

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-0766-MWD-E **TCEQ ID:** RN102846037 **CASE NO.:** 39671
RESPONDENT NAME: City of Bridge City

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> 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 type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of Bridge City, located on Bower Drive, approximately 2,000 feet southeast of the State Highway 87 bridge over Cow Bayou, Bridge City, Orange County</p> <p>TYPE OF OPERATION: Wastewater treatment plant</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 October 25, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Thomas Jecha, P.G., Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2576; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Jerry D. Jones, City Manager, City of Bridge City, P. O. Box 846, Bridge City, Texas 77611 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: March 19, 2010</p> <p>Date of NOV/NOE Relating to this Case: May 6, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>WASTE</p> <p>Failed to comply with permitted effluent limitations of total suspended solids and 5-day biochemical oxygen demand [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010051001, Effluent Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$18,225</p> <p>Total Deferred: \$3,645 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$14,580</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Site 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>Ordering Provisions:</p> <p>The Order will require the Respondent to, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010051001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>

Additional ID No(s): TPDES Permit No. WQ0010051001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	10-May-2010	Screening	12-May-2010	EPA Due	5-Dec-2009
	PCW	3-Aug-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Bridge City
Reg. Ent. Ref. No.	RN102846037
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	39671	No. of Violations	1
Docket No.	2010-0766-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Thomas Jecha, P.G.
		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:** \$7,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 143.0% Enhancement **Subtotals 2, 3, & 7:** \$10,725

Notes: Enhancement for 25 self-reported effluent violations, two NOVs with same or similar violations, and four NOVs with dissimilar violations for this Facility within the past five years.

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

Total EB Amounts \$959
Approx. Cost of Compliance \$10,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal:** \$18,225

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% **Adjustment:**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$18,225

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty:** \$18,225

DEFERRAL 20.0% Reduction **Adjustment:** -\$3,645

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY \$14,580

Screening Date: 12-May-2010

Docket No.: 2010-0766-MWD-E

PCW

Respondent: City of Bridge City

Policy Revision 2 (September 2002)

Case ID No.: 39671

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN102846037

Media [Statute]: Water Quality

Enf. Coordinator: Thomas Jecha, P.G.

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)	27	135%
	Other written NOVs	4	8%
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	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) 143%

>> 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

Enhancement for 25 self-reported effluent violations, two NOVs with same or similar violations, and four NOVs with dissimilar violations for this Facility within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 143%

Screening Date 12-May-2010

Docket No. 2010-0766-MWD-E

PCW

Respondent City of Bridge City

Policy Revision 2 (September 2002)

Case ID No. 39671

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102846037

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha, P.G.

Violation Number

Rule Cite(s)

Tex. Water Code § 26.121(a), 30.Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010051001, Effluent Limitations and Monitoring Requirements No. 1.

Violation Description

Failed to comply with permitted effluent limitations (see attached table).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				X	25%
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

A simplified model was used to evaluate 5-day biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3 214 Number of violation days

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

Violation Base Penalty \$7,500

Three quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$959

Violation Final Penalty Total \$18,225

This Violation Final Assessed Penalty (adjusted for limits) \$18,225

Economic Benefit Worksheet

Respondent: City of Bridge City
Case ID No.: 39671
Reg. Ent. Reference No.: RN102846037
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				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)	\$10,000	30-Apr-2009	31-Mar-2011	1.92	\$959	n/a	\$959

Notes for DELAYED costs

Estimated cost to evaluate the causes of the effluent violations and to implement necessary rehabilitation to the wastewater treatment system. The date required is the month the first non-compliant excursion was documented and 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

\$10,000

TOTAL

\$959

Effluent Limit Violation Table

table rev.

Respondent	City of Bridge City
ID Number(s)	TPDES Permit No. 0010051001, Enf Id. 39671
Docket Number	2010-0766-MWD-E
Enf. Coordinator	Thomas E. Jecha
Corresponds to Violation Number:	1

EFFLUENT PARAMETER
Permit Limit

Month/Year	TSS daily avg loading (lbs/day)	TSS daily avg conc (mg/L)	TSS daily maximum (mg/L)	BOD5 daily avg loading (lbs/day)	BOD5 daily avg conc (mg/L)	BOD5 daily maximum (mg/L)							
	200	15	40	133	10	25							
4/30/2009	c	16.78	c	c	10.56	c							
7/31/2009	c	c	c	c	11.11	c							
8/31/2009	c	16.88	c	c	c	c							
9/30/2009	c	18.67	c	c	16.78	33							
10/31/2009	249.93	19.33	c	211.12	15.78	27							
11/30/2009	c	17	c	c	17.25	28							
12/31/2009	350.06	23.5	41	143.02	12.15	c							

mg/L = milligrams per liter
 lbs/day = pounds per day
 c = compliant

TSS = total suspended solids
 conc = concentration
 BOD5 = 5-day biochemical oxygen demand

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600644942 City of Bridge City	Classification: AVERAGE	Rating: 5.60
Regulated Entity:	RN102846037 CITY OF BRIDGE CITY	Classification: AVERAGE	Site Rating:1.62
ID Number(s):	WASTEWATER	PERMIT	WQ0010051001
	WASTEWATER	PERMIT	TPDES0025500
	WASTEWATER	PERMIT	WQ0010051010
	WASTEWATER LICENSING	LICENSE	WQ0010051001
Location:	BOWER DR, APPROX 2000 FT SE OF SH 87 BRIDGE OVER COW BAYOU WITHIN BRIDGE CITY IN ORANGE CO, TX		
TCEQ Region:	REGION 10 - BEAUMONT		
Date Compliance History Prepared:	May 11, 2010		
Agency Decision Requiring Compliance	Enforcement		
Compliance Period:	May 11, 2005 to May 11, 2010		

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

Name: Thomas Jecha Phone: 239 - 2576

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/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.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	05/23/2005	(578537)
2	07/05/2005	(578540)
3	07/25/2005	(578543)
4	08/01/2005	(395486)
5	08/05/2005	(578546)
6	09/08/2005	(404428)
7	09/20/2005	(578548)
8	10/24/2005	(578550)
9	12/01/2005	(578552)
10	12/23/2005	(578554)
11	02/26/2006	(578530)
12	03/23/2006	(578532)
13	04/24/2006	(578535)
14	05/25/2006	(578538)
15	06/12/2006	(578556)

16 06/23/2006 (578541)
 17 07/24/2006 (578544)
 18 07/28/2006 (487047)
 19 09/21/2006 (578549)
 20 10/26/2006 (578551)
 21 11/21/2006 (531281)
 22 11/24/2006 (578553)
 23 12/14/2006 (531353)
 24 12/26/2006 (578555)
 25 01/30/2007 (578557)
 26 02/07/2007 (593219)
 27 02/26/2007 (578531)
 28 03/26/2007 (578533)
 29 04/26/2007 (578536)
 30 05/03/2007 (578547)
 31 05/14/2007 (593220)
 32 05/15/2007 (558537)
 33 05/24/2007 (578539)
 34 06/25/2007 (578542)
 35 07/27/2007 (578545)
 36 08/21/2007 (602510)
 37 09/25/2007 (602511)
 38 09/26/2007 (607382)
 39 10/29/2007 (620709)
 40 11/26/2007 (620710)
 41 01/29/2008 (672955)
 42 01/29/2008 (672956)
 43 02/08/2008 (617087)
 44 02/22/2008 (672953)
 45 03/31/2008 (672954)
 46 04/23/2008 (691015)
 47 05/23/2008 (691016)
 48 06/30/2008 (691017)
 49 07/23/2008 (687157)
 50 07/25/2008 (711899)
 51 08/28/2008 (711900)
 52 02/20/2009 (758971)
 53 02/26/2009 (751351)
 54 02/26/2009 (751354)
 55 02/26/2009 (751355)
 56 02/26/2009 (751356)
 57 03/27/2009 (751352)
 58 04/17/2009 (751353)
 59 04/17/2009 (751357)
 60 04/27/2009 (769154)
 61 05/28/2009 (744189)
 62 05/07/2010 (796447)

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

Date: 09/08/2005 (404428) CN600644942
 Self NO Classification: Moderate
 Citation: OT 5g PERMIT
 Description: Failure by the permittee to discharge effluent that is compliant with permitted limitations.
 Self NO Classification: Moderate
 Citation: PC 2g PERMIT
 Description: Failure by the permittee to prevent unauthorized discharges into or adjacent to the

waters of the state.

Date: 09/30/2006 (578551) CN600644942
Self 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 11/22/2006 (531281) CN600644942
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 317 317.4(a)(8)
Description: Failure by the City of Bridge City to provide a reduced pressure principle backflow prevention assembly (RPBA) or air gap on the main potable water line and failure to have atmospheric vacuum breaker present on potable water hose bibs present at the wastewater treatment plant.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
OpR1 PERMIT
Description: Failure to prevent discharge of sludge to the receiving stream.
Self Report? NO Classification: Minor

Citation: EL&MR 2 PERMIT
Description: Failure to maintain a total chlorine residual of 1.0-4.0 mg/l, prior to de-chlorination of the effluent.

Self Report? NO Classification: Moderate

Citation: OpR1 PERMIT
Description: Failure to maintain operable alarms on lift stations.
Self Report? NO Classification: Moderate

Citation: OpR 1 PERMIT
Description: Failure to maintain two operable pumps in lift stations.
Self Report? NO Classification: Minor

Citation: OpR1 PERMIT
Description: Failure to properly maintain units of conveyance.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
OpR1 PERMIT
Description: Failure to properly maintain facility clarifiers.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
OpR1 PERMIT
Description: Failure to maintain safe walkways on the CCC.
Self Report? NO Classification: Minor

Citation: EL&MR6 PERMIT
Description: Effluent DO level of 3.6 mg/l.
Self Report? NO Classification: Moderate

Citation: OT5g PERMIT
Description: Failure to comply with permitted combined effluent limitations for TSS.
Self Report? NO Classification: Moderate

Citation: PC2g PERMIT
Description: Since the 12/29/2004 CC1, the City reported two unauthorized discharges from the collection system.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
OpR1 PERMIT
Description: The facility fence was not intruder resistant.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
OpR1 PERMIT

Description: Failure to prevent heavy grease loading in lift stations.
 Date 12/31/2006 (578557) CN600644942
 Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter
 Date 01/31/2007 (578531) CN600644942
 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 02/07/2007 (593219) CN600644942
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date 02/28/2007 (578533) CN600644942
 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 03/31/2007 (578536) CN600644942
 Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter
 Date 04/30/2007 (578539) CN600644942
 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 05/14/2007 (593220) CN600644942
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date 05/31/2007 (578542) CN600644942
 Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter
 Date 06/30/2007 (578545) CN600644942
 Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter
 Date 07/31/2007 (602510) CN600644942
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Date 02/28/2009 (751352) CN600644942
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 03/31/2009 (769154) CN600644942
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 04/30/2009 CN600644942
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 07/31/2009 CN600644942
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 08/31/2009 CN600644942
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 09/30/2009 CN600644942
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 10/31/2009 CN600644942
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 11/30/2009 CN600644942
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 12/31/2009 CN600644942
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 01/31/2010 CN600644942
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date 02/28/2010 CN600644942
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

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 BRIDGE CITY
RN102846037

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-0766-MWD-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 Bridge City ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant on Bower Drive, approximately 2,000 feet southeast of the State Highway 87 bridge over Cow Bayou in Bridge City, Orange County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 11, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eighteen Thousand Two Hundred Twenty-Five Dollars (\$18,225) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fourteen Thousand Five Hundred Eighty Dollars

(\$14,580) of the administrative penalty and Three Thousand Six Hundred Forty-Five Dollars (\$3,645) is deferred contingent upon the Respondent'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 Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent 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 Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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 Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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 Facility, the Respondent is alleged to have failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010051001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on March 19, 2010 and shown in the table below:

<i>Month/Year</i>	TSS daily avg loading (lbs/day)	TSS daily avg conc (mg/L)	TSS daily maximum (mg/L)	BOD5 daily avg loading (lbs/day)	BOD5 daily avg conc (mg/L)	BOD5 daily maximum (mg/L)
	200	15	40	133	10	25
4/30/2009	c	16.78	c	c	10.56	c
7/31/2009	c	c	c	c	11.11	c
8/31/2009	c	16.88	c	c	c	c
9/30/2009	c	18.67	c	c	16.78	33
10/31/2009	249.93	19.33	c	211.12	15.78	27
11/30/2009	c	17	c	c	17.25	28
12/31/2009	350.06	23.5	41	143.02	12.15	c

BOD5 = 5-day biochemical oxygen demand, max. = maximum, conc. = concentration, mg/L = milligrams/liter, c = compliant, avg. = average, TSS = total suspended solids, lbs/day = pounds per day

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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 Bridge City, Docket No. 2010-0766-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. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010051001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of 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:

Water Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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. If the 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the 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.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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

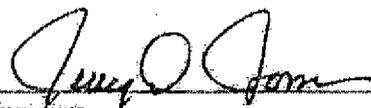
10/14/2010
Date

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.

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



Signature

10-5-10
Date

JERRY D. JONES
Name (Printed or typed)
Authorized Representative of
City of Bridge City

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 IV, Paragraph 1 of this Agreed Order.

