

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1325-MWD-E TCEQ ID: RN101917649 CASE NO.: 30800
RESPONDENT NAME: CITY OF GOODRICH

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"/> IMMEDIATE AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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 type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: East side of Southern Pacific Rail Road, approximately 1,200 feet southwest of the intersection of Farm-to-Market Road 393 and United States Highway 59, northwest of the city of Goodrich, Polk 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 recent 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 expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired June 15, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Mr. Jim Sallans, Litigation Division, MC 175, (512) 239-2053 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Ms. Merrilee Hupp, Water Enforcement Section, MC 169, (512) 239-4490 TCEQ Regional Contact: Mr. Ronald Hebert, Beaumont Regional Office, MC R-10, (409) 898-3838 Respondent: The Honorable Nita Gokey, Mayor, City of Goodrich, P.O. Box 277, Goodrich, Texas 77335-0277 Respondent's Attorney: Mr. Thomas W. Deaton, Deaton Law Firm, P.O. Box 1964, Lufkin, Texas 75902-1964</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 25, 2006</p> <p>Date of NOE Relating to this Case: July 20, 2006</p> <p>Background Facts: The EDPRP was filed February 8, 2007. The Respondent filed an answer and the case was referred to SOAH. The preliminary hearing was waived and discovery was exchanged. Settlement was achieved and the agreed order was signed March 9, 2009.</p> <p>Current Compliance Status: No outstanding Technical Requirements.</p> <p>MWD:</p> <p>1. Failed to ensure that the Facility and all its systems of treatment and control are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12711001, Operational Requirements No. 1].</p> <p>2. Failed to comply with permitted effluent limitations of 4.0 milligrams per liter ("mg/L") minimum dissolved oxygen ("DO") and 0.065 million gallons per day ("MGD") annual average flow for Outfall 001 [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No.12711001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6].</p> <p>3. Failed to maintain all records and information resulting from the required monitoring activities [30 TEX. ADMIN. CODE § 319.7(c) and TPDES Permit No. 12711001, Monitoring and Reporting Requirements No. 3(b)].</p> <p>4. Failed to include on the DMRs results for DO, Biochemical Oxygen demand ("BOD"), pH, and total suspended solids, results for daily maximum flow, results for annual average flow, and results for BOD maximum single grab [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 12711001, Monitoring and Reporting Requirements No. 1].</p>	<p>Total Assessed: \$12,150</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$355/\$11,795</p> <p>The Respondent paid \$355 of the administrative penalty. The remaining amount of \$11,795 shall be payable in 35 monthly payments of \$337 each.</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: The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility.</p> <ol style="list-style-type: none"> Contracted to disconnect the faulty pump at the Loop 393 Lift Station and to remove and dispose of sludge from the lift station and the affected area on May 25, 2006; Installed and tested the new lift station pump on June 5, 2006; Updated City operating procedures to include a requirement for the Facility's operator to report and address effluent violations that exceed permit limits in excess of 40%; Contracted with a licensed operator to run the Facility and perform facility maintenance, take and submit samples, prepare required reports, perform repairs and report to City officials the operating status of the Facility; Submitted documentation from the sludge hauler on the amount of sludge removed from the lift station and the location of disposal; Removed and properly disposed of trees and excess vegetation located on the pond system and levees; Updated the Facility's operating procedures to ensure that treatment and control systems are properly operated and maintained, and that all reporting requirements under the permit are met; Achieved compliance with the permitted effluent limitations; and Submitted complete and accurate DMR's and sludge reports, and documentation to address unavailable values and reports.

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>5. Failed to submit the annual sludge report for the monitoring period ending July 31, 2005 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 12711001, Sludge Provisions].</p> <p>6. Failed to notify the TCEQ of effluent violations that deviated from the permitted limitations by more than 40 percent [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 12711001, Monitoring and Reporting Requirements No. 7(c)].</p>		



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

DATES	Assigned	07-Aug-2006	Screening	16-Aug-2006	EPA Due	
	PCW	17-Oct-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Goodrich
Reg. Ent. Ref. No.	RN101917649
Facility/Site Region	10-Beaumont <input checked="" type="checkbox"/> Major/Minor Source Minor Source <input checked="" type="checkbox"/>

CASE INFORMATION			
Enf./Case ID No.	30800	No. of Violations	6
Docket No.	2006-1325-MWD-E	Order Type	1660 <input checked="" type="checkbox"/>
Media Program(s)	Water Quality <input checked="" type="checkbox"/>	Enf. Coordinator	Lynley Doyen
Multi-Media		EC's Team	Enforcement Team 1 <input checked="" type="checkbox"/>
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,100
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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	50% Enhancement	Subtotals 2, 3, & 7	\$4,050
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Notes The penalty is enhanced because the Respondent received ten NOV's (including seven self-reported effluent violations) that are same or similar to those cited in this action.

Culpability	No <input checked="" type="checkbox"/> 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 EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes The Respondent does not meet the good faith criteria.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$429	<i>*Capped at the Total EB \$ Amount</i>
Approx. Cost of Compliance	\$4,600	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,150
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$12,150

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$12,150
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DEFERRAL	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral not offered because this case is not expedited.

PAYABLE PENALTY	\$12,150
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Screening Date 16-Aug-2006

Docket No. 2006-1325-MWD-E

PCW

Respondent City of Goodrich

Policy Revision 2 (September 2002)

Case ID No. 30800

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101917649

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

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>)	10	50%
	Other written NOVs	0	0%
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 (number of events)	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</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) 50%

>> 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 penalty is enhanced because the Respondent received ten NOVs (including seven self-reported effluent violations) that are same or similar to those cited in this action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 50%

Screening Date	16-Aug-2006	Docket No.	2006-1325-MWD-E	PCW
Respondent	City of Goodrich	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	30800	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101917649			
Media [Statute]	Water Quality			
Enf. Coordinator	Lynley Doyen			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 305.125(5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12711001, Operational Requirements No. 1			
Secondary Rule Cite(s)				
Violation Description	Failure to ensure that the facility and all of its systems of treatment and control are properly operated and maintained, as documented during an investigation conducted on May 25, 2006. Specifically, the pond system levees were heavily overgrown with trees and vegetation.			
Base Penalty				\$10,000

>> **Environmental, Property and Human Health Matrix**

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
	Potential		X	5%

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent

Matrix Notes
 Failure to maintain the pond system levees may result in a release of an insignificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment - \$9,500

Base Penalty Subtotal \$500

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$500

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$127	Violation Final Penalty Total \$750
This violation Final Assessed Penalty (adjusted for limits) \$750	

Economic Benefit Worksheet

Respondent: City of Goodrich
Case ID No.: 30800
Reg. Ent. Reference No.: RN101917649
Media [Statute]: Water Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$3,000	25-May-2006	01-Jan-2007	0.6	\$6	\$121	\$127
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: Estimated cost to remove the trees and to develop and implement a regular maintenance schedule to ensure the levees are kept free of vegetation. Date required is the investigation date. Final date is the 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: N/A

Approx. Cost of Compliance \$3,000
TOTAL \$127

Screening Date	16-Aug-2006	Docket No.	2006-1325-MWD-E	PCW
Respondent	City of Goodrich	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	30800	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101917649			
Media [Statute]	Water Quality			
Enf. Coordinator	Lynley Doyen			
Violation Number	<input type="text" value="2"/>			
Primary Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. 12711001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6			
Secondary Rule Cite(s)				
Violation Description	Failure to comply with the permitted effluent limitations of 4.0 milligrams per liter ("mg/L") minimum dissolved oxygen ("DO") and 0.065 million gallons per day ("MGD") annual average flow for Outfall 001. Specifically, a review of the monthly self-reported discharge monitoring reports ("DMRs") revealed DO values of 1.4 mg/L in August 2005 and 3.7 mg/L in September 2005 and an annual average flow value of 0.091371 MGD in January 2006. Additional grab sampling conducted at Outfall 001 during the investigation on May 25, 2006 revealed a DO value of 2.3 mg/L.			
Base Penalty	<input type="text" value="\$10,000"/>			

>> **Environmental, Property and Human Health Matrix**

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

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	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

Three quarterly events are recommended.

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 Goodrich
 Case ID No. 30800
 Reg. Ent. Reference No. RN101917649
 Media [Statute] 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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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$800	31-Aug-2005	01-Aug-2007	1.9	\$5	\$102	\$107
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: Estimated cost for additional oversight and sampling which may have alleviated or prevented the noncompliance. Date required is the first month of noncompliance. Final date is the 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: N/A

Approx. Cost of Compliance \$800

TOTAL \$107

Screening Date 16-Aug-2006 **Docket No.** 2006-1325-MWD-E **PCW**
Respondent City of Goodrich *Policy Revision 2 (September 2002)*
Case ID No. 30800 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN101917649
Media [Statute] Water Quality
Enf. Coordinator Lynley Doyen

Violation Number
Primary Rule Cite(s) 30 Tex. Admin. Code § 319.7(c) and TPDES Permit No. 12711001, Monitoring and Reporting Requirements No. 3(b)
Secondary Rule Cite(s)
Violation Description Failure to maintain all records and information resulting from the required monitoring activities, as documented during the investigation conducted on May 25, 2006. With the exception of the DMR for monitoring period ending February 28, 2006, the majority of the required records, including all records concerning measurements and analyses performed and concerning calibration and maintenance of flow measurement and other instrumentation were not available for review.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

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

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification	<input type="text"/>	<input checked="" type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small 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="text"/>

Violation Base Penalty

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 Goodrich
 Case ID No. 30800
 Reg. Ent. Reference No. RN101917649
 Media [Statute] Water Quality
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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Delayed Costs							
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	\$500	25-May-2003	01-Jan-2007	3.6	\$90	n/a	\$90
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: Estimated cost to develop and implement a record-keeping system to ensure that all required records are maintained according to permit requirements. Date required starts the date for which the previous 3 years' records should have been available for review. Final date is the 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: N/A

Approx. Cost of Compliance

TOTAL

Screening Date	16-Aug-2006	Docket No.	2006-1325-MWD-E	PCW
Respondent	City of Goodrich	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	30800	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101917649			
Media [Statute]	Water Quality			
Enf. Coordinator	Lynley Doyen			
Violation Number	4			
Primary Rule Cite(s)	30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. 12711001, Monitoring and Reporting Requirements No. 1			
Secondary Rule Cite(s)				
Violation Description	Failure to include on the DMRs results for DO, biochemical oxygen demand ("BOD"), pH, and total suspended solids for monitoring periods ending June 30, 2005 and July 31, 2005, results for daily maximum flow for monitoring periods ending August 31, 2005 and March 31, 2006, results for annual average flow for monitoring period ending November 30, 2005, and results for BOD maximum single grab for monitoring period ending January 31, 2006.			
Base Penalty				\$10,000

>> **Environmental, Property and Human Health Matrix**

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential				

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
				X	

Matrix Notes: Greater than 70% of the permit requirement was met.

Adjustment - \$9,900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events: 6

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$600

Six single events (one for each DMR with missing values) are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount: \$35	Violation Final Penalty Total: \$900
This violation Final Assessed Penalty (adjusted for limits): \$900	

Economic Benefit Worksheet

Respondent City of Goodrich
Case ID No. 30800
Reg. Ent. Reference No. RN101917649
Media [Statute] 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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$150	20-Jul-2005	30-Nov-2008	3.4	\$2	\$34	\$35
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 Estimated cost for additional oversight to ensure that the DMRs are complete prior to submittal. Date required was the due date for submittal of all monitoring results for the first noncompliant DMR. Final date is the expected 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 N/A

Approx. Cost of Compliance \$150

TOTAL \$35

Screening Date	16-Aug-2006	Docket No.	2006-1325-MWD-E	PCW
Respondent	City of Goodrich	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	30800	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101917649			
Media [Statute]	Water Quality			
Enf. Coordinator	Lynley Doyen			
Violation Number	5			
Primary Rule Cite(s)	30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. 12711001, Sludge Provisions.			
Secondary Rule Cite(s)				
Violation Description	Failure to submit the annual sludge report for the monitoring period ending July 31, 2005.			
Base Penalty	\$10,000			

>> **Environmental, Property and Human Health Matrix**

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

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification				Percent <input type="text"/>
		X			10%

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty

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 Goodrich
Case ID No.: 30800
Reg. Ent. Reference No.: RN101917649
Media [Statute]: 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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs							
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				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	01-Sep-2005	30-Nov-2008	3.2	\$16	n/a	\$16

Notes for DELAYED costs
 Estimated cost to prepare and submit the annual sludge report. Date Required is the date the annual sludge report was due. Final Date is the expected 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
 N/A

Approx. Cost of Compliance \$100
TOTAL \$16

Screening Date 16-Aug-2006 **Docket No.** 2006-1325-MWD-E **PCW**
Respondent City of Goodrich *Policy Revision 2 (September 2002)*
Case ID No. 30800 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN101917649
Media [Statute] Water Quality
Enf. Coordinator Lynley Doyen
Violation Number 6

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 12711001, Monitoring and Reporting Requirements No. 7(c)
Secondary Rule Cite(s)

Violation Description Failure to notify the TCEQ of effluent violations that deviated from the permitted limitations by more than 40 percent. Specifically, the reported value for minimum DO in August 2005 was 1.4 mg/L (65% lower than the 4.0 mg/L permit limit) and the reported value for annual average flow in January 2006 was 0.091371 MGD (41% greater than the 0.065 MGD permit limit).

Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
			X			Percent 10%

Matrix Notes 100% of the rule requirement was not met.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$2,000

Two single events (one for each noncompliance notification) is recommended.

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

Estimated EB Amount \$53

Violation Final Penalty Total \$3,000

This violation Final Assessed Penalty (adjusted for limits) \$3,000

Economic Benefit Worksheet

Respondent: City of Goodrich
 Case ID No. 30800
 Reg. Ent. Reference No. RN101917649
 Media [Statute]: 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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs							
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				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: N/A

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)	\$50	25-Sep-2005	25-Feb-2006	1.0	\$3	\$50	\$53

Notes for AVOIDED costs: Estimated cost to submit the noncompliance notifications. Date required was the due date for the first noncompliance notification. Final date was the due date for the last noncompliance notification.

Approx. Cost of Compliance \$50

TOTAL \$53

Compliance History

Customer/Respondent/Owner-Operator:	CN600639207	CITY OF GOODRICH	Classification: AVERAGE	Rating: 1.23
Regulated Entity:	RN101917649	CITY OF GOODRICH	Classification: AVERAGE	Site Rating: 1.23
ID Number(s):	WASTEWATER WASTEWATER WASTEWATER LICENSING	PERMIT PERMIT LICENSE	WQ0012711001 TPDES0087963 WQ0012711001	
Location:	LOCATED ON THE E SIDE OF THE SOUTHERN PACIFIC RAILROAD, APPROX 1,200 FT SW OF THE INTERSECTION OF FM 393 AND US HWY 59, NW OF GOODRICH, POLK COUNTY			Rating Date: 9/1/2005 Repeat Violator: NO
TCEQ Region:	REGION 10 – BEAUMONT			
Date Compliance History Prepared:	August 16, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 16, 2001 to August 16, 2006			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name: Lynley Doyen	Phone: 512-239-1364			

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 09/24/2001 (210188)
 - 2 09/23/2002 (210189)
 - 3 08/29/2003 (152873)
 - 4 10/31/2001 (210191)
 - 5 10/18/2002 (210192)
 - 6 11/30/2001 (210194)
 - 7 11/22/2002 (210195)
 - 8 12/27/2001 (210197)
 - 9 12/30/2002 (210198)
 - 10 01/28/2002 (210200)
 - 11 01/21/2003 (210201)
 - 12 06/13/2005 (395526)
 - 13 04/20/2006 (503849)
 - 14 05/23/2006 (503850)
 - 15 03/19/2003 (22274)
 - 16 03/08/2006 (477135)
 - 17 11/16/2005 (477136)
 - 18 11/16/2005 (477137)
 - 19 11/15/2005 (437538)
 - 20 01/17/2006 (477138)
 - 21 02/17/2006 (477139)
 - 22 11/20/2003 (254593)
 - 23 06/01/2004 (361338)
 - 24 06/01/2004 (361339)
 - 25 06/01/2004 (361340)
 - 26 06/01/2004 (361341)
 - 27 08/04/2004 (361342)
 - 28 06/01/2004 (361343)
 - 29 06/01/2004 (361344)
 - 30 05/23/2003 (317427)
 - 31 06/30/2003 (317428)
 - 32 08/18/2003 (317429)

33 09/15/2003 (317430)
 34 03/18/2002 (210165)
 35 03/10/2005 (387137)
 36 12/29/2004 (343694)
 37 02/24/2003 (210166)
 38 08/29/2005 (445542)
 39 08/29/2005 (445543)
 40 05/23/2002 (210168)
 41 08/29/2005 (445544)
 42 03/24/2003 (210169)
 43 08/29/2005 (445545)
 44 08/29/2005 (445546)
 45 08/29/2005 (445547)
 46 09/21/2005 (445548)
 47 05/23/2002 (210173)
 48 04/24/2003 (210174)
 49 01/29/2002 (210176)
 50 05/23/2002 (210177)
 51 06/21/2002 (210179)
 52 06/11/2003 (210182)
 53 06/09/2003 (210183)
 54 08/31/2001 (210185)
 55 09/23/2002 (210186)

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

Date: 03/20/2003 (22274)

Self Report? NO		Classification: Moderate
Rqmt Prov:	OP IA	
Description:	Failure to prevent unauthorized discharges into or adjacent to the waters of the State.	
Self Report? NO		Classification: Moderate
Rqmt Prov:	OP IA	
Description:	Failure by City of Goodrich to submit noncompliance notification to TCEQ.	
Self Report? NO		Classification: Moderate
Rqmt Prov:	OP IA	
Description:	Failure by the City of Goodrich to comply with test procedures specified in 30 TAC 319.11-319.12	
Self Report? NO		Classification: Moderate
Rqmt Prov:	OP IA	
Description:	Failure by the City of Goodrich to comply with test procedures specified in 30 TAC 319.11-319.12	
Self Report? NO		Classification: Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.11(d)	
Rqmt Prov:	OP IA	
Description:	Failure by the City of Goodrich to accurately measure flow according to the permit requirement.	
Self Report? NO		Classification: Minor
Rqmt Prov:	OP IA	
Description:	Failure by the City of Goodrich to comply with test procedures specified in 30 TAC 319.11-319.12	
Self Report? NO		Classification: Minor
Rqmt Prov:	OP IA	
Description:	Failure by the City of Goodrich to maintain adequate records of monitoring and sampling activities.	
Self Report? NO		Classification: Minor
Rqmt Prov:	OP IA	
Description:	Failure by City of Goodrich to adequately complete chain of custody records.	
Self Report? NO		Classification: Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.4	
Rqmt Prov:	OP IA	
Description:	Failure by the City of Goodrich to maintain daily logs of measurements and sampling activities.	
Self Report? NO		Classification: Minor
Rqmt Prov:	OP IA	
Description:	Failure by the City of Goodrich to accurately complete discharge monitoring reports.	
Self Report? NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.2[G]	
Rqmt Prov:	OP IA	
Description:	Failure by the City of Goodrich to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.	
Self Report? NO		Classification: Minor
Rqmt Prov:	OP IA	
Description:	Failure by the City of Goodrich to perform sampling and analyses as required.	

Self Report? NO Classification: Minor
Rqmt Prov: OP IA
Description: Failure by the City of Goodrich to maintain records of operations and maintenance.

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

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

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

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

Date: 07/31/2002 (210186)

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: 08/31/2002 (210189)

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: 01/15/2003 (21096)

Self Report? NO Classification: Moderate
Rqmt Prov: OP IA
Description: Failure by the City of Goodrich to notify the Commission of an unauthorized discharge within the required notification period of 24 hours upon becoming aware for an oral report and 5 days for a written report.

Date: 02/11/2005 (348981)

Self Report? NO Classification: Moderate
Rqmt Prov: PERMIT IA
Description: Failure to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration.

Date: 01/31/2006 (477135)

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: 08/30/2005

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: 09/30/2005 (477136)

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: 06/30/2004 (361342)

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: 05/31/2002 (210179)

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

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 GOODRICH;
RN101917649**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2006-1325-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Goodrich ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and the City represented by Thomas W. Deaton of the Deaton Law Firm, appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment facility located at the east side of Southern Pacific Rail Road, approximately 1,200 feet southwest of the intersection of Farm-to-Market Road 393 and United States Highway 59, northwest of the city of Goodrich, in Polk County, Texas (the "Facility"). The Facility has discharged waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.
3. 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.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about July 25, 2006.
5. 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.

6. An administrative penalty in the amount of twelve thousand one hundred fifty dollars (\$12,150.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid three hundred fifty-five dollars (\$355.00) of the administrative penalty. The remaining amount of eleven thousand seven hundred ninety-five dollars (\$11,795.00) of the administrative penalty shall be payable in 35 monthly payments of three hundred thirty-seven dollars (\$337.00) 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 until paid in full. If the City fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his 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 of the terms of this Agreed Order.
7. 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.
8. 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.
9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility in response to this enforcement action:
 - a. Contracted to disconnect the faulty pump at the Loop 393 Lift Station and to remove and dispose of sludge from the lift station and the affected area on May 25, 2006;
 - b. Installed and tested the new lift station pump on June 5, 2006;
 - c. Updated City operating procedures to include a requirement for the Facility's operator to report and address effluent violations that exceed permit limits in excess of 40%;
 - d. Contracted with a licensed operator to run the Facility and perform facility maintenance, take and submit samples, prepare required reports, perform repairs and report to City officials the operating status of the Facility;
 - e. Submitted documentation from the sludge hauler on the amount of sludge removed from the lift station and the location of disposal;
 - f. Removed and properly disposed of trees and excess vegetation located on the pond system and levees;

- g. Updated the Facility's operating procedures to ensure that treatment and control systems are properly operated and maintained, and that all reporting requirements under the permit are met;
 - h. Achieved compliance with the permitted effluent limitations; and
 - i. Submitted complete DMRs and Sludge Reports and documentation to address unavailable values and reports.
10. 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.
11. 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.
12. 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

The City is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 305.125(5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12711001, Operational Requirements No. 1 by failing to ensure that the Facility and all its systems of treatment and control are properly operated and maintained as documented on May 25, 2006. Specifically, the pond system levees were heavily overgrown with trees and vegetation.
2. 30 TEX. ADMIN. CODE § 305.125(1); TEX. WATER CODE § 26.121(a) and TPDES Permit No. 12711001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6 by failing to comply with permitted effluent limitations of 4.0 milligrams per liter ("mg/L") minimum dissolved oxygen ("DO") and 0.065 million gallons per day ("MGD") annual average flow for Outfall 001, as documented on May 25, 2006.
3. 30 TEX. ADMIN. CODE § 319.7(c) and TPDES Permit No. 12711001, Monitoring and Reporting Requirements No. 3(b) by failing to maintain all records and information resulting

from the required monitoring activities, as documented during the investigation conducted on May 25, 2006.

4. 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 12711001, Monitoring and Reporting Requirements No. 1 by failing to include on the Discharge Monitoring Reports (“DMRs”) results for DO, Biochemical Oxygen demand (“BOD”), pH, and total suspended solids for monitoring periods ending June 30, 2005 and July 31, 2005; results for daily maximum flow for monitoring periods ending August 31, 2005 and March 31, 2006 results for annual average flow for monitoring periods ending November 30, 2005; and results for BOD maximum single grab for monitoring period ending January 31, 2006, as documented during the investigation conducted on May 25, 2006.
5. 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 12711001, Sludge Provisions by failing to submit the annual sludge report for the monitoring period ending July 31, 2005, as documented during the investigation conducted on May 25, 2006.
6. 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 12711001, Monitoring and Reporting Requirements No. 7(c) by failing to notify the TCEQ of effluent violations that deviated from the permitted limitations by more than 40 percent. Specifically, the reported value for minimum DO in August 2005 was 1.4 mg/L (65% lower than the 4.0 mg/L permit) and the reported value for annual average flow in January 2006 was 0.091371 MGD (41% greater than the 0.065 MGD permit limit), as documented during the investigation conducted on May 25, 2006.

III. DENIALS

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

IV. ORDER

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 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 considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to “Texas Commission on Environmental Quality” and shall be sent with the notation “Re: City of Goodrich, Docket No. 2006-1325-MWD-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

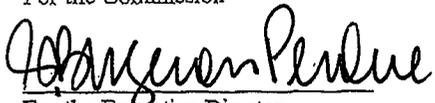
2. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive 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.
3. 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.
4. 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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T. CODE § 2001.142, the effective date of this Agreed Order 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 Goodrich
Docket No. 2006-1325-MWD-E
Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

5/20/2009

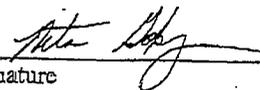
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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


Signature

3/9/09
Date

Anita Baker
Name (Printed or typed)
Authorized representative of
The City of Goodrich

Mayor Pro Tem
Title