928			
Media [Statute]	Water Quality			
Enf. Coordinator	Pamela Campbell			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 317.6(b)(1)(D) and 317.6(b)(1)(E), and TPDES Permit No. WQ0011772001 Operational Requirements No. 1			
Violation Description	Failed to properly maintain safety equipment for the gas chlorination facilities. Specifically, the leak detector and ventilation fan in the chlorination facility were not operable. Also, the self-contained breathing apparatus ("SCBA") is located in the community hall, not at the Facility as required.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	x	<input type="text"/>	<input type="text"/>	25%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	0%

Matrix Notes
Human health or the environment will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health or the environment as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	x
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty \$10,000

Four monthly events are recommended from the investigation date (February 6, 2007) to the screening date (May 29, 2007).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Broaddus
Case ID No. 33627
Reg. Ent. Reference No. RN101720928
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$2,000	6-Feb-2007	1-Jan-2008	0.9	\$6	\$120	\$126
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

This is the estimated cost to repair the leak detector and the ventilation fan in the chlorination room and to move the SCBA to the Facility. The date required is the investigation date and the final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$126

Screening Date 29-May-2007	Docket No. 2007-0888-MLM-E	PCW
Respondent City of Broaddus	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 33627	<i>PCW Revision May 25, 2007</i>	
Reg. Ent. Reference No. RN101720928		
Media [Statute] Water Quality		
Enf. Coordinator Pamela Campbell		
Violation Number	5	
Rule Cite(s)	30 Tex. Admin. Code § 317.7(b) and TPDES Permit No. WQ0011772001 Operational Requirements No. 1	
Violation Description	Failed to maintain an accessible stairway to the Facility. Specifically, the sidewalls of both trains are over ten feet in height and access to the Facility decks was by ladders.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
				Percent <input type="text" value="10%"/>	

>> Programmatic Matrix

	Falsification			
	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Matrix Notes	Failure to maintain an accessible stairway at the Facility could expose Facility employees to dangerous conditions such as falls from the Facility trains.		
				Adjustment <input type="text" value="\$9,000"/>

Adjustment **Base Penalty**

Violation Events

Number of Violation Events <input type="text" value="2"/>		Number of violation days <input type="text" value="112"/>												
mark only one with an x <table border="1" style="margin-left: 20px;"> <tr><td>daily</td><td><input type="checkbox"/></td></tr> <tr><td>monthly</td><td><input type="checkbox"/></td></tr> <tr><td>quarterly</td><td><input checked="" type="checkbox"/></td></tr> <tr><td>semiannual</td><td><input type="checkbox"/></td></tr> <tr><td>annual</td><td><input type="checkbox"/></td></tr> <tr><td>single event</td><td><input type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	monthly	<input type="checkbox"/>	quarterly	<input checked="" type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input type="checkbox"/>		Violation Base Penalty <input type="text" value="\$2,000"/>
daily	<input type="checkbox"/>													
monthly	<input type="checkbox"/>													
quarterly	<input checked="" type="checkbox"/>													
semiannual	<input type="checkbox"/>													
annual	<input type="checkbox"/>													
single event	<input type="checkbox"/>													
Two quarterly events are recommended from the investigation date (February 6, 2007) to the screening date (May 29, 2007).														

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount <input type="text" value="\$149"/>	Violation Final Penalty Total <input type="text" value="\$2,340"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,340"/>	

Economic Benefit Worksheet

Respondent City of Broaddus
Case ID No. 33627
Reg. Ent. Reference No. RN101720928
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$2,000	6-Feb-2007	1-Mar-2008	1.1	\$7	\$142	\$149
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

This is the estimated cost to install stairways to adequately access both trains of the Facility. The date required is the investigation date and the final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$149

Screening Date 29-May-2007	Docket No. 2007-0888-MLM-E	PCW
Respondent City of Broaddus		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 33627		<i>PCW Revision May 25, 2007</i>
Reg. Ent. Reference No. RN101720928		
Media [Statute] Water Quality		
Enf. Coordinator Pamela Campbell		
Violation Number <input type="text" value="6"/>		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0011772001 Operational Requirements No. 1	
Violation Description	Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, corrosion and delamination were noted on the train no. 1 ladder; the influent troughs; the aeration basin's walls, supports, and outer lips; the catwalks; and on the hand railings of both trains.	
	Base Penalty	<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>
				Percent <input type="text" value="10%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

Matrix Notes
Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment as a result of this violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

	daily	<input type="text"/>
	monthly	<input type="text"/>
<i>mark only one with an x</i>	quarterly	<input checked="" type="text" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Two quarterly events are recommended from the investigation date (February 6, 2007) to the screening date (May 29, 2007).

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Broaddus
Case ID No. 33627
Reg. Ent. Reference RN101720928
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$5,000	6-Feb-2007	28-Jun-2008	1.4	\$23	\$464	\$487
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 These are the estimated costs to repair and/or replace the corroded and delaminated areas of the Facility.
 The date required is the investigation date and the final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/reporting/sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$5,000	TOTAL	\$487
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Screening Date 29-May-2007

Docket No. 2007-0888-MLM-E

PCW

Respondent City of Broaddus

Policy Revision 2 (September 2002)

Case ID No. 33627

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN101720928

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0011772001
Operational Requirements No. 1

Violation Description Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, clarifier no. 1 had a significant amount of algal growth in the effluent weir trough and the clarifier no. 2 sludge rake was broken.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment as a result of this violation.

Adjustment

Violation Events

Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Two quarterly events are recommended from the investigation date (February 6, 2007) to the screening date (May 29, 2007).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: City of Broaddus
Case ID No.: 33627
Reg. Ent. Reference: RN101720928
Media: Water Quality
Violation No.: 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$5,000	6-Feb-2007	29-Jun-2008	1.4	\$23	\$465	\$488
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

These are the estimated costs to repair and/or replace the broken sludge rake in clarifier no. 2 and to properly remove and dispose of the algal growth in the effluent weir trough of clarifier no. 1. The date required is the investigation date and the final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$488

Screening Date 29-May-2007	Docket No. 2007-0888-MLM-E	PCW
Respondent City of Broaddus		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 33627		<i>PCW Revision May 25, 2007</i>
Reg. Ent. Reference No. RN101720928		
Media [Statute] Water Quality		
Enf. Coordinator Pamela Campbell		
Violation Number <input type="text" value="8"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 319.11(c) and 319.11(d) and TPDES Permit No. WQ0011772001 Monitoring and Reporting Requirements No. 2"/>	
Violation Description	<input type="text" value="Failed to properly perform chlorine residual analysis. Specifically, a review of the chlorine residual log indicated that the operator is not using secondary standards to check the accuracy of the Hach Pocket Colorimeter II."/>	
	Base Penalty	<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>
				Percent <input type="text" value="10%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

	<input type="text" value="2"/>	<input type="text" value="112"/>	Number of violation days												
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input checked="" type="checkbox"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>		Violation Base Penalty <input type="text" value="\$2,000"/>
daily	<input type="text"/>														
monthly	<input type="text"/>														
quarterly	<input checked="" type="checkbox"/>														
semiannual	<input type="text"/>														
annual	<input type="text"/>														
single event	<input type="text"/>														

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount <input type="text" value="\$2"/>	Violation Final Penalty Total <input type="text" value="\$2,340"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,340"/>	

Economic Benefit Worksheet

Respondent: City of Broaddus
Case ID No.: 33627
Reg. Ent. Reference No.: RN101720928
Media: Water Quality
Violation No.: 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$50	6-Feb-2007	1-Jan-2008	0.9	\$2	n/a	\$2
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

This is the estimated cost to purchase the chemicals or solution necessary to use as secondary standards to check the accuracy of the Hach Pocket Colorimeter II. The date required is the investigation date and the final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$2

Screening Date 29-May-2007

Docket No. 2007-0888-MLM-E

PCW

Respondent City of Broaddus

Policy Revision 2 (September 2002)

Case ID No. 33627

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN101720928

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 319.11(a) and TPDES Permit No. WQ0011772001
Monitoring and Reporting Requirements No. 2

Violation Description

Failed to properly prepare complete chain of custody ("COC") records. Specifically, a review of the November 2004 and May 2005 COC records indicated that the Respondent consistently failed to include the container type, number of samples, and the preservative used.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent

Matrix Notes

20% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

112 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$117

This violation Final Assessed Penalty (adjusted for limits) \$117

Economic Benefit Worksheet

Respondent City of Broaddus
Case ID No. 33627
Reg. Ent. Reference No. RN101720928
Media Water Quality
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$125	6-Feb-2007	1-Jan-2008	0.9	\$6	n/a	\$6
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

This is the estimated cost to take a basic wastewater laboratory class to learn proper laboratory procedures and protocol for collection and analyses of wastewater samples. The date required is the investigation date and the final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$125

TOTAL

\$6

Compliance History

Customer/Respondent/Owner-Operator:	CN600738314	City of Broaddus	Classification: AVERAGE	Rating: 1.17
Regulated Entity:	RN101720928	CITY OF BROADDUS	Classification: AVERAGE	Site Rating: 1.17
ID Number(s):	WASTEWATER		PERMIT	WQ0011772001
	WASTEWATER		PERMIT	TPDES0057673
	WASTEWATER		PERMIT	TX0057673
	WASTEWATER LICENSING		LICENSE	WQ0011772001
Location:	APPROXIMATELY 300 FEET WEST OF STATE HIGHWAY 147, ADJACENT TO CANNEY CREEK, SAN AUGUSTINE COUNTY			Rating Date: September 01 06 Repeat Violator: NO
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	July 13, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 13, 2002 to July 13, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Pamela Campbell	Phone:	512 239-4493	

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- | | |
|----|--|
| A. | Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A |
| B. | Any criminal convictions of the state of Texas and the federal government.
N/A |
| C. | Chronic excessive emissions events.
N/A |
| D. | The approval dates of investigations. (CCEDS Inv. Track. No.) |
- 1 07/22/2002 (189511)
 - 2 07/22/2002 (189519)
 - 3 08/05/2002 (189523)
 - 4 08/27/2002 (5770)
 - 5 08/28/2002 (189526)
 - 6 10/04/2002 (189529)
 - 7 11/10/2002 (189532)
 - 8 11/20/2002 (13585)
 - 9 12/13/2002 (189536)
 - 10 01/09/2003 (189540)
 - 11 02/03/2003 (189544)
 - 12 03/03/2003 (189504)
 - 13 03/27/2003 (247133)
 - 14 04/03/2003 (189507)
 - 15 05/05/2003 (189512)
 - 16 05/30/2003 (189516)
 - 17 07/01/2003 (189520)
 - 18 08/25/2003 (308830)
 - 19 09/26/2003 (308832)
 - 20 10/07/2003 (308834)
 - 21 12/04/2003 (308836)
 - 22 12/04/2003 (308837)
 - 23 12/31/2003 (308838)
 - 24 02/02/2004 (308839)
 - 25 03/17/2004 (308820)
 - 26 04/05/2004 (308823)
 - 27 04/30/2004 (308824)
 - 28 06/28/2004 (308826)
 - 29 06/28/2004 (308828)
 - 30 08/02/2004 (357500)
 - 31 09/14/2004 (357501)
 - 32 09/21/2004 (357502)
 - 33 10/29/2004 (357503)
 - 34 12/06/2004 (357504)
 - 35 01/06/2005 (384830)
 - 36 02/25/2005 (384831)
 - 37 03/10/2005 (384827)
 - 38 04/15/2005 (384828)
 - 39 04/15/2005 (384829)
 - 40 06/06/2005 (422810)
 - 41 10/04/2005 (449408)
 - 42 10/24/2005 (473790)
 - 43 10/24/2005 (443713)
 - 44 10/24/2005 (443714)
 - 45 12/01/2005 (473791)
 - 46 12/01/2005 (473792)
 - 47 12/01/2005 (473793)
 - 48 02/03/2006 (473794)

49 03/08/2006 (473795)
 50 03/08/2006 (473788)
 51 03/24/2006 (473789)
 52 06/05/2006 (501812)
 53 06/05/2006 (501813)
 54 06/19/2006 (501814)
 55 07/31/2006 (524088)
 56 08/24/2006 (524089)
 57 03/27/2007 (541210)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/27/2002 (5770)
 Self Report? NO Classification: Minor
 Rqmt Prov: OP 11772-001
 Description: Failure by the City of Broaddus to properly operate and maintain all systems of collection, treatment and disposal.

Self Report? NO Classification: Minor
 Rqmt Prov: OP 11772-001
 Description: Failure to perform measurements, tests and calculations in a representative manner.

Self Report? NO Classification: Minor
 Rqmt Prov: OP 11772-001
 Description: Failure by the City of Broaddus to comply with procedures specified in 319.11-319.12 for the test procedures for the analysis of pollutants.

Self Report? NO Classification: Moderate
 Rqmt Prov: OP 11772-001
 Description: Failure by the City of Broaddus to submit an annual sludge report to the Region 10 office and Water Quality Management Information Systems Team (MC 224) of the Enforcement Division by September 1 of each year.

Self Report? NO Classification: Moderate
 Rqmt Prov: OP 11772-001
 Description: Failure by the City of Broaddus to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor
 Rqmt Prov: OP 11772-001
 Description: Failure by the City of Broaddus to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor
 Rqmt Prov: OP 11772-001
 Description: Failure by the City of Broaddus to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor
 Rqmt Prov: OP 11772-001
 Description: Failure by the City of Broaddus to ensure that test procedures comply with procedures specified in 319.11-319.12.

Self Report? NO Classification: Moderate
 Rqmt Prov: OP 11772-001
 Description: Failure by the City of Broaddus to ensure that all flow measuring devices are calibrated as often as necessary to ensure accuracy.

Self Report? NO Classification: Moderate
 Rqmt Prov: OP 11772-001
 Description: Failure by the City of Broaddus to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Date: 03/27/2003 (247133)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 12/31/2004 (384831)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 10/04/2005 (449408)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

- F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF BROADDUS
RN101720928

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0888-MLM-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Broadus ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment facility located approximately 300 feet west of State Highway 147, adjacent to Caney Creek in San Augustine County, Texas (the "Facility").
2. The City has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Facility involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
4. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
5. The City received notice of the violations alleged in Section II ("Allegations") on or about April 1, 2007.
6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

7. An administrative penalty in the amount of Twenty-Nine Thousand Three Hundred Sixty-Seven Dollars (\$29,367) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the City and determined that the City is unable to pay part of the administrative penalty. Therefore, Twenty-Eight Thousand Seventy-Nine Dollars (\$28,079) of the penalty is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the City to pay all or part of the deferred penalty.

The City has paid Two Hundred Eighty-Eight Dollars (\$288) of the undeferred administrative penalty. The remaining amount of One Thousand Dollars (\$1,000) of the administrative penalty shall be payable in 10 monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment. If the City fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the City to meet the payment schedule of this Agreed Order constitutes the failure by the City to timely and satisfactorily comply with all the terms of this Agreed Order.

8. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
9. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
10. The Executive Director recognizes that the City submitted the 2003 Annual Sludge Report ("ASR") to the TCEQ Beaumont Regional Office on February 6, 2007.
11. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
12. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
13. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to submit the ASRs by September 1, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011772001 Sludge Provisions, as documented during an investigation conducted on February 6, 2007. Specifically, the City failed to submit the 2002, 2003, and 2006 ASRs to the TCEQ as required.
2. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 317.3(e)(4)(C) and TPDES Permit No. WQ0011772001 Operational Requirements No. 1, as documented during an investigation conducted on February 6, 2007. Specifically, the City did not have an intruder-resistant fence around lift station no. 2 and the control panel was not locked.
3. Failed to dispose of sludge at a TCEQ authorized land application site or co-disposal landfill, in violation of 30 TEX. ADMIN. CODE § 330.15(a) and TPDES Permit No. WQ0011772001 Sludge Provisions, as documented during an investigation conducted on February 6, 2007. Specifically, a pile of dried sludge was on the ground by the pump house.
4. Failed to properly maintain safety equipment for the gas chlorination facilities, in violation of 30 TEX. ADMIN. CODE § 317.6(b)(1)(D) and 317.6(b)(1)(E), and TPDES Permit No. WQ0011772001 Operational Requirements No. 1, as documented during an investigation conducted on February 6, 2007. Specifically, the leak detector and ventilation fan in the chlorination facility were not operable. Also, the self-contained breathing apparatus ("SCBA") is located in the community hall, not at the Facility as required.
5. Failed to maintain an accessible stairway to the Facility, in violation of 30 TEX. ADMIN. CODE § 317.7(b) and TPDES Permit No. WQ0011772001 Operational Requirements No. 1, as documented during an investigation conducted on February 6, 2007. Specifically, the sidewalls of both trains are over ten feet in height and access to the Facility decks was by ladders.
6. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0011772001 Operational Requirements No. 1, as documented during an investigation conducted on February 6, 2007. Specifically, corrosion and delamination were noted on the train no. 1 ladder; the influent troughs; the aeration basin's walls, supports, and outer lips; the catwalks; and on the hand railings of both trains.
7. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0011772001 Operational Requirements No. 1, as documented during an investigation conducted on February 6, 2007. Specifically, clarifier no. 1 had a significant amount of algal growth in the effluent weir trough and the clarifier no. 2 sludge rake was broken.
8. Failed to properly perform chlorine residual analysis, in violation of 30 TEX. ADMIN. CODE § 319.11(c) and 319.11(d) and TPDES Permit No. WQ0011772001 Monitoring and Reporting Requirements No. 2, as documented during an investigation conducted on February 6, 2007. Specifically, a review of the chlorine residual log indicated that the operator is not using secondary standards to check the accuracy of the Hach Pocket Colorimeter II.
9. Failed to properly prepare complete chain of custody ("COC") records, in violation of 30 TEX. ADMIN. CODE § 319.11(a) and TPDES Permit No. WQ0011772001 Monitoring and Reporting

Requirements No. 2, as documented during an investigation conducted on February 6, 2007. Specifically, a review of the November 2004 and May 2005 COC records indicated that the City consistently failed to include the container type, number of samples, and the preservative used.

III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 7 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Broaddus, Docket No. 2007-0888-MLM-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the City shall undertake the following technical requirements:
 - a. Immediately after the effective date of this Agreed Order, move the SCBA from the community hall to outside the entrance to the chlorination room at the Facility;
 - b. Immediately after the effective date of this Agreed Order, begin using secondary standards to check the accuracy of the Hach Pocket Colorimeter II when performing chlorine residual analysis of the effluent;
 - c. Immediately after the effective date of this Agreed Order, begin properly preparing COC records in accordance with 30 TEX. ADMIN. CODE § 319.11(a) and TPDES Permit No. WQ0011772001 Monitoring and Reporting Requirements No. 2;
 - d. Within 15 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a. through 2.c., in accordance with Ordering Provision No. 2.n.;
 - e. Within 30 days after the effective date of this Agreed Order, submit the 2002 and 2006 ASRs for the Facility, in accordance with the requirements of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0011772001 Sludge Provisions. These reports shall be submitted to:

Compliance Monitoring Team (MC 224)
Enforcement Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- f. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.e., in accordance with Ordering Provision No. 2.n.;
- g. Within 60 days after the effective date of this Agreed Order, properly remove and dispose of algae in the effluent weir trough and all dried sludge at the Facility at an TCEQ authorized land application site or co-disposal landfill;
- h. Within 60 days after the effective date of this Agreed Order, provide an intruder-resistant fence around lift station no. 2 and provide a lock for the control panel;
- i. Within 60 days after the effective date of this Agreed Order, repair or replace the leak detector and fan in the chlorination room;
- j. Within 60 days after the effective date of this Agreed Order, install stairways to access both trains of the Facility;
- k. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.g. through 2.j., in accordance with Ordering Provision No. 2.n.;
- l. Within 180 days after the effective date of this Agreed Order, repair or replace the broken sludge rake on clarifier no. 2 and repair or replace the corroded areas of the Facility;
- m. Within 195 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.l., in accordance with Ordering Provision No. 2.n.; and
- n. The written certification of compliance required by Ordering Provision Nos. 2.d., 2.f., 2.k. and 2.m. shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

City of Broaddus
DOCKET NO. 2007-0888-MLM-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Srdin
For the Executive Director

3/12/2009
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

William W Barth
Signature

Dec. 18 - 08
Date

William W. Barth
Name (Printed or typed)
Authorized Representative of
City of Broaddus

Mayor
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.