

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2008-1921-MWD-E **TCEQ ID:** RN102806411 **CASE NO.:** 36925  
**RESPONDENT NAME:** City of Sonora

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input 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 type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> City of Sonora WWTP, located south of Sonora and south of Dry Devils River, approximately 6,000 feet south and 2,000 feet west of the intersection of U.S. Highways 277 and 290, Sutton County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on May 25, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Mr. Thomas Jecha, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2576; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> The Honorable J. E. Davenport, Mayor, City of Sonora, 201 NE Main Street, Sonora, Texas 76950  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> October 2, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> November 26, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater. Specifically, four off-site collection system lift stations do not have alternate power sources [30 TEX. ADMIN. CODE § 305.125(1) and 305.125(5) and Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010545001, Operational Requirements No. 4].</p> <p>2) Failure to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, several inches of sludge accumulation was found in the chlorine contact weir trough and chlorine contact chamber [30 TEX. ADMIN. CODE § 305.125(1) and 305.125(5) and TPDES Permit No. WQ0010545001, Operational Requirements No. 1].</p> <p>3) Failure to prevent the unauthorized discharge of sludge. Specifically, it was determined that sludge had discharged from outfall 001 during a rain event on October 5, 2008 and accumulated in the receiving stream to form a thickness of approximately 1.5 feet [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE §</p>	<p><b>Total Assessed:</b> \$26,192</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$26,192</p> <p><b>Total Paid (Due) to General Revenue:</b> \$0</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b> Three repeat enforcement actions over the prior five-year period for the same violation.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility by November 25, 2008:</p> <p>a) Removed sludge from the chlorine contact weir trough and chlorine contact chamber after installing a catwalk and purchasing a pump for sludge removal;</p> <p>b) Re-calibrated the flow meter and colorimeter;</p> <p>c) Developed a record keeping system for process control and quality assurance activities; and</p> <p>d) Submitted revised DMRs with corrected pH data for the months of November 2007 and February 2008 through June 2008.</p> <p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (see SEP Attachment A).</p> <p>2) The Order will also require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, remove and properly dispose of the accumulated sludge in the receiving stream;</p> <p>b) Within 60 days after the effective date of this agreed order, provide all lift stations with alternate power sources, standby generators, and/or ability to contain inadequately treated wastewater;</p> <p>c) Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a and 2.b, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance; and</p> <p>d) Within 90 days after the effective date</p>

<p>305.125(1), 305.125(4), and 305.125(5), and TPDES Permit No. WQ0010545001, Permit Conditions No. 2.d. and Operational Requirements No. 1].</p> <p>4) Failure to comply with permitted effluent limitations for ammonia nitrogen, dissolved oxygen, chlorine residual, and total suspended solids [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010545001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6].</p> <p>5) Failure to properly calibrate measuring or recording devices [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0010545001, Monitoring and Reporting Requirements No. 2., 3.a. and 5].</p> <p>6) Failure to retain records of process control and quality assurance activities conducted at the Facility [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.9(c) and TPDES Permit No. WQ0010545001, Operational Requirements No. 1].</p> <p>7) Failure to submit correct information in the discharge monitoring reports ("DMRs"), [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(e) and TPDES Permit No. WQ0010545001, Monitoring and Reporting Requirements No. 7.d].</p>		<p>of this Agreed Order, submit written certification to demonstrate compliance with the effluent limits of TPDES Permit No. WQ0010545001, including specific corrective actions that were implemented at the facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>
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Additional ID No(s): WQ0010545001



Attachment A  
Docket Number: 2008-1921-MWD-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** City of Sonora

**Payable Penalty Amount:** Twenty-Six Thousand One Hundred Ninety-Two Dollars (\$26,192)

**SEP Amount:** Twenty-Six Thousand One Hundred Ninety-Two Dollars (\$26,192)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Texas Association of Resource Conservation and Development Areas, Inc. (RC&D)-Household Hazardous Waste Clean-Up

**Location of SEP:** Sutton County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide local residents with a means of properly disposing household hazardous wastes such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers in one day collection events. SEP monies will be used to pay for the associated labor, materials, and disposal costs. Citizens will not be charged disposal fees. The project is administered in accordance with TCEQ guidance on household hazardous waste and in compliance with federal, state, and local environmental laws and regulations. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a means of properly disposing household hazardous waste which might otherwise be disposed of in storm drains, the sewage system, or other means detrimental to the environment.



C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to ATexas Commission on Environmental Quality@ and mailed to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	Assigned	1-Dec-2008		
	PCW	16-Dec-2008	Screening	12-Dec-2008
			EPA Due	

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	City of Sonora		
Reg. Ent. Ref. No.	RN102806411		
Facility/Site Region	8-San Angelo	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	36925	No. of Violations	7
Docket No.	2008-1921-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Thomas Jecha
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$10,100</b>
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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.

<b>Compliance History</b>	<b>167.0% Enhancement</b>	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$16,867</b>
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Notes: Enhancement for 22 NOVs with self-reported effluent data, six NOVs with same or similar violations, one NOV with dissimilar violations, and one agreed order without a denial of liability at this Facility within the past five years.

<b>Culpability</b>	<b>No</b>	<b>0.0% Enhancement</b>	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$775</b>
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<b>Economic Benefit</b>	<b>0.0% Enhancement*</b>	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$392  
 Approx. Cost of Compliance: \$16,550  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$26,192</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$26,192</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$26,192</b>
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<b>DEFERRAL</b>	<b>0.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$26,192</b>
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<b>Screening Date</b> 12-Dec-2008	<b>Docket No.</b> 2008-1921-MWD-E	<b>PCW</b>
<b>Respondent</b> City of Sonora		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 36925		<small>PCW Revision October 30, 2008</small>
<b>Reg. Ent. Reference No.</b> RN102806411		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Thomas Jecha		

### 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>	28	140%
	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	1	25%
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%
<small>Please Enter Yes or No</small>			
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)** 167%

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

**Adjustment Percentage (Subtotal 3)** 0%

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

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for 22 NOVs with self-reported effluent data, six NOVs with same or similar violations, one NOV with dissimilar violations, and one agreed order without a denial of liability at this Facility within the past five years.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 167%

<b>Screening Date</b> 12-Dec-2008	<b>Docket No.</b> 2008-1921-MWD-E	<b>PCW</b>	
<b>Respondent</b> City of Sonora	<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 36925	<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN102806411			
<b>Media [Statute]</b> Water Quality			
<b>Enf. Coordinator</b> Thomas Jecha			
<b>Violation Number</b> <input type="text" value="1"/>			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1) and 305.125(5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010545001, Operational Requirements No. 4.		
<b>Violation Description</b>	Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater. Specifically, four off-site collection system lift stations do not have alternate power sources.		
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
<b>OR</b>	<b>Harm</b>		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>
<b>Percent</b>			<input type="text" value="10%"/>
<b>&gt;&gt; Programmatic Matrix</b>			
<b>Falsification</b>			<b>Percent</b>
Major      Moderate      Minor			<input type="text" value="0%"/>
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Matrix Notes</b>	Human health or the environment could be exposed to significant amounts of pollutants as a result of the violation.		
<b>Adjustment</b>			<input type="text" value="\$9,000"/>
			<input type="text" value="\$1,000"/>
<b>Violation Events</b>			
<b>Number of Violation Events</b>		<input type="text" value="4"/>	<b>Number of violation days</b>
		<input type="text" value="75"/>	
<small>mark only one with an x</small>	daily	<input type="text"/>	<b>Violation Base Penalty</b>
	weekly	<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"/>	
<input type="text" value="\$4,000"/>			
Four quarterly events (one quarterly event for each lift station) are recommended from the October 2, 2008 investigation date until the December 12, 2008 screening date.			
<b>Good Faith Efforts to Comply</b>			<input type="text" value="\$0"/>
<b>0.0% Reduction</b>			
<small>Before NOV      NOV to EDRP/Settlement Offer</small>			
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
<b>Violation Subtotal</b>			<input type="text" value="\$4,000"/>
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>		<input type="text" value="\$288"/>	<b>Violation Final Penalty Total</b>
			<input type="text" value="\$10,680"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$10,680"/>

## Economic Benefit Worksheet

**Respondent** City of Sonora  
**Case ID No.** 36925  
**Reg. Ent. Reference No.** RN102806411  
**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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$4,000	2-Oct-2008	12-Oct-2009	1.03	\$14	\$274	\$288
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide emergency power capabilities to four lift stations. The date required is the investigation date and the final date is the estimated 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,000

**TOTAL**

\$288

<b>Screening Date</b> 12-Dec-2008	<b>Docket No.</b> 2008-1921-MWD-E	<b>PCW</b>
<b>Respondent</b> City of Sonora		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 36925		<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b> RN102806411		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Thomas Jecha		
<b>Violation Number</b> <input type="text" value="2"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1) and 305.125(5) and TPDES Permit No. WQ0010545001, Operational Requirements No. 1	
<b>Violation Description</b>	Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, several inches of sludge accumulation was found in the chlorine contact weir trough and chlorine contact chamber.	

**Base Penalty**

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

OR	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>		<b>Minor</b>
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<b>Percent</b> <input type="text" value="5%"/>

**>> Programmatic Matrix**

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

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

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<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" value="x"/>	

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**

**25.0% Reduction**

	<b>Before NOV</b>	<b>NOV to EDRP/Settlement Offer</b>
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

**Notes** Compliance documented in a letter dated November 25, 2008.

**Violation Subtotal**

**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 Sonora  
**Case ID No.** 36925  
**Reg. Ent. Reference No.** RN102806411  
**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
No commas or \$							

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$12,000	2-Oct-2008	25-Nov-2008	0.15	\$89	n/a	\$89

Notes for DELAYED costs

Estimated cost to install a catwalk and purchase a pump to remove sludge and keep it from accumulating in the chlorine contact weir trough and chlorine contact chamber. The date required is the investigation date and the final date is the compliance date.

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$12,000

**TOTAL**

\$89

<b>Screening Date</b> 12-Dec-2008	<b>Docket No.</b> 2008-1921-MWD-E	<b>PCW</b>	
<b>Respondent</b> City of Sonora		<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 36925		<small>PCW Revision October 30, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN102806411			
<b>Media [Statute]</b> Water Quality			
<b>Enf. Coordinator</b> Thomas Jecha			
<b>Violation Number</b> 3			
<b>Rule Cite(s)</b>	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), 305.125(4), and 305.125(5), and TPDES Permit No. WQ0010545001, Permit Conditions No. 2.d. and Operational Requirements No. 1.		
<b>Violation Description</b>	Failed to prevent the unauthorized discharge of sludge. Specifically, it was determined that sludge had discharged from outfall 001 during a rain event on October 5, 2008 and accumulated in the receiving stream to form a thickness of approximately 1.5 feet.		
	<b>Base Penalty</b>	\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
OR	<b>Harm</b>		
	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>Percent</b>		10%
<b>&gt;&gt; Programmatic Matrix</b>			
	Major	Moderate	Minor
Falsification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>Percent</b>		0%
<b>Matrix Notes</b>	Human health or the environment has been exposed to insignificant amounts of pollutants as a result of this violation.		
	<b>Adjustment</b>	\$9,000	
		\$1,000	
<b>Violation Events</b>			
	<b>Number of Violation Events</b>	1	<b>Number of violation days</b> 75
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	<b>Violation Base Penalty</b> \$1,000
	weekly	<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"/>	
	One quarterly event is recommended from the October 2, 2008 investigation until the screening date on December 12, 2008.		
<b>Good Faith Efforts to Comply</b>			0.0% Reduction \$0
		Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
	<b>Violation Subtotal</b>		\$1,000
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>
	<b>Estimated EB Amount</b>	\$0	<b>Violation Final Penalty Total</b> \$2,670
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$2,670

### Economic Benefit Worksheet

**Respondent** City of Sonora  
**Case ID No.** 36925  
**Reg. Ent. Reference No.** RN102806411  
**Media** Water Quality  
**Violation No.** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost included in the economic benefit for violation No. 2.

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

**TOTAL** \$0

<b>Screening Date</b> 12-Dec-2008	<b>Docket No.</b> 2008-1921-MWD-E	<b>PCW</b>
<b>Respondent</b> City of Sonora	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 36925	<small>PCW Revision October 30, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN102806411		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Thomas Jecha		
<b>Violation Number</b> 4		
<b>Rule Cite(s)</b>	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010545001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6.	
<b>Violation Description</b>	Failed to comply with permitted effluent limitations as shown in the attached table.	
<b>Base Penalty</b>		\$10,000

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

OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	Actual				X
	Potential			Percent	
				10%	

**>> Programmatic Matrix**

	<b>Falsification</b>			
	Major	Moderate	Minor	
				Percent
				0%
<b>Matrix Notes</b>	A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. Flow, dissolved oxygen, chlorine residual, and total suspended solids were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors.			
<b>Adjustment</b>				\$9,000

\$1,000

**Violation Events**

Number of Violation Events        Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$2,000

Two quarterly events are recommended.

**Good Faith Efforts to Comply**      **0.0% Reduction**      \$0

	<b>Extraordinary</b>		
	<b>Ordinary</b>		
	N/A	X	(mark with x)

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$2,000

**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 Sonora  
**Case ID No.** 36925  
**Reg. Ent. Reference No.** RN102806411  
**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
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No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	2-Oct-2008	25-Nov-2008	0.15	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to replace chlorine hoses to improve chlorine flow (other related costs already included in economic benefit for violation No. 2). The date required is the date of the investigation and the final date is the date of compliance.

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

**TOTAL**

\$1

PCW

Screening Date 12-Dec-2008

Docket No. 2008-1921-MWD-E

Policy Revision 2 (September 2002)

Respondent City of Sonora

Case ID No. 36925

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102806411

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0010545001, Monitoring and Reporting Requirements No. 2., 3.a. and 5.

Violation Description

Failed to properly calibrate measuring or recording devices. Specifically, the colorimeter was not calibrated to measure chlorine residual greater than 2.2 milligrams per liter for April, May, and July 2008 and the flow chart recorder was not calibrated to record the permitted 2-hour peak flow of 1825 gallons per minute.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

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

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 2 Number of violation days 55

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

Violation Base Penalty \$1,000

Two single events (one for each device) are recommended.

Good Faith Efforts to Comply

25.0% Reduction Before NOV NOV to EDRP/Settlement Offer

\$250

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes Compliance documented in a letter date November 25, 2008.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$2,420

This violation Final Assessed Penalty (adjusted for limits) \$2,420

## Economic Benefit Worksheet

**Respondent:** City of Sonora  
**Case ID No.:** 36925  
**Reg. Ent. Reference No.:** RN102806411  
**Media:** Water Quality  
**Violation No.:** 5

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Item Description:</b> No commas or \$						

### Delayed Costs

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$50	2-Oct-2008	25-Nov-2008	0.15	\$0	n/a

Notes for DELAYED costs

Estimated cost to re-calibrate the flow meter and colorimeter. The date required is the investigation date and the final date is the 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			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

**TOTAL**

\$0

<b>Screening Date</b> 12-Dec-2008	<b>Docket No.</b> 2008-1921-MWD-E	<b>PCW</b>	
<b>Respondent</b> City of Sonora		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 36925		<i>PCW Revision October 30, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN102806411			
<b>Media [Statute]</b> Water Quality			
<b>Enf. Coordinator</b> Thomas Jecha			
<b>Violation Number</b> 6			
<b>Rule Cite(s)</b> 30 Tex. Admin. Code §§ 305.125(1) and 319.9(c) and TPDES Permit No. WQ0010545001, Operational Requirements No. 1.			
<b>Violation Description</b>	Failed to retain records of process control and quality assurance activities conducted at the Facility. Specifically, records of thirty-minute sludge settling tests conducted after February 2008; all but one record of clarifier sludge blanket readings after April 2008; and records of daily quality assurance tests for total chlorine residual monitoring, were not available during the investigation.		
	<b>Base Penalty</b>	\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
OR	<b>Harm</b>		
	Major	Moderate	Minor
	Actual	Potential	Percent
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			0%
<b>&gt;&gt; Programmatic Matrix</b>			
	Major	Moderate	Minor
	Falsification	Major	Moderate
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			Percent
			10%
<b>Matrix Notes</b>	More than 70% of the rule requirement was not met.		
	<b>Adjustment</b>	\$9,000	
			\$1,000
<b>Violation Events</b>			
	<b>Number of Violation Events</b>	1	<b>Number of violation days</b>
			55
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input checked="" type="checkbox"/>	
	<b>Violation Base Penalty</b>	\$1,000	
	One single event is recommended.		
<b>Good Faith Efforts to Comply</b>	25.0% Reduction		\$250
	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
N/A	<input type="checkbox"/>	(mark with x)	
<b>Notes</b>	Compliance documented in a letter dated November 25, 2008.		
	<b>Violation Subtotal</b>	\$750	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	\$1	<b>Violation Final Penalty Total</b>	\$2,420
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$2,420

### Economic Benefit Worksheet

**Respondent** City of Sonora  
**Case ID No.** 36925  
**Reg. Ent. Reference No.** RN102806411  
**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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	2-Oct-2008	25-Nov-2008	0.15	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop a record keeping system for process control and quality assurance activities. The date required is the investigation date and the final date is the compliance date.

**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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

	\$100	<b>TOTAL</b>		\$1
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<b>Screening Date</b>	12-Dec-2008	<b>Docket No.</b>	2008-1921-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Sonora	Policy Revision 2 (September 2002)		
<b>Case ID No.</b>	36925	PCW Revision October 30, 2008		
<b>Reg. Ent. Reference No.</b>	RN102806411			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Thomas Jecha			
<b>Violation Number</b>	7			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 305.125(1) and 319.7(e) and TPDES Permit No. WQ0010545001, Monitoring and Reporting Requirements No. 7.d.			
<b>Violation Description</b>	Failed to submit correct information in the discharge monitoring reports ("DMRs"). Specifically, the Facility reported maximum and minimum pH data measured by the contract laboratory instead of reporting pH measured by the Facility in DMRs for November 2007 and February 2008 through June 2008. The laboratory pH measurements are not valid because the sample holding time for pH was exceeded.			

**Base Penalty**

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

OR	Harm			Percent	<input type="text" value="0%"/>	
	Release	Major	Moderate			Minor
	Actual	<input type="text"/>	<input type="text"/>			<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>		

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent	<input type="text" value="1%"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>		

**Matrix Notes**

**Adjustment**

**Violation Events**

<input type="text" value="6"/>	<input type="text" value="55"/>	Number of violation days
mark only one with an x	daily	<input type="text"/>
	weekly	<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**

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDFRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

**Notes**

**Violation Subtotal**

**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 Sonora  
**Case ID No.** 36925  
**Reg. Ent. Reference No.** RN102806411  
**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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$300	20-Dec-2007	25-Nov-2008	0.93	\$14	n/a	\$14

Notes for DELAYED costs

Estimated cost to revise and submit six DMRs at \$50 each. The date required is the date the November 2007 DMR was due and the final date is the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$14

**Effluent Limit Violation Table**

Respondent	City of Sonora	
ID Number(s)	TPDES Permit No. WQ0010545001, Enf Id. 36925	
Docket Number	2008-1921-MWD-E	
Inf. Coordinator	Thomas E. Jecha	
Corresponds to Violation Number:		4

**EFFLUENT PARAMETER**  
Permit Limit

Month/Year	NH3-N daily avg loading (lbs/day)	NH3-N daily avg conc (mg/l)	NH3-N daily maximum (mg/l)	Dissolved Oxygen minimum (mg/l)	Chlorine Residual minimum (mg/l)	TSS daily average conc. (mg/l)				
22	3	10	4	1	15					
6/30/2008	c	c	c	c	c	21				
8/31/2008	c	c	c	3.9	c	16				
9/30/2008	63	20	78	c	c	17				
10/2/2008*	c	c	c	c	0.5	c				

mg/l = milligrams per liter  
 lbs/day = pounds per day  
 c = compliant  
 \* = grab sample collected by investigator  
 NH3-N = ammonia nitrogen  
 TSS = total suspended solids



# Compliance History Report

Customer/Respondent/Owner-Operator: CN600247993 City of Sonora Classification: AVERAGE Rating: 2.04  
Regulated Entity: RN102806411 CITY OF SONORA WWTP Classification: AVERAGE Site Rating:3.06  
ID Number(s): WASTEWATER PERMIT WQ0010545001  
WASTEWATER PERMIT TPDES0023191  
WASTEWATER PERMIT TX0023191  
WASTEWATER LICENSING LICENSE WQ0010545001  
Location: S of Sonora and S of Dry Devils River, approx 6000 ft S & 2000 ft W of intersect US Hwy 277 and 290, Sutton Co. Tx  
TCEQ Region: REGION 08 - SAN ANGELO  
Date Compliance History Prepared: December 02, 2008  
Agency Decision Requiring Compliance Enforcement  
Compliance Period: December 02, 2003 to December 02, 2008  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Thomas Jecha Phone: 512 - 239 - 2576

## 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
- 6 Rating Date: 9/1/2008 Repeat Violator: NO

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 08/15/2008 ADMINORDER 2007-1016-MWD-E  
Classification: Major  
Citation: 2D TWC Chapter 26, SubChapter A 26.121  
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PPV.2.g PERMIT

Description: failed to prevent the unauthorized discharge of raw and/or partially treated wastewater into water in the state. Specifically, on April 22, 2007, an unauthorized discharge of approximately 290,000 gallons of raw and/or partially treated wastewater was discharged into the Dry Devils River due to a mechanical power failure, resulting in a fish kill of appr of a tie rod on one of the oxidation ditch aerator rotor motors. The unauthorized discharge resulted in a fish kill of approximately 711 fish.

- 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	12/22/2003	(299209)
2	02/17/2004	(299192)
3	03/10/2004	(299210)
4	03/13/2004	(299195)
5	04/19/2004	(299196)
6	05/17/2004	(299198)

7	06/10/2004	(299200)
8	07/14/2004	(353630)
9	08/16/2004	(353631)
10	09/13/2004	(353632)
11	09/27/2004	(334861)
12	10/21/2004	(353633)
13	12/13/2004	(353634)
14	12/28/2004	(353635)
15	01/21/2005	(382724)
16	02/22/2005	(382722)
17	03/11/2005	(382723)
18	05/13/2005	(420530)
19	05/31/2005	(393923)
20	06/21/2005	(420531)
21	09/02/2005	(441562)
22	09/02/2005	(441563)
23	10/11/2005	(441564)
24	10/27/2005	(441565)
25	11/22/2005	(469899)
26	12/08/2005	(469898)
27	12/27/2005	(469900)
28	01/30/2006	(469901)
29	02/24/2006	(469896)
30	03/23/2006	(469897)
31	04/28/2006	(499106)
32	05/15/2006	(499107)
33	06/23/2006	(499108)
34	07/24/2006	(521151)
35	08/14/2006	(521152)
36	09/18/2006	(521153)
37	10/30/2006	(577367)
38	11/27/2006	(577368)
39	12/19/2006	(577369)
40	01/22/2007	(577370)
41	02/15/2007	(540169)
42	02/20/2007	(577362)
43	03/02/2007	(542866)
44	03/20/2007	(577363)
45	04/18/2007	(577364)
46	05/14/2007	(577365)
47	06/19/2007	(577366)
48	06/21/2007	(558473)
49	07/19/2007	(602170)
50	08/20/2007	(602171)
51	08/31/2007	(602172)
52	10/18/2007	(620287)
53	11/20/2007	(620288)
54	12/27/2007	(672638)
55	01/07/2008	(635949)
56	01/22/2008	(672639)
57	02/07/2008	(617440)
58	02/08/2008	(617302)
59	02/25/2008	(672636)
60	02/29/2008	(637430)
61	03/10/2008	(672637)
62	04/23/2008	(690626)

63 05/27/2008 (690627)  
 64 06/04/2008 (681988)  
 65 06/10/2008 (682615)  
 66 06/11/2008 (682843)  
 67 09/10/2008 (702499)  
 68 11/26/2008 (704533)

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

Date: 03/31/2004 (299196)

CN600247993

Self YES Classification Moderate  
 Report? :

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 09/27/2004 (334861) CN600247993

Self NO Classification Minor  
 Report? :

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 PPV.2.d PERMIT

Description: Failure to properly manage sewage sludge when cleaning out the sludge dry beds.

Self NO Classification Minor  
 Report? :

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
 PPVI.1 PERMIT

Description: Failure to properly maintain the chlorine contact chamber so as to prevent the excessive accumulation of solids.

Self NO Classification Moderate  
 Report? :

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)  
 30 TAC Chapter 305, SubChapter F 305.125(5)  
 PPV.2.g PERMIT  
 TWC Chapter 26 26.121

Description: Failure to prevent an unauthorized discharge from the wastewater treatment plant to the Dry Devils River.

Self NO Classification Moderate  
 Report? :

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 PPII.2 PERMIT

Description: Failure to meet final effluent minimum limitation for total chlorine residual for a grab sample collected during the investigation.

Self NO Classification Moderate  
 Report? :

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 PPII.3 PERMIT

Description: Failure to meet permit limitation for pH minimum for the month of March 2004.

Self NO Classification Moderate  
 Report? :

Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)  
 PPII.6 PERMIT

Description: Failure to monitor for the parameter of dissolved oxygen at the frequency required by the permit.

Self NO Classification Moderate  
 Report? :

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 317 317.4(c)  
 PPII.5 PERMIT

Description: Failure to provide a means to measure effluent flow.

Date: 10/31/2004 (353634) CN600247993

Self YES Classification Moderate  
 Report? :

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2004 (382724) CN600247993

Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2005 (393923)	CN600247993	
Self Report?	NO	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(5) PPV.2.g PERMIT		
Description:	Failure to properly maintain the facility's collection system so as to prevent unauthorized discharges of untreated wastewater.		
Date:	06/30/2005 (441562)	CN600247993	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/31/2005 (441563)	CN600247993	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/31/2005 (441564)	CN600247993	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	09/30/2005 (441565)	CN600247993	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	10/03/2005 (404157)	CN600247993	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C) PPVII.III.G PERMIT		
Description:	Failure to submit an annual report of sewage sludge disposed in a Municipal Solid Waste Landfill to the TCEQ Region Office (MC Region 8) and Water Quality Management Information Systems Team (MC 224) of the Enforcement Division by September 1, 2004.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(5) PPVI.1 PERMIT		
Description:	Failure to properly operate and maintain the chlorination system.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(4) 30 TAC Chapter 305, SubChapter F 305.125(5) PPII.4 PERMIT PPV.2.d. PERMIT PPVI.1 PERMIT TWC Chapter 26 26.121		
Description:	Failure to prevent an unauthorized discharge of sludge into the receiving stream.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) PPII.2 PERMIT		
Description:	Failure to meet final effluent minimum limitation for total chlorine residual for a grab sample collected during the investigation.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) PPII.2 PERMIT		
Description:	Failure to meet final effluent maximum limitation for total chlorine residual.		
Self Report?	NO	Classification	Minor

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) PPIV.5 PERMIT		
Description:	Failure to have the flow meters calibrated at least annually.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) PPII.6 PERMIT		
Description:	Failure to meet the minimum dissolved oxygen (DO) permit limit.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.5(a) PPII.5 PERMIT		
Description:	Failure to collect all final effluent samples at the correct location.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) PPII.1 PERMIT		
Description:	Failure to collect the correct sample type for ammonia-nitrogen (NH3-N) monitoring.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to maintain calibration records for effluent monitoring instrumentation.		
Date:	05/31/2007 (577366)	CN600247993	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/07/2008 (635949)	CN600247993	
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		
Date:	02/07/2008 (617440)	CN600247993	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) PPII.4 PERMIT		
Description:	Failure to prevent the discharge of floating solids and visible foam.		
Date:	06/04/2008 (681988)	CN600247993	
Self Report?	NO	Classification	Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(4) PPV.2.g PERMIT TWC Chapter 26 26.121		
Description:	Failure to prevent a discharge of wastewater to the Dry Devils River.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(9)(A) PPIV.7.a PERMIT		
Description:	Failure to provide noncompliance notification orally or by facsimile transmission (FAX) to the Region Office within 24 hours of becoming aware of the noncompliance.		
Date:	06/30/2008	CN600247993	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Date:	08/31/2008	CN600247993	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		

Citation:	30 TAC Chapter 319, SubChapter A 319.5(b) PPII.2 PERMIT		
Description:	Failure to monitor/record total chlorine residual at the required frequency.		
Date:	10/31/2005 (469899)	CN600247993	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	11/30/2005 (469900)	CN600247993	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	12/31/2005 (469901)	CN600247993	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2006 (469896)	CN600247993	
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/28/2006 (469897)	CN600247993	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2006 (499106)	CN600247993	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/30/2006 (499107)	CN600247993	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2006 (499108)	CN600247993	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2006 (521151)	CN600247993	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/31/2006 (521153)	CN600247993	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2007 (577362)	CN600247993	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/15/2007 (540169)	CN600247993	
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 317 317.4(a)(8)		
Description:	Failure to have the potable water supply back flow prevention device checked annually.		
Self Report?	NO	Classification	Minor

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2008

CN600247993

Self Report? YES

Classification

Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

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 SONORA  
RN102806411

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER  
DOCKET NO. 2008-1921-MWD-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Sonora ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City presented this agreement to the Commission.

The City understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

The Commission makes the following Findings of Fact and Conclusions of Law:

**I. FINDINGS OF FACT**

1. The City owns and operates a wastewater treatment plant located south of Sonora and south of Dry Devils River, approximately 6,000 feet south and 2,000 feet west of the intersection of U.S. Highway 277 and 290 in Sutton County, Texas (the "Facility").

2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation on October 2, 2008, TCEQ staff documented:
  - a. Four off-site collection system lift stations do not have alternate power sources;
  - b. Several inches of sludge accumulation was found in the chlorine contact weir trough and chlorine contact chamber;
  - c. Sludge had discharged from outfall 001 during a rain event on October 5, 2008 and accumulated in the receiving stream to form a thickness of approximately 1.5 feet;
  - d. A grab sample collected during the investigation indicated a total chlorine residual excursion, and a review of discharge monitoring report ("DMR") data from October 2007 through September 2008 revealed effluent excursions as shown in the table below;

Month/Year	NH3-N daily avg loading (lbs/day)	NH3-N daily avg conc (mg/l)	NH3-N daily maximum (mg/l)	Dissolved Oxygen minimum (mg/l)	Chlorine Residual minimum (mg/l)	TSS daily average conc. (mg/l)
	22	3	10	4	1	15
6/30/2008	c	c	c	c	c	21
8/31/2008	c	c	c	3.9	c	16
9/30/2008	63	20	78	c	c	17
10/2/2008*	c	c	c	c	0.5	c

mg/l = milligrams per liter      lbs/day = pounds per day      \* = grab sample collected by investigator  
NH3-N = ammonia nitrogen      TSS = total suspended solids      c = compliant

- e. The colorimeter was not calibrated to measure chlorine residual greater than 2.2 milligrams per liter for April, May, and July 2008 and the flow chart recorder was not calibrated to record the permitted 2-hour peak flow of 1,825 gallons per minute;
  - f. Records were not available during the investigation for: 30 minute sludge settling tests conducted after February 2008; all but one record of clarifier sludge blanket readings after April 2008; and records of daily quality assurance tests for total chlorine residual monitoring; and
  - g. The Facility reported maximum and minimum pH data measured by the contract laboratory instead of reporting pH measured by the Facility in DMRs for November 2007 and February 2008 through June 2008. The laboratory pH measurements are not valid because the sample holding time for pH was exceeded.
4. The City received notice of the violations on December 2, 2008.

5. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility as documented in letter from the City dated November 25, 2008:
  - a. Removed sludge from the chlorine contact weir trough and chlorine contact chamber after installing a catwalk and purchasing a pump for sludge removal;
  - b. Re-calibrated the flow meter and colorimeter;
  - c. Developed a record keeping system for process control and quality assurance activities; and
  - d. Submitted revised DMRs with corrected pH data for the months of November 2007 and February 2008 through June 2008.

## II. CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3.a., the City failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and 305.125(5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010545001, Operational Requirements No. 4.
3. As evidenced by Findings of Fact No. 3.b., the City failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and 305.125(5) and TPDES Permit No. WQ0010545001, Operational Requirements No. 1.
4. As evidenced by Findings of Fact No. 3.c., the City failed to prevent the unauthorized discharge of sludge, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), 305.125(4), and 305.125(5), and TPDES Permit No. WQ0010545001, Permit Conditions No. 2.d. and Operational Requirements No. 1.
5. As evidenced by Findings of Fact No. 3.d., the City failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010545001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6.
6. As evidenced by Findings of Fact No. 3.e., the City failed to properly calibrate measuring or recording devices, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0010545001, Monitoring and Reporting Requirements No. 2., 3.a. and 5.

7. As evidenced by Findings of Fact No. 3.f., the City failed to retain records of process control and quality assurance activities conducted at the Facility, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.9(c) and TPDES Permit No. WQ0010545001, Operational Requirements No. 1.
8. As evidenced by Findings of Fact No. 3.g., the City failed to submit correct information in the DMRs, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(e) and TPDES Permit No. WQ0010545001, Monitoring and Reporting Requirements No. 7.d.
9. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of Twenty-Six Thousand One Hundred Ninety-Two Dollars (\$26,192) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Twenty-Six Thousand One Hundred Ninety-Two Dollars (\$26,192) shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP").

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The City is assessed an administrative penalty in the amount of Twenty-Six Thousand One Hundred Ninety-Two Dollars (\$26,192) as set forth in Section II, Paragraph 10 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here.
2. The City shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 10 above, Twenty-Six Thousand One Hundred Ninety-Two Dollars (\$26,192) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The City shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, remove and properly dispose of the accumulated sludge in the receiving stream;

- b. Within 60 days after the effective date of this agreed order, provide all lift stations with alternate power sources, standby generators, and/or ability to contain inadequately treated wastewater, as required by 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(5), and 317.63 and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010545001, Operational Requirements No. 4;
- c. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 3.a. and 3.b., and 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 certification language as described in 3.d. below; and
- d. Within 90 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with the effluent limits of TPDES Permit No. WQ0010545001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. 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 I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is 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  
San Angelo Regional Office  
Texas Commission on Environmental Quality  
622 South Oakes, Suite K  
San Angelo, Texas 76903-7013

4. 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.

5. 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.
6. 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.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. 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.
10. 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.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

5/6/2009  
\_\_\_\_\_  
Date

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

I understand that by entering into this Agreed Order, City of Sonora waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

  
\_\_\_\_\_  
Signature

March 30, 2009  
\_\_\_\_\_  
Date

J.E. Davenport  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Sonora

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.



Attachment A  
Docket Number: 2008-1921-MWD-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** City of Sonora

**Payable Penalty Amount:** Twenty-Six Thousand One Hundred Ninety-Two Dollars  
(\$26,192)

**SEP Amount:** Twenty-Six Thousand One Hundred Ninety-Two Dollars  
(\$26,192)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Texas Association of Resource Conservation and Development  
Areas, Inc. (RC&D)-Household Hazardous Waste Clean-Up

**Location of SEP:** Sutton County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide local residents with a means of properly disposing household hazardous wastes such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers in one day collection events. SEP monies will be used to pay for the associated labor, materials, and disposal costs. Citizens will not be charged disposal fees. The project is administered in accordance with TCEQ guidance on household hazardous waste and in compliance with federal, state, and local environmental laws and regulations. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a means of properly disposing household hazardous waste which might otherwise be disposed of in storm drains, the sewage system, or other means detrimental to the environment.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to ATexas Commission on Environmental Quality@ and mailed to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

