

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO. 2009-2028-MWD-E RN101721488 CASE NO. 38856
RESPONDENT NAME: CITY OF CADDO MILLS

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 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

SITE WHERE VIOLATION OCCURRED: Approximately 0.7 mile south of the intersection of State Highway 66 and Farm-to-Market Road 36, Caddo Mills, Hunt County.

TYPE OF OPERATION: Wastewater treatment plant

SMALL BUSINESS: Yes No N/A

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 Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired October 25, 2010. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney: Mr. Gary K. Shiu, Litigation Division, MC R-12, (713) 422-8916
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400
TCEQ Enforcement Coordinator: Ms. Cheryl Thompson, Water Enforcement Section, MC R-4, (817) 588-5886
TCEQ Regional Contact: Mr. Sid Slocum, DFW Regional Office, MC R-4, (817) 588-5901
Respondent: Honorable Dwayne Patterson, Mayor, City of Caddo Mills, 2313 Main Street, Caddo Mills, Texas 75135
Respondent's Attorney: Not represented by counsel on this enforcement matter.

**RESPONDENT NAME: CITY OF CADDO MILLS
DOCKET NO. 2009-2028-MWD-E**

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 24, 2009</p> <p>Date of NOE Relating to this Case: November 20, 2009</p> <p>Background Facts: The EDRP was filed on April 23, 2010. Settlement was achieved and the agreed order was signed on June 16, 2010. A revision was made to the order and Respondent submitted a correction letter. The order was republished on September 24, 2010.</p> <p>Current Compliance Status: Respondent has not yet submitted documentation to certify compliance with the technical requirements.</p> <p>MWD: Failed to comply with permitted effluent discharge limits [TPDES Permit No. WQ0010425001, Effluent Limitations and Monitoring Requirements Nos. 1, 3 and 6, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$14,800</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$625/\$14,175</p> <p>Respondent paid \$625 of the administrative penalty. The remaining amount of \$14,175 shall be payable in 35 monthly payments of \$405 each.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: More than three repeated enforcement actions (NOVs) for the same violation in the previous five-year period.</p>	<p>Ordering Provisions:</p> <p>Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 180 days, comply with all permitted effluent discharge limitations. 2. Within 195 days, submit written certification demonstrating compliance.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	7-Jan-2010	Screening	7-Jan-2010	EPA Due	
	PCW	7-Jan-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Caddo Mills		
Reg. Ent. Ref. No.	RN101721488		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38856	No. of Violations	1
Docket No.	2009-2028-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Cheryl Thompson
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	300.0% Enhancement	Subtotals 2, 3, & 7	\$12,000
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Notes: The City self-reported 53 months of effluent violations and received three NOV's for same or similar violations and one Agreed Order containing denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The City does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$503,420
Approx. Cost of Compliance	\$3,449,379

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$16,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-7.5%	Adjustment	-\$1,200
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommend reduction in the penalty so that monthly self-reported effluent violations do not overly-impact the penalty amount.

Final Penalty Amount	\$14,800
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,800
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$14,800
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Screening Date 7-Jan-2010

Docket No. 2009-2028-MWD-E

PCW

Respondent City of Caddo Mills

Policy Revision 2 (September 2002)

Case ID No. 38856

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101721488

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

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)	56	280%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (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) 300%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The City self-reported 53 months of effluent violations and received three NOVs for same or similar violations and one Agreed Order containing denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 300%

Screening Date 7-Jan-2010

Docket No. 2009-2028-MWD-E

PCW

Respondent City of Caddo Mills

Policy Revision 2 (September 2002)

Case ID No. 38856

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101721488

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s) Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010425001, Effluent Limitations and Monitoring Requirements Nos. 1, 3 and 6, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on August 24, 2009. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen ("NH3-N") to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Dissolved oxygen ("DO") and pH were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4 335 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$4,000

Four quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$4,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$503,420

Violation Final Penalty Total \$14,800

This violation Final Assessed Penalty (adjusted for limits) \$14,800

Effluent Violation Table
City of Caddo Mills; 2009-2028-MWD-E

	Total Ammonia Nitrogen Daily Concentration Average	Total Ammonia Nitrogen Daily Loading Average	Dissolved Oxygen Monthly Minimum	pH Minimum
Month/Year	3 mg/L	5 lbs/day	4 mg/L	6 su
8-Dec	6.25	c	c	c
9-Jan	7.2	c	c	5.9
9-Feb	4.4	c	c	5.5
9-Mar	4.9	c	c	c
9-Apr	3.59	c	c	c
9-May	9.2	c	3.3	c
9-Jun	11.3	c	3.6	c
9-Jul	10	c	c	c
9-Aug	6.2	c	c	c
9-Sep	4.6	c	3.3	c
9-Oct	5.4	8.1	c	c

Economic Benefit Worksheet

Respondent City of Caddo Mills
Case ID No. 38856
Req. Ent. Reference No. RN101721488
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$3,449,379	31-Dec-2008	31-Jan-2011	2.08	\$23,972	\$479,448	\$503,420
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

Actual cost to build the new wastewater treatment plant. Date required is the first date of non-compliance. The final date is the expected date of compliance.

Avoided Costs

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

Disposal				0.00	\$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

\$3,449,379

TOTAL

\$503,420

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600672752	City of Caddo Mills	Classification: AVERAGE	Rating: 3.08
Regulated Entity:	RN101721488	CITY OF CADDO MILLS	Classification: AVERAGE	Site Rating:
ID Number(s):	WASTEWATER	PERMIT		WQ00104250
	WASTEWATER	PERMIT		TPDES00249
	WASTEWATER	PERMIT		TX0024970
	WASTEWATER LICENSING	LICENSE		WQ00104250
	SLUDGE	REGISTRATION		24005
Location:	Located approximately 0.7 mile south of the intersection of State Highway 66 and Farm-to-Market Road 36 in Hunt County, Texas			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	December 15, 2009			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 15, 2004 to December 15, 2009			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Cheryl Thompson	Phone:	(817) 588-5886	

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 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: 04/14/2006 ADMINORDER 2005-1418-MWD-E**
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) Classification: Moderate
 30 TAC Chapter 305, SubChapter F 305.125(1)
- Rqmt Prov: Effluent Limits PERMIT
- Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Classification: Minor
 30 TAC Chapter 305, SubChapter F 305.125(17)
- Rqmt Prov: Self-reporting Requirements PERMIT
- Description: Failure to submit monitoring results at the intervals specified in the permit as documented by a TCEQ record review.
- 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	01/20/2005	(383069)	33	06/14/2007	(578282)
2	02/21/2005	(383067)	34	07/05/2007	(602429)
3	03/23/2005	(383068)	35	07/12/2007	(602430)
4	03/25/2005	(374560)	36	08/13/2007	(602431)
5	04/20/2005	(420912)	37	09/10/2007	(602432)
6	05/06/2005	(420913)	38	10/11/2007	(620631)
7	06/27/2005	(420914)	39	11/19/2007	(620632)
8	07/18/2005	(398298)	40	12/10/2007	(620633)
9	07/22/2005	(441879)	41	01/11/2008	(672878)
10	08/22/2005	(441880)	42	02/11/2008	(672877)
11	09/29/2005	(441881)	43	03/07/2008	(690914)
12	11/02/2005	(470549)	44	04/10/2008	(690915)
13	12/22/2005	(470550)	45	05/05/2008	(690916)
14	03/13/2006	(470548)	46	05/09/2008	(654054)
15	03/17/2006	(470547)	47	06/09/2008	(711798)
16	03/17/2006	(470551)	48	06/20/2008	(683748)
17	03/17/2006	(470552)	49	07/21/2008	(554165)
18	04/20/2006	(499569)	50	09/08/2008	(711800)
19	05/15/2006	(499570)	51	09/15/2008	(711801)
20	06/12/2006	(499571)	52	09/22/2008	(711799)
21	07/13/2006	(521645)	53	09/30/2008	(728253)
22	08/24/2006	(521643)	54	10/06/2008	(728254)
23	08/31/2006	(510779)	55	11/06/2008	(704014)
24	09/22/2006	(521644)	56	11/17/2008	(728255)
25	10/24/2006	(546228)	57	12/12/2008	(728256)
26	12/21/2006	(546229)	58	01/08/2009	(751262)
27	01/18/2007	(578284)	59	02/11/2009	(751261)
28	02/05/2007	(578279)	60	03/12/2009	(769056)
29	03/19/2007	(578280)	61	04/09/2009	(736166)
30	04/13/2007	(578281)	62	04/16/2009	(769057)
31	05/17/2007	(578283)	63	05/11/2009	(769058)
32	05/17/2007	(602428)	64	09/17/2009	(762673)
			65	11/20/2009	(767137)

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

- 1 Date: 01/31/2005 (383067) CN600672752
 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
- 2 Date: 02/28/2005 (383068) CN600672752
 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
- 3 Date: 03/25/2005 (374560) CN600672752
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ0010425-001 PERMIT
 Description: Failure to comply with the 5 lbs/day and 3 mg/L daily average ammonia nitrogen permit limitations.
 Self Report? NO Classification: Moderate

4 Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)
Description: Failure to employ a least one licensed collection system operator with a license equal to or higher than the category of the wastewater treatment system.
Date: 03/31/2005 (420912) CN600672752
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

5 Description: Failure to meet the limit for one or more permit parameter
Date: 04/30/2005 (420913) CN600672752
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

6 Description: Failure to meet the limit for one or more permit parameter
Date: 05/31/2005 (420914) CN600672752
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

7 Description: Failure to meet the limit for one or more permit parameter
Date: 06/30/2005 (441879) CN600672752
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

8 Description: Failure to meet the limit for one or more permit parameter
Date: 07/31/2005 (441880) CN600672752
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

9 Description: Failure to meet the limit for one or more permit parameter
Date: 08/31/2005 (441881) CN600672752
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

10 Description: Failure to meet the limit for one or more permit parameter
Date: 09/30/2005 (470549) CN600672752
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

11 Description: Failure to meet the limit for one or more permit parameter
Date: 10/31/2005 (470550) CN600672752
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

12 Description: Failure to meet the limit for one or more permit parameter
Date: 11/30/2005 (470551) CN600672752
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

13 Description: Failure to meet the limit for one or more permit parameter
Date: 12/31/2005 (470552) CN600672752
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

14 Description: Failure to meet the limit for one or more permit parameter
Date: 01/31/2006 (470547) CN600672752
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

15 Description: Failure to meet the limit for one or more permit parameter
Date: 04/30/2006 (499570) CN600672752
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

16 Description: Failure to meet the limit for one or more permit parameter
Date: 05/31/2006 (499571) CN600672752
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

17 Description: Failure to meet the limit for one or more permit parameter
Date: 06/30/2006 (602429) CN600672752
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

18 Description: Failure to meet the limit for one or more permit parameter
Date: 07/31/2006 (521643) CN600672752
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

19 Description: Failure to meet the limit for one or more permit parameter
Date: 08/31/2006 (521644) CN600672752
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

20 Description: Failure to meet the limit for one or more permit parameter
Date: 09/30/2006 (546228) CN600672752
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

21	Date:	10/31/2006	(521645)	CN600672752	
	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			
22	Date:	12/31/2006	(578284)	CN600672752	
	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			
23	Date:	01/31/2007	(578279)	CN600672752	
	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			
24	Date:	02/28/2007	(578280)	CN600672752	
	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			
25	Date:	03/31/2007	(578281)	CN600672752	
	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			
26	Date:	04/30/2007	(602428)	CN600672752	
	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			
27	Date:	05/30/2007	(578282)	CN600672752	
	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			
28	Date:	05/31/2007	(578283)	CN600672752	
	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			
29	Date:	06/30/2007	(602430)	CN600672752	
	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			
30	Date:	07/31/2007	(602431)	CN600672752	
	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			
31	Date:	08/31/2007	(602432)	CN600672752	
	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			
32	Date:	09/30/2007	(620631)	CN600672752	
	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			
33	Date:	10/31/2007	(620632)	CN600672752	
	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			
34	Date:	11/30/2007	(620633)	CN600672752	
	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			
35	Date:	12/31/2007	(672878)	CN600672752	
	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			
36	Date:	01/31/2008	(672877)	CN600672752	
	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			
37	Date:	02/29/2008	(690914)	CN600672752	
	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			

38	Date:	03/31/2008	(690915)	CN600672752	
	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			
39	Date:	04/30/2008	(690916)	CN600672752	
	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			
40	Date:	05/09/2008	(654054)	CN600672752	
	Self Report?	NO			Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TPDES 10425-001 PERMIT			
	Description:	Failure to produce effluent within permit parameters. During the period of review, March 2005 through December 2007, 17 DO, 6 BOD, 4 TSS, and 22 ammonia-nitrogen permit excursions were identified.			
	Self Report?	NO			Classification: Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TPDES 10425-001 PERMIT			
	Description:	Failure to maintain compliance with the permit limits for daily average flow. During the period of review, March 2005 through December 2007, the daily average flow limit of 0.2 MGD was exceeded 6 times.			
	Self Report?	NO			Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TPDES 10425-001 PERMIT			
	Description:	Failure to submit noncompliance notification ofr effluent violations greater than 40%.			
	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) TPDES 10425-001 PERMIT			
	Description:	Failure to submit the 2007 annual sludge report.			
41	Date:	05/31/2008	(711798)	CN600672752	
	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			
42	Date:	06/30/2008	(711799)	CN600672752	
	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			
43	Date:	07/31/2008	(711800)	CN600672752	
	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			
44	Date:	08/31/2008	(711801)	CN600672752	
	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			
45	Date:	12/31/2008	(751262)	CN600672752	
	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			
46	Date:	01/31/2009	(751261)	CN600672752	
	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			
47	Date:	02/28/2009	(769056)	CN600672752	
	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			
48	Date:	03/31/2009	(769057)	CN600672752	
	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			
49	Date:	04/10/2009	(736166)	CN600672752	
	Self Report?	NO			Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) WQ0010425-001 PERMIT			
	Description:	Failure to maintain the pond system.			
	Self Report?	NO			Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to comply with effluent limitations.			
50	Date:	04/30/2009	(769058)	CN600672752	
	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			
51	Date:	05/31/2009	(807057)	CN600672752	
	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			

52	Date:	06/30/2009	(807058)	CN600672752	Classification:	Moderate	
	Self Report?	YES					
	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					
53	Date:	07/31/2009	(807059)	CN600672752	Classification:	Moderate	
	Self Report?	YES					
	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					
54	Date:	08/31/2009	(807060)	CN600672752	Classification:	Moderate	
	Self Report?	YES					
	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					
55	Date:	09/30/2009	(807061)	CN600672752	Classification:	Moderate	
	Self Report?	YES					
	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					
56	Date:	10/31/2009	(807062)	CN600672752	Classification:	Moderate	
	Self Report?	YES					
	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					

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 CADDO MILLS;
RN101721488**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2009-2028-MWD-E**

At its _____ agenda, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding City of Caddo Mills (“Respondent”) under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this agreement to the Commission.

Respondent 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, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement 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 Respondent.

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

FINDINGS OF FACT

1. Respondent owns and operates a wastewater treatment plant located approximately 0.7 mile south of the intersection of State Highway 66 and Farm-to-Market Road 36, Caddo Mills, Hunt County, Texas (the “Facility”).
2. Respondent has discharged waste from the Facility into or adjacent to any water in the state or committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.

- During a record review conducted on August 24, 2009, a TCEQ Austin Central Office staff documented that Respondent failed to comply with the permitted effluent discharge limits as depicted in the table below:

	Total Ammonia Nitrogen Daily Concentration Average	Total Ammonia Nitrogen Daily Loading Average	Dissolved Oxygen Monthly Minimum	pH Minimum
<i>Month/Year</i>	3 mg/L	5 lbs/day	4 mg/L	6 su
Dec-08	6.25	c	c	c
Jan-09	7.2	c	c	5.9
Feb-09	4.4	c	c	5.5
Mar-09	4.9	c	c	c
Apr-09	3.59	c	c	c
May-09	9.2	c	3.3	c
Jun-09	11.3	c	3.6	c
Jul-09	10	c	c	c
Aug-09	6.2	c	c	c
Sep-09	4.6	c	3.3	c
Oct-09	5.4	8.1	c	c

- Respondent received notice of the violations on or about November 25, 2009.

CONCLUSIONS OF LAW

- As evidenced by Findings of Fact Nos. 1 and 2, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
- As evidenced by Finding of Fact No. 3, Respondent failed to comply with permitted effluent discharge limits, in violation of TPDES Permit No. WQ0010425001, Effluent Limitations and Monitoring Requirements Nos. 1, 3 and 6; 30 TEX. ADMIN. CODE § 305.125(1); and TEX. WATER CODE § 26.121(a).
- Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent 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 fourteen thousand eight hundred dollars (\$14,800.00) 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. Respondent paid six hundred twenty-five dollars (\$625.00) of the administrative penalty. The remaining amount of fourteen thousand one hundred seventy-five dollars (\$14,175.00) of the administrative penalty shall be payable in 35 monthly payments of four hundred five dollars (\$405.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be remitted not later than 30 days following the due date of the previous payment. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Respondent to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Respondent is assessed an administrative penalty in the amount of fourteen thousand eight hundred dollars (\$14,800.00) as set forth in Conclusion of Law No. 4, above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Respondent'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 "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: City of Caddo Mills; TCEQ Docket No. 2009-2028-MWD-E" to:

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

2. Respondent shall undertake the following technical requirements:
 - a. Within 180 days after the effective date of this Agreed Order, Respondent shall comply with all permitted effluent discharge limitations at the Facility, in accordance with TPDES Permit No. WQ0010425001, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a).

- b. Within 195 days after the effective date of this Agreed Order, Respondent shall submit written certification as described below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.a., including: specific corrective actions that were implemented at the Facility to achieve compliance; evidence that the Facility's new plant has been constructed and is operational; copies of the most current self-reported discharge monitoring reports that demonstrate at least three consecutive months of compliance with all permitted limitations; photographs; receipts; and/or other relevant records. 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."

Respondent shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions 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:

Sid Slocum, Water Section, Manager
Texas Commission on Environmental Quality
Dallas/Fort Worth Regional Office
2309 Gravel Drive
Fort Worth, Texas 76118-6951

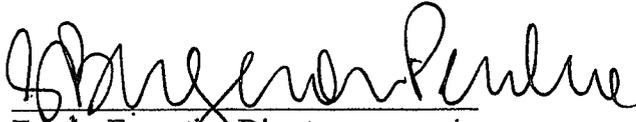
3. The provisions of this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. If Respondent 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, Respondent's failure to comply is not a violation of this Agreed Order. Respondent has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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 Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. This Agreed Order, issued by the Commission, shall not be admissible against Respondent 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

7/21/2010
Date

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

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

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



Signature

6-16-2010
Date

Dwayne L. Pattison

Name (printed or typed)
Authorized Representative
City of Caddo Mills

Mayor

Title