

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2009-0412-PWS-E **TCEQ ID:** RN101389104 **CASE NO.:** 37351
RESPONDENT NAME: City of Cisco

ORDER TYPE:		
<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	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input 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: City of Cisco WTP, 500 Conrad Hilton Boulevard, Cisco, Eastland County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 29, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Tel Croston, Enforcement Division, Enforcement Team 2, MC 169, (512) 239 5717; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: The Honorable Hal Porter, Mayor, City of Cisco, P.O. Box 110, Cisco, Texas 76427 Mr. Jim Baker, City Manager, City of Cisco, P.O. Box 110, Cisco, Texas 76427 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 18, 2009</p> <p>Date of NOV/NOE Relating to this Case: February 18, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on a running annual average. Specifically, the running annual average concentration of TTHM was 0.087mg/L for the first quarter of 2008, 0.095 mg/L for the second quarter of 2008, 0.083 mg/L for the third quarter of 2008, and 0.082 mg/L for the fourth quarter of 2008 [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p>	<p>Total Assessed: \$1,050</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,050</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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 365 days after the effective date of this Agreed Order, return to compliance with the running annual average MCL for TTHM; and</p> <p>b. Within 380 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): 0670001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	9-Mar-2009			
	PCW	3-Apr-2009	Screening	20-Mar-2009	EPA Due 1-Dec-2008

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Cisco		
Reg. Ent. Ref. No.	RN101389104		
Facility/Site Region	3-Abilene	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37351	No. of Violations	1
Docket No.	2009-0412-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Tel Croston
		EC's Team	2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)		Subtotal 1	\$500				
ADJUSTMENTS (+/-) TO SUBTOTAL 1							
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.							
Compliance History	110.0% Enhancement	Subtotals 2, 3, & 7	\$550				
Notes	The Respondent was issued two Agreed Final Enforcement Orders without denials of liability, four Notices of Violation (NOVs) with the same or similar violations and 20 dissimilar NOVs.						
Culpability	No 0.0% Enhancement	Subtotal 4	\$0				
Notes	The Respondent does not meet the culpability criteria.						
Good Faith Effort to Comply Total Adjustments		Subtotal 5	\$0				
Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0				
<table border="1" style="font-size: x-small; width: 100%;"> <tr> <td>Total EB Amounts</td> <td style="text-align: right;">\$654</td> </tr> <tr> <td>Approx. Cost of Compliance</td> <td style="text-align: right;">\$5,000</td> </tr> </table>		Total EB Amounts	\$654	Approx. Cost of Compliance	\$5,000	*Capped at the Total EB \$ Amount	
Total EB Amounts	\$654						
Approx. Cost of Compliance	\$5,000						
SUM OF SUBTOTALS 1-7		Final Subtotal	\$1,050				
OTHER FACTORS AS JUSTICE MAY REQUIRE		0.0%	Adjustment				
Reduces or enhances the Final Subtotal by the indicated percentage.							
Notes							
			Final Penalty Amount				
			\$1,050				
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$1,050				
DEFERRAL	0.0%	Adjustment	\$0				
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.						
PAYABLE PENALTY			\$1,050				

Screening Date 20-Mar-2009

Docket No. 2009-0412-PWS-E

PCW

Respondent City of Cisco

Policy Revision 2 (September 2002)

Case ID No. 37351

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101389104

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

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 (number of NOVs meeting criteria)	4	20%
	Other written NOVs	20	40%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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	2	50%
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 (number of judgements or consent decrees meeting criteria)	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 (number of counts)	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 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
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) 110%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent was issued two Agreed Final Enforcement Orders without denials of liability, four Notices of Violation (NOVs) with the same or similar violations and 20 dissimilar NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 110%

Screening Date 20-Mar-2009 **Docket No.** 2009-0412-PWS-E **PCW**
Respondent City of Cisco *Policy Revision 2 (September 2002)*
Case ID No. 37351 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101389104
Media [Statute] Public Water Supply
Enf. Coordinator Tel Croston

Violation Number

Rule Cite(s)

Violation Description Failed to comply with the Maximum Contaminant Level of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on a running annual average. Specifically, the running annual average concentration of TTHM was 0.087mg/L for the first quarter of 2008, 0.095 mg/L for the second quarter of 2008, 0.083 mg/L for the third quarter of 2008, and 0.082 mg/L for the fourth quarter of 2008.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text" value="50%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events 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 checked="" type="checkbox"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(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 Cisco
Case ID No.: 37351
Reg. Ent. Reference No.: RN101389104
Media: Public Water Supply
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$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)	\$5,000	18-Feb-2008	30-Sep-2010	2.62	\$654	n/a	\$654

Notes for DELAYED costs

Estimated cost to implement an alternative method of disinfection. Beginning date is the date of the first violation, ending date is the date of estimated 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

\$5,000

TOTAL

\$654

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600705883 City of Cisco	Classification: AVERAGE	Rating: 3.00
Regulated Entity:	RN101389104 CITY OF CISCO WTP	Classification: AVERAGE	Site Rating: 9.62
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0670001
	WASTEWATER	PERMIT	WQ0010424002
	WASTEWATER	PERMIT	TPDES0119814
	WASTEWATER	PERMIT	TX0119814
Location:	500 CONRAD HILTON BLVD, CISCO, EASTLAND COUNTY, TX		
TCEQ Region:	REGION 03 - ABILENE		
Date Compliance History Prepared:	April 03, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 20, 2004 to March 20, 2009		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Tel Croston Phone: 239 - 5717

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: 03/23/2006

ADMINORDER 2004-0856-MLM-E

Classification: Moderate

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

Rqmt Prov: Section II: Cond. A PERMIT

WATER TREATMENT SLUDGE PROVISIONS PERMIT

Description: Failure to dispose of water treatment sludge only at a TCEQ registered or permitted land application site, commercial land application site or co-disposal landfill authorized to accept water treatment plant sludge.

Classification: Moderate

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

TWC Chapter 26 26.121

Rqmt Prov: Condition 2.d. PERMIT

Description: Failure to take reasonable steps to prevent discharge of wastewater to waters of the state.

Classification: Moderate

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

Rqmt Prov: Sec. II. Cond. E PERMIT

Description: Failure to test the water treatment sludge at least once during the term of the permit.

Classification: Moderate

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

Rqmt Prov: Operational Requirements No. 5 PERMIT

Description: Failure to provide a readily accessible sampling point and an effluent flow measuring device by which effluent flow may be determined.

Classification: Moderate

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

Rqmt Prov: Effluent Limitations No. 1 PERMIT

Monitoring and Reporting Req. No. 1 PERMIT

Description: Failure to collect composite samples for effluent monitoring.

Classification: Moderate

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

Rqmt Prov: Monitoring and Reporting Req No. 7(c) PERMIT

Description: Failure to report in writing, effluent violations which deviated from the permitted effluent limitation by more than 40% within five days of becoming aware of the violation.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

TWC Chapter 26 26.121

Rqmt Prov: Condition No 2.g. PERMIT

Description: Failure to prevent an unauthorized discharge of wastewater at an unpermitted outfall.

Classification: Minor

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

Rqmt Prov: Monit. & Rep. Reqs Cond No. 3 (b&c) PERMIT

Description: Failure to provide records of self-monitoring activities.

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Operational Requirements No. 1 PERMIT

Description: Failure to ensure that at all times the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Classification: Moderate

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

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permitted discharge limitations at Outfall 001.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to comply with the maximum contaminant level (MCL) running annual average (RAA) for haloacetic acids (HAA5) for the second quarter of 2004.

Effective Date: 02/22/2009

ADMINORDER 2007-1123-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)

30 TAC Chapter 290, SubChapter F 290.110(f)(4)

30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)

30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: City did not maintain the turbidity level of the combined filter effluent so as not to exceed 1.0 Nephelometric Turbidity Unit ("NTU"); maintain the turbidity level of the combined filter effluent so as not to exceed 0.3 NTU in at least 95% of the samples tested each month; and meet the requirements of the disinfection protocol used by the public water system for a period longer than four consecutive hours. Specifically, the turbidity level of the combined filter effluent was greater than 1.0 N

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	04/08/2004	(267801)
2	04/19/2004	(327920)
3	04/19/2004	(327921)
4	06/14/2004	(275301)
5	06/17/2004	(327923)
6	07/19/2004	(291132)
7	07/21/2004	(367342)
8	07/21/2004	(367343)
9	08/23/2004	(367344)
10	09/15/2004	(367345)
11	10/14/2004	(367346)
12	11/18/2004	(341460)

13	11/24/2004	(390240)
14	12/08/2004	(390241)
15	01/06/2005	(390242)
16	02/07/2005	(427699)
17	03/02/2005	(427700)
18	04/07/2005	(427701)
19	05/19/2005	(427702)
20	06/10/2005	(427703)
21	07/14/2005	(447753)
22	08/22/2005	(447754)
23	09/16/2005	(447755)
24	10/14/2005	(492912)
25	11/16/2005	(492913)
26	12/12/2005	(492914)
27	01/11/2006	(492915)
28	02/21/2006	(492910)
29	03/13/2006	(492911)
30	04/03/2006	(456096)
31	04/06/2006	(506472)
32	05/15/2006	(506473)
33	06/26/2006	(506474)
34	07/13/2006	(528688)
35	08/04/2006	(528689)
36	09/18/2006	(528690)
37	10/09/2006	(551956)
38	11/10/2006	(551955)
39	11/22/2006	(551957)
40	12/11/2006	(551958)
41	01/12/2007	(536818)
42	01/23/2007	(589306)
43	02/12/2007	(589301)
44	02/28/2007	(542183)
45	03/05/2007	(589302)
46	04/09/2007	(589303)
47	04/10/2007	(542664)
48	05/07/2007	(589304)
49	06/04/2007	(589305)
50	07/03/2007	(563788)
51	07/03/2007	(565846)
52	07/03/2007	(565851)
53	07/03/2007	(565860)
54	07/05/2007	(565863)
55	07/18/2007	(605810)
56	08/29/2007	(570955)
57	09/10/2007	(605811)
58	10/15/2007	(631966)
59	11/12/2007	(631967)
60	01/17/2008	(571626)
61	01/18/2008	(614193)
62	02/19/2008	(717811)
63	04/03/2008	(735829)
64	04/30/2008	(696170)
65	04/30/2008	(717812)
66	04/30/2008	(717818)
67	05/02/2008	(696172)
68	06/09/2008	(696171)
69	06/13/2008	(717814)
70	07/01/2008	(684480)
71	07/21/2008	(717815)

72 07/28/2008 (717813)
 73 08/11/2008 (717816)
 74 08/22/2008 (686521)
 75 08/28/2008 (736053)
 76 09/15/2008 (717817)
 77 09/23/2008 (703334)
 78 11/03/2008 (736057)
 79 11/14/2008 (733137)
 80 12/12/2008 (709530)
 81 01/23/2009 (736061)
 82 03/03/2009 (736816)
 83 03/13/2009 (738371)

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

Date: 03/31/2004 (327921) CN600705883
 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: 05/31/2004 (367342) CN600705883
 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: 09/30/2004 (367346) CN600705883
 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: 10/31/2004 (390240) CN600705883
 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: 11/02/2004 (536818) CN600705883
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)
 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)
 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)
 5A THC Chapter 341, SubChapter A 341.0315(c)
 Description: City did not maintain the turbidity level of the combined filter effluent so as not to exceed 1.0 Nephelometric Turbidity Unit ("NTU"); maintain the turbidity level of the combined filter effluent so as not to exceed 0.3 NTU in at least 95% of the samples tested each month; and meet the requirements of the disinfection protocol used by the public water system for a period longer than four consecutive hours. Specifically, the turbidity level of the combined filter effluent was greater than 1.0 N
 Date: 11/03/2004 (563788) CN600705883
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)
 30 TAC Chapter 290, SubChapter F 290.111(f)(5)
 Description: July 2004 - 1 day with combined filter effluent turbidity readings above 1.0 NTU.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)
 30 TAC Chapter 290, SubChapter F 290.111(f)(5)
 Description: July 2004 - 5.9% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit.
 Date: 11/18/2004 (341460) CN600705883
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(2)(A)(i)
 Description: FAILURE TO MAINTAIN 1.0 NTU OR BELOW.
 Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(2)(A)(i)
 Description: FAILURE TO MEET THE 0.5-LOG GIARDIA AND 2-LOG VIRAL INACTIVATION LEVELS FOR THE MONTH OF SEPTEMBER 2004.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.111(g)(2)
 Description: FAILURE TO NOTIFY THE EXECUTIVE DIRECTOR AND WATER SYSTEM CUSTOMERS OF TREATMENT TECHNIQUE VIOLATIONS IN A TIMELY MATTER.
 Date: 12/03/2004 (565846) CN600705883
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)
 30 TAC Chapter 290, SubChapter F 290.111(f)(5)
 Description: August 2004 - 2 days with combined filter effluent turbidity readings above 1.0 NTU.
 Date: 12/07/2004 (565851) CN600705883
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)
 30 TAC Chapter 290, SubChapter F 290.111(f)(5)
 Description: September 2004 - 1 day with combined filter effluent turbidity readings above 1.0 NTU.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)
 Description: September 2004 - 2 days with low disinfectant residual for more than 4.0 hours.
 Date: 08/31/2005 (447755) CN600705883
 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 (456096) CN600705883
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(A)
 Description: FAILURE TO CONDUCT ANNUAL BACKFLOW DEVICE TESTING FOR 2005.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
 Description: FAILURE TO MAINTAIN FENCING AROUND 0.500 MG ELEVATED STORAGE TANK.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(2)(A)
 Description: FAILURE TO PROVIDE ONLINE CHLORINE ANALYZER AT PLANT DISCHARGE TO DISTRIBUTION SYSTEM.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)(iii)
 Description: FAILURE TO MAINTAIN ONLINE CHLORINE ANALYZER AT SWTP.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
 Description: FAILURE TO MAINTAIN WATER STORAGE FACILITIES (0.500 MG ELEVATED AND 0.500 MG GROUND).
 Date: 07/07/2006 (565860) CN600705883
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)
 30 TAC Chapter 290, SubChapter F 290.111(f)(5)
 Description: May 2006 - 1 day with combined filter effluent turbidity readings above 1.0 NTU.
 Date: 10/31/2006 (551957) CN600705883
 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: 11/30/2006 (551958) CN600705883
 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: 12/31/2006 (589306) CN600705883
 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: 02/28/2007 (542183) CN600705883
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ0010424002 PERMIT
 Description: Failure to maintain accurate monitoring records.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ0010424002 PERMIT
 Description: Failure to accurately calculate daily average loading.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ0010424002 PERMIT
 Description: Failures to self report noncompliance to the Abilene Regional Office of a TSS single
 grab exceedance greater than 40%.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ0010424002 PERMIT
 Description: Failure to calibrate the flow meter annually.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ0010424002 PERMIT
 Description: Failure to accurately determine the daily average flow.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ0010424002 PERMIT
 Description: Failure to meet the TSS daily average and daily maximum permit limit for October 2006
 and November 2006.
 Date: 08/29/2007 (570955) CN600705883
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
 Description: Failure to maintain an intruder resistance fence at the elevated storage tank. This
 violation should be added to Enforcement No. 15682.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure to provide maintenance on all storage tanks.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(A)
 Description: FAILURE TO CONDUCT ANNUAL BACKFLOW DEVICE TESTING FOR 2005.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
 Description: FAILURE TO MAINTAIN FENCING AROUND 0.500 MG ELEVATED STORAGE TANK.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)(iii)
 Description: FAILURE TO MAINTAIN ONLINE CHLORINE ANALYZER AT SWTP.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
 Description: FAILURE TO MAINTAIN WATER STORAGE FACILITIES (0.500 MG ELEVATED AND
 0.500 MG GROUND).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(m)
 Description: Failure to provide fencing that meets the definition of an intruder-resistant fence for the
 surface water treatment plant (SWTP).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
 Description: Failure to provide fencing that meets the definition of an intruder-resistant fence for the
 elevated ground storage tank (EGST) at Cisco Junior College.
 Date: 01/31/2008 (717811) CN600705883
 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: 04/03/2008 (735829) CN600705883
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Date: 07/31/2008 (717816) CN600705883
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: 08/22/2008 (686521) CN600705883
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
WQ0010424002 PERMIT
Description: Failure to perform analysis at the frequency specified in the permit.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0010424002 PERMIT
Description: Failure to properly maintain vegetation growth in collection ponds.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0010424002 PERMIT
Description: Failure to maintain temporary sludge storage area.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0010424002 PERMIT
Description: Failure to accurately complete self monitoring records.

Date: 08/28/2008 (736053) CN600705883
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2008.

Date: 11/03/2008 (736057) CN600705883
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2008.

Date: 01/23/2009 (736061) CN600705883
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2008.

- 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 CISCO
RN101389104

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2009-0412-PWS-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 the City of Cisco ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. 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 public water supply at 500 Conrad Hilton Boulevard in Cisco, Eastland County, Texas (the "Facility") that has approximately 1,894 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review on conducted on February 18, 2009, TCEQ staff documented that the City did not comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on a running annual average. Specifically, the running annual average concentration of TTHM was 0.087 mg/L for the first quarter of 2008, 0.095 mg/L for the second quarter of 2008, 0.083 mg/L for the third quarter of 2008, and 0.082 mg/L for the fourth quarter of 2008.
3. The City received notice of the violations on February 23, 2009.

II. CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the City failed to comply with the MCL of 0.080 mg/L for TTHM, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, 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.
4. An administrative penalty in the amount of One Thousand Fifty Dollars (\$1,050) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The City has paid the One Thousand Fifty Dollar (\$1,050) administrative penalty.

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 One Thousand Fifty Dollars (\$1,050) as set forth in Section II, Paragraph 4 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Cisco, Docket No. 2009-0412-PWS-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 City shall undertake the following technical requirements:
- a. Within 365 days after the effective date of this Agreed Order, return to compliance with the running annual average MCL for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.113; and
 - b. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. 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 fines 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:

DBP Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. 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.
5. 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.
6. 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.
7. 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.
8. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
9. 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

5/27/2009
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Cisco. I am authorized to agree to the attached Agreed Order on behalf of the City of Cisco, 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, the City of Cisco 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

4-22-09
Date

JIM BAKER

Name (Printed or typed)
Authorized Representative of
City of Cisco

CITY MANAGER

Title

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

