DOCKET NO.: 2009-1364-AIR-E **TCEQ ID:** RN102290087

CASE NO.: 38218

RESPONDENT NAME: City of Snyder

					
ORDER TYPE:					
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING			
FINDINGS DEFAULT ORDER	SHUTDOWN ORDERIMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER				
AMENDED ORDEREMERGENCY ORDER					
CASE TYPE:					
<u>x</u> AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE			
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION			
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL			
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION			
SITE WHERE VIOLATION(S) OCCURRED: City of Snyder Landfill, 3621 South Farm-to-Market Road 1673, Snyder, Scurry County TYPE OF OPERATION: Landfill SMALL BUSINESS:YesXNo OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location. INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter. COMMENTS RECEIVED: The Texas Register comment period expired on December 14, 2009. No comments were received. CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Merle Taylor, City Manager, City of Snyder, P.O. Box 1341, Snyder, Texas 79550 Respondent's Attorney: Not represented by counsel on this enforcement matter					

RESPONDENT NAME: City of Snyder **DOCKET NO.:** 2009-1364-AIR-E

VIOLATION SUMMARY CHAR	<u>T:</u>	
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: Complaint Routine Enforcement Follow-up X Records Review Date(s) of Complaints Relating to this Case: None Date of Investigation Relating to this Case: June 24-30, 2009 Date of NOV/NOE Relating to this Case: July 24, 2009 (NOE) Background Facts: This was a record review. AIR Failure to submit a timely permit deviation report for June 27, 2008 through December 25, 2008 [30 Tex. ADMIN. Code §§ 122.143(4) and 122.145(2)(C), Federal Operating Permit No. 0-2383/General Operating Permit No. 517, Site-wide Requirements (b)(2), and Tex. HEALTH & SAFETY CODE § 382.085(b)].	Total Assessed: \$2,050 Total Deferred: \$410	Corrective Actions Taken: The Executive Director recognizes that on June 29, 2009, the Respondent submitted a deviation report for June 27, 2008 through December 25, 2008 as a corrective measure at the Plant.

Additional ID No(s).: SG0042K

Policy Revision 2 (Se	•	Iculation V	Vorksheet (•	n October 30, 2008
ICEQ DATES Assigned			Nasi Pangeran na ilay	T OW TOWNS	7 OCIODBI 30, 2000
PCV		4-Aug-2009 E	PA Due		
RESPONDENT/FACILIT					
Responden Reg. Ent. Ref. No	t City of Snyder RN102290087				
Facility/Site Region			Major/Minor Sour	ce Major	38]
CASE INFORMATION				enta in artisenta esta protessas.	-
Enf./Case ID No	. 38218 . 2009-1364-AIR-E			ns 1 pe 1660	
Media Program(s Multi-Media	Air the state of t	G ₍	overnment/Non-Pro	ofit Yes tor Miriam Hall	
Admin. Penalty \$		aximum \$1		m Enforcement Team 4	
	Panalty	Calculation	n Section		
TOTAL BASE PENA	LTY (Sum of violation bas	na transport manufacture on langua ways a construction	i Oeciloii	Subtotal 1.	\$2,500
ADJUSTMENTS (+/-					Carry State Control Carry
Subtotals 2-7 are obta	ined by multiplying the Total Base Penalt		orcated percentage.		Control of the Contro
Compliance His	oly	7.0% Enha	incement Şu	btotals 2, 3, & 7	\$175
Notes	The penalty was enhanced for	or one similar NOV	and one other NOV		
Culpability	No x x x x x x x x x x x x x x x x x x x	0.0% Enha	incement	Subtotal 4	\$0
Notes	The Respondent does	not meet the culp	ability criteria.		
Good Earth Effo	t to Comply Total Adjustment	Annamana il Banghagha i il all Linia della		Subtotal 5	\$625
KANA TANILISIAN		Acceptance of the control of the con		Sur succession and a succession substitutes	φυΣυ
Economic Bene		0.0% Enhar		Subtotal 6	\$0
Approx	Total EB Amounts \$2 Cost of Compliance \$100	*Capped at the	Total EB \$ Amount		
SUM OF SUBTOTAL	\$ 1 . 7		20 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Final Subtotal	\$2,050
OTHER FACTORS A	S JUSTICE MAY REQUIR		0.0%	Adjustment	\$0
Reduces or enhances the Final	Subtotal by the indicated percentage.				
Notes		•	:		
	<u> </u>	<u> </u>	Final I	 Penalty Amount	\$2,050
STATUTORY LIMIT:	ADJUSTMENT		Final As	sessed Penalty	\$2,050
				CONTRACTOR OF THE CONTRACTOR O	
DEFERRAL Reduces the Final Assessed Pe	nally by the indicted percentage. (Enter n	ि कि कि के number only; e.g. 20 fo	20.0% Reduction r 20% reduction.)	Adjustment	-\$410
Notes	Deferral offered	for expedited sett	lement.		
		ALL DOCK PRODUCTION OF THE PRO			
PAVARI E PENALTY	Taga 119 127 127 127 127 127 127			Service Control	\$1,640

Screening Date 24-Aug-2009

Docket No. 2009-1364-AIR-E

PCW

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent City of Snyder

Case ID No. 38218
Reg. Ent. Reference No. RN102290087

		Statute] Air rdinator Miriam Hall				
10 Mar 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		and the second of the second o				
Complia	ince History	Compliance History Worksheet Site Enhancement (Sublotal 2)		And the second of the second of	thr/ state of the	
		Number of	Er	nter Number Her	e Adjust.	
		Written NOVs with same or similar violations as those in the current enforcement at (number of NOVs meeting criteria)	ction	1	5%	
		Other written NOVs		1	2%	
		Any agreed final enforcement orders containing a denial of liability (<i>number of or</i> meeting criteria)		0	0%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a doft liability, or default orders of this state or the federal government, or any final prohitemergency orders issued by the commission	ienial bitory	0	0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of lia of this state or the federal government (number of judgements or consent decrees mean criteria)		0	0%	
a		Any adjudicated final court judgments and default judgments, or non-adjudicated final judgments or consent decrees without a denial of liability, of this state or the fe- government	court deral	0	0%	
		Any criminal convictions of this state or the federal government (number of counts)		0	0%	
<u>. </u>	Emissions	Chronic excessive emissions events (number of events)		0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the T Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number audits for which notices were submitted)	exas er of	0	0%	
*.		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Priv Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	/ilege	0	0%	
			Please	e Enter Yes or N	0	
		Environmental management systems in place for one year or more		No	0%	
:	Other	Voluntary on-site compliance assessments conducted by the executive director und special assistance program	der a	No	0%	
:	Ottlei	Participation in a voluntary pollution reduction program	:	No	0%	
:		Early compliance with, or offer of a product that meets future state or federal governmental requirements	ment	No	0%	
		Adjustme	ent Pe	ercentage (S	Subtotal 2) [7%
Repeat	Violator (Su	rtotal 3) 最后是一种多数的一种特别的一种特别的一种特别的一种特别的一种特别的一种特别的一种特别的一种特别	j il			
: 1	No	Adjustme	ent Pe	ercentage (S	Subtotal 3) [0%
Complia	ince History	Person Classification (Subtotal 7)	FAT			#145 T
	Average Po	rformer Adjustme	ent Pe	ercentage (S	Subtotal 7)	0%
Gomplia	ince History	Summany	Palai S		Sign of Fed St. Commission of the Commission of	Carlottina ar Sagaritation
C	Compliance History Notes	The penalty was enhanced for one similar NOV and one other NOV	!,			
		Total Adjustment Percent				7%

Screening Dat	e 24-Aug-2009	Docket No. 2009-1364-AIR-E	PCW
Responder	t City of Snyde	Policy Re	vision 2 (September 2002)
Case ID No	. 38218	PCW	Revision October 30, 2008
Reg. Ent. Reference No	RN10229008	7	
Media [Statute] Air		
Enf. Coordinate	iii baaraa aa a		
Violation Number			
Rule Cite(30 Tex. Admi 2383/Genera	n. Code §§ 122.143(4) and 122.145(2)(C), Federal Operating Permit No. O- l Operating Permit No. 517, Site-wide Requirements (b)(2), and Tex. Health. & Safety Code § 382,085(b)	
		a dalaty code 3 control of	
Violation Descriptio	n Failed to sub	mit a timely permit deviation report for June 27, 2008 through December 25, 2008.	
THE PROPERTY OF THE PROPERTY O	<u> </u>	Base Penalty	\$10,000
>> Environmental, Property a	na Human r	Harm	
Releas	e Major	Moderate Minor	
OR Actu			
Potenti	al	Percent 0%	
- 1.4 COMP.			
>>Programmatic Matrix	Major	Moderate	
Falsification	Major X	Moderate Minor Percent 25%	
	<u> </u>	En la contraction of the Contrac	
	······································		
Matrix	The Respo	ndent failed to comply with 100% of the rule regulrement	
Notes	1110 110000		
		Adjustment \$7,500	
			\$0.500
		L	\$2,500
Violation Events	Taribanian Urbindening sense		
VIOLATION EVOLUS			
Number of	Violation Events	1 156 Number of violation days	
	daily		
	weekly		
merk only one	monthly	Violation Base Penalty	\$2,500
with an x	quarterly	Violation base residity	Ψ2,000
	semlannual annual		
	single event	x	, , , , , , , , , , , , , , , , , , ,
		Committee training and appropriate	1
			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	One	e single event is recommended for one late report.	1
	- the state of the		
Good Faith Efforts to Compl		25.0% Reduction	\$625
Acon Faunt Ellours research)		Before NOV NOV to EDPRP/Settlement Offer	4020
	Extraordinary		
	Ordinary	Х.	
1	N/A		
	Notes	The report was submitted on June 29, 2009, and the NOE was issued on July 24, 2009.	
1		Codes directly 21, Asset	
		Violation Subtotal	\$1,875
Economic Benefit (EB) for th	ie violation	Statutory Limit Test	
Feduration Beneuicle et 101:fti	o viviativii:		
Estima	ted EB Amount	\$2 Violation Final Penalty Total	\$2,050
			#0.05 0
		This violation Final Assessed Penalty (adjusted for limits)	\$2,060

		conomic E	Benefit W	orks	sheet		
Respondent	City of Snyder	Table and South Control of the Contr	the state of the s	177 1760 FFT 1 Ob. 1	endered allegation of the experience of the endered	THE STATE OF THE COURSE OF THE PROPERTY OF THE STATE OF T	Mac and Administration of the Control of the Contro
Case ID No.							
Reg. Ent. Reference No.	RN102290087						
Media						Percent Interest	Years of
Violation No.						rejcent interest	Depreciation
			resource control of the control of t			5.0	15
And the second s	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
ltem Description	No commas or \$			Terror			100 100 100 100 100 100 100 100 100 100
	A CONTRACTOR OF THE PARTY OF TH	estingness soystasses uf					
Delayed Costs			200,00	0.00	\$0	\$0	\$0
Equipment		 		0.00	\$0	\$0 \$0	\$0
Buildings		<u> </u>	 	0.00	\$0	\$0	\$0
Other (as needed)		3		0.00	\$0	\$0	\$0
Engineering/construction Land				0.00	\$0	= 209 az n/a	\$0
Record Keeping System		 		0.00	\$0	va	\$0
Record Reeping System Training/Sampling		 		0.00	\$0	Zesa in/access	\$0
Remediation/Disposal		-		0.00	\$0	A Na A	\$0
Permit Costs	-			0.00	\$0	Table y/a sales	\$0
Other (as needed)	\$100	24-Jan-2009	29-Jun-2009	0.43	\$2	. Serva serva	\$2
Notes for DELAYED costs		di			ne report. The dail e date of complian	e required is the dat ce.	a tile report was
Avoided Costs		SECTION AND DESCRIPTION OF THE PROPERTY OF THE	a Court Engineering	- A			
	- (1909-1904)	IUALIZE [1] avoide				one-time avoided o	osts)
-	Linear two two traces and a D.D.	IUALIZE [1] avoide	ed costs before e	0.00	\$0	\$0	\$0
Personnel	Section of the sectio	IUALIZE [1] avoide		0.00	\$0 \$0		\$0 \$0 \$0 \$0
Personnel Inspection/Reporting/Sampling		NUALIZE [1] avoide		0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0	\$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/equipment		UALIZE [1] avoide		0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		UALIZE [1] avoide		0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avolded costs [3]		UALIZE [1] avoide		0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		JUALIZE [1] avoide		0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		JUALIZE [1] avoide		0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		JUALIZE [1] avoide		0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		S100		0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0

Compliance History Report

Customer/Respondent/Owner-Open	ator: CN6001289	38 City of Snyder	Classification:	Rating: 2.55
Regulated Entity:	RN1022900	87 CITY OF SNYDER LANDF	ILL Classification: AVERAGE	Site Rating: 1.50
ID Number(s):	AIR OPERA	ATING PERMITS ATING PERMITS JM STORAGE TANK TION	ACCOUNT NUMBER PERMIT REGISTRATION	SG0042K 2383 50614
	AIR NEW S AIR NEW S AIR NEW S TIRES USED OIL STORMWA		PERMIT AFS NUM ACCOUNT NUMBER REGISTRATION REGISTRATION REGISTRATION PERMIT	1463B 4841500095 SG0042K 81999 15823 C86198 TXR05O105
Location:	3621 S FM	1673, SNYDER, TX, 79549		
TCEQ Region:	REGION 03			
Date Compliance History Prepared:		2009		
Agency Decision Requiring Complia	•			
Compliance Period:		2004 to August 24, 2009		
TCEQ Staff Member to Contact for Name: Miriam Hall	Additional Information Regar	ding this Compliance History Phone: (512) 239-1044		
 Has the site been in existence ar Has there been a (known) chang If Yes, who is the current owner/of if Yes, who was/were the prior of When did the change(s) in owner 	e in ownership/operator of thoperator? wner(s)/operator(s)?		Yes ? Na	
6. Rating Date: 9/1/2008 Repeat	Violator: NO			_
Components (Multimedia) t A. Final Enforcement Order N/A		nsent decrees of the state of Texas a	and the federal government.	,
B. Any criminal convictions N/A	of the state of Texas and the	federal government.		
C. Chronic excessive emiss	ions events.			
D. The approval dates of in	vestigations, (CCEDS Inv. Tr	ack. No.)		
1 01/11/200 N/A 2 09/12/200 3 12/18/200 4 10/15/200 5 11/18/200 6 12/29/200 7 02/03/200	5 (342029) 6 (509238) 6 (518634) 7 (596013) 8 (703382) 8 (721608)			

8 07/24/2009

E.

(761199)

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

Date: 09/12/2006 (509238)CN600128938 N/A Self Report? Classification: Moderate 30 TAC Chapter 330, SubChapter A 330.9 Citation: Failure to have adequate Financial Assurance. Description: Classification: Moderate Self Report? 30 TAC Chapter 330, SubChapter F 330.121(b) Citation: Description: Failure to have buffer zone markers on the south portion of the landfill. Self Report? Classification: Moderate 30 TAC Chapter 330, SubChapter F 330.133(a) Citation: Failure to apply six inches of daily cover as observed on 08-15-06. Description: Date: 11/19/2008 (703382)CN600128938 Classification: Moderate Self Report? 30 TAC Chapter 122, SubChapter B 122.146(2) Citation: 5C THSC Chapter 382 382,085(b) Failure to submit an annual compliance certification report within 30 days from the Description: reporting period end date. Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 113, SubChapter D 113.2061 40 CFR Part 60, Subpart WWW 60.757 5C THSC Chapter 382 382.085(b) Failure to submit an annual NMOC emissions estimate rate report as required by NSPS Description: Subpart WWW, 40 CFR 60.757(b)(1)(ii). Environmental audits. Type of environmental management systems (EMSs). N/A Voluntary on-site compliance assessment dates.

H.

F.

G.

Participation in a voluntary pollution reduction program. I.

N/A

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 SNYDER RN102290087 § BEFORE THE § TEXAS COMMISSION ON §

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2009-1364-AIR-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Snyder ("the City") under the authority of Tex. Health & Safety Code ch. 382 and Tex. Water Code ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

- 1. The City owns and operates a landfill at 3621 South Farm-to-Market Road 1673 in Snyder, Scurry County, Texas (the "Plant").
- 2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
- 3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
- 4. The City received notice of the violations alleged in Section II ("Allegations") on or about July 29, 2009.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Two Thousand Fifty Dollars (\$2,050) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid One Thousand Six Hundred Forty Dollars (\$1,640) of the administrative penalty and Four Hundred Ten Dollars (\$410) is deferred contingent upon the City's timely and satisfactory

compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that on June 29, 2009, the City submitted a deviation report for June 27, 2008 through December 25, 2008 as a corrective measure at the Plant.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the City is alleged to have failed to submit a timely permit deviation report for June 27, 2008 through December 25, 2008, in violation of 30 Tex. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), Federal Operating Permit No. O-2383/General Operating Permit No. 517, Site-wide Requirements (b)(2), and Tex. Health & Safety Code § 382.085(b), as documented during a record review conducted on June 24-30, 2009.

III.DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Snyder, Docket No. 2009-1364-AIR-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 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 Plant operations referenced in this Agreed Order.
- 3. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 4. This 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.
- 5. Under 30 Tex. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	11/13/2009 Date

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

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

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

City of Snyder

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

Nulle Paylor

Signature

Me/Le Taylor

Name (Printed or typed)

Authorized Representative of

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.