

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2009-2020-MWD-E **TCEQ ID:** RN101520922 **CASE NO.:** 38845
RESPONDENT NAME: City of Goodlow

| | | |
|--|---|--|
| ORDER TYPE: | | |
| <input type="checkbox"/> 1660 AGREED ORDER | <input checked="" type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> EMERGENCY ORDER | |
| CASE TYPE: | | |
| <input type="checkbox"/> AIR | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input 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 Goodlow, located approximately two miles south of the intersection of State Highway 31 and State Highway 309 on the west side of State Highway 309, Navarro 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 November 8, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Steve Villatoro, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4930; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: The Honorable Willie H. Washington, Jr., Mayor, City of Goodlow, P.O. Box 248, Kerens, Texas 75144 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: September 29, 2009</p> <p>Date of NOV/NOE Relating to this Case: November 24, 2009 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>WATER</p> <p>1) Failed to comply with permitted effluent limits for biochemical oxygen demand, total suspended solids, pH, and flow [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012616001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3].</p> <p>2) Failed to submit monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0012616001, Monitoring and Reporting Requirements No. 1].</p> | <p>Total Assessed: \$10,000</p> <p>Total Deferred: \$10,000 <input type="checkbox"/> Expedited Settlement <input checked="" type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$0</p> <p>The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay the administrative penalty.</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p> | <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Update the Facility's operational guidance and conduct employee training to ensure that all discharge monitoring reports ("DMRs") are submitted as specified in the permit; and</p> <p>ii. Submit the missing DMR for the monitoring period ending June 30, 2009.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provisions a.i and a.ii;</p> <p>c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0012616001, 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; and</p> <p>d. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a.i, a.ii, and c.</p> |

Additional ID No(s): WQ0012616001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

| | | | | | | |
|-------|----------|-------------|-----------|------------|---------|--|
| DATES | Assigned | 30-Nov-2009 | Screening | 2-Dec-2009 | EPA Due | |
| | PCW | 3-Dec-2009 | | | | |

| | | | |
|--|---------------------|--------------------|-------|
| RESPONDENT/FACILITY INFORMATION | | | |
| Respondent | City of Goodlow | | |
| Reg. Ent. Ref. No. | RN101520922 | | |
| Facility/Site Region | 4-Dallas/Fort Worth | Major/Minor Source | Minor |

| | | | |
|-------------------------|-----------------|-----------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 38845 | No. of Violations | 2 |
| Docket No. | 2009-2020-MWD-E | Order Type | Findings |
| Media Program(s) | Water Quality | Government/Non-Profit | Yes |
| Multi-Media | | Enf. Coordinator | Steve Villatoro |
| | | EC's Team | Enforcement Team 1 |
| Admin. Penalty \$ Limit | Minimum \$0 | Maximum | \$10,000 |

Penalty Calculation Section

| | | |
|---|------------|---------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$5,000 |
|---|------------|---------|

| | | |
|--|--------------------|-----------------------------|
| ADJUSTMENTS (+/-) TO SUBTOTAL 1 | | |
| <small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the Indicated percentages.</small> | | |
| Compliance History | 110.0% Enhancement | Subtotals 2, 3, & 7 \$5,500 |

Notes: The penalty is enhanced due to 14 self-reported monthly effluent violations, three NOV's with violations similar to those cited in this action, and one final agreed order without denial of liability.

| | | |
|-------------|---------------------|----------------|
| 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 | \$759 | |
| Approx. Cost of Compliance | \$5,250 | |
| <small>*Capped at the Total EB \$ Amount</small> | | |

| | | |
|-----------------------------|----------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$10,500 |
|-----------------------------|----------------|----------|

| | | |
|---|-------|-------------------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | -4.8% | Adjustment -\$500 |
|---|-------|-------------------|

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

| | |
|----------------------|----------|
| Final Penalty Amount | \$10,000 |
|----------------------|----------|

| | | |
|-----------------------------------|------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$10,000 |
|-----------------------------------|------------------------|----------|

| | | |
|-----------------|----------------|----------------|
| DEFERRAL | 0.0% Reduction | Adjustment \$0 |
|-----------------|----------------|----------------|

Notes: No deferral is recommended for Findings Orders.

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$10,000 |
|------------------------|----------|

Screening Date 2-Dec-2009

Docket No. 2009-2020-MWD-E

PCW

Respondent City of Goodlow

Policy Revision 2 (September 2002)

Case ID No. 38845

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101520922

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

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) | 17 | 85% |
| | Other written NOVs | 0 | 0% |
| 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 | 1 | 25% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments 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% |
| <i>Please Enter Yes or No</i> | | | |
| 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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

The penalty is enhanced due to 14 self-reported monthly effluent violations, three NOVs with violations similar to those cited in this action, and one final agreed order without denial of liability.

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

Screening Date 2-Dec-2009

Docket No. 2009-2020-MWD-E

PCW

Respondent City of Goodlow

Policy Revision 2 (September 2002)

Case ID No. 38845

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101520922

Media [Statute] Water Quality

Enf. Coordinator Steve Villatore

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012816001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on September 29, 2009 and shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| Release | 8/31/2008 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 biochemical oxygen demand and flow to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. pH and total suspended solids were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4 Number of violation days 214

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

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 Respondent 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 \$730

Violation Final Penalty Total \$8,000

This violation Final Assessed Penalty (adjusted for limits) \$8,000

Economic Benefit Worksheet

Respondent: City of Goodlow
Case ID No.: 38845
Reg. Ent. Reference No.: RN101620922
Media: Water Quality
Violation No.: 1

| | |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 16 |

| Item Description | Item Cost <small>No commas or \$</small> | Date Required | Final Date | Yrs. | Interest Saved | Onetime Costs | EB Amount |
|------------------|---|---------------|------------|------|----------------|---------------|-----------|
|------------------|---|---------------|------------|------|----------------|---------------|-----------|

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|-------------|------|------|-------|-------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | \$5,000 | 31-Aug-2008 | 30-Sep-2010 | 2.08 | \$35 | \$695 | \$730 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated costs to determine the cause of non-compliance and to implement corrective actions. Date required is the first date of non-compliance. 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

\$5,000

TOTAL

\$730

Screening Date 2-Dec-2009

Docket No. 2009-2020-MWD-E

PCW

Respondent City of Goodlow

Policy Revision 2 (September 2002)

Case ID No. 38845

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101620922

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0012618001, Monitoring and Reporting Requirements No. 1.

Violation Description

Failed to submit monitoring results at the intervals specified in the permit, as documented in a record review conducted on September 29, 2009. Specifically, the Respondent failed to submit the discharge monitoring report ("DMR") for the monitoring period ending June 30, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | x | | |

Percent 10%

Matrix Notes

100 % of rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

30 Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

| | | |
|---------------|---|---------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | (mark with x) |

Notes

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$2,000

This violation Final Assessed Penalty (adjusted for limits) \$2,000

Economic Benefit Worksheet

Respondent City of Goodlow
Case ID No. 38845
Reg. Ent. Reference No. RN101520922
Media Water Quality
Violation No. 2

| | |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 6.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|-------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$100 | 20-Jul-2009 | 31-Jul-2010 | 1.03 | \$0 | \$7 | \$7 |
| 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 | \$160 | 20-Jul-2009 | 31-Jul-2010 | 1.03 | \$8 | n/a | \$8 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to prepare and submit the missing DMR and update the Facility's operational guidance and conduct employee training to ensure that all DMRs are submitted as required. Date required is date the report was due. 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

\$250

TOTAL

\$15

| EFFLUENT VIOLATION TABLE | | | | |
|-------------------------------|-----------------|----------------------|---------------|------------------|
| City of Goodflow | | | | |
| TPDES Permit No. WQ0012616001 | | | | |
| Docket No. 2009-2020-MWD-E | | | | |
| Months | BOD Avg. Conc. | TSS Daily Avg. Conc. | pH | Flow |
| | Limit = 30 mg/L | Limit = 90 mg/L | Max. = 9.0 SU | Limit = 0.06 MGD |
| 8/31/2008 | 32.7 | c | c | c |
| 9/30/2008 | 36.6 | 94 | c | c |
| 10/31/2008 | c | c | c | 0.08 |
| 11/30/2008 | c | c | 9.2 | c |
| 3/31/2009 | 34.7 | 158 | c | c |
| 4/30/2009 | 32.5 | c | c | c |
| 5/31/2009 | c | 136 | c | c |

BOD = biochemical oxygen demand
mg/L = milligrams per liter
TSS = total suspended solids
MGD = million gallons per day

avg. = average
SU = standard units
c = compliant
conc. = concentration

Compliance History Report

| | | | | |
|---|--|-----------------|-------------------------|--------------------|
| Customer/Respondent/Owner-Operator: | CN600795736 | City of Goodlow | Classification: AVERAGE | Rating: 14.05 |
| Regulated Entity: | RN101520922 | CITY OF GOODLOW | Classification: AVERAGE | Site Rating: 14.05 |
| ID Number(s): | WASTEWATER | PERMIT | WQ0012616001 | |
| | WASTEWATER | PERMIT | TPDES0092223 | |
| | WASTEWATER | PERMIT | TX0092223 | |
| | WASTEWATER LICENSING | LICENSE | WQ0012616001 | |
| Location: | approximately two miles south of the intersection of State Highway 31 and State Highway 309 on the west side of State Highway 309 in Navarro County, Texas | | | |
| TCEQ Region: | REGION 04 - DFW METROPLEX | | | |
| Date Compliance History Prepared: | December 01, 2009 | | | |
| Agency Decision Requiring Compliance History: | Enforcement | | | |
| Compliance Period: | December 01, 2004 to December 01, 2009 | | | |
| TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History | | | | |
| Name: | Steve Villatoro | Phone: | 512-239-4930 | |

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: 03/23/2009 ADMINORDER 2008-0104-MWD-E
 Classification: Moderate
 Citation: 30 TAC Chapter 30, SubChapter J 30.350(j)
 30 TAC Chapter 305, SubChapter F 305.125(1)
- Rqmt Prov: TPDES Permit PERMIT
 Description: Failure to employ or contract with one or more licensed wastewater treatment facility operators or wastewater systems operations companies holding a valid license or registration.
- Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
 Rqmt Prov: TPDES Permit PERMIT
 Description: Failure to submit the annual sludge reports for the monitoring periods ending July 31 for 2005, 2006, and 2007 by September 1 for each corresponding year.
- Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 317 317.4(c)
- Rqmt Prov: TPDES Permit PERMIT
 Description: Failure to provide a flow measuring device to accurately measure the flow according to the permit requirement.
- Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: TPDES Permit PERMIT
 Description: Failure to submit discharge monitoring reports (DMRs) for the period of October 2006 through September 2007.

- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

| | | |
|---|------------|----------|
| 1 | 12/27/2004 | (362109) |
| 2 | 04/04/2005 | (445838) |

| | | |
|----|------------|----------|
| 3 | 05/03/2005 | (445839) |
| 4 | 06/02/2005 | (445840) |
| 5 | 06/30/2005 | (445841) |
| 6 | 07/21/2006 | (449421) |
| 7 | 07/31/2005 | (445842) |
| 8 | 10/05/2005 | (477788) |
| 9 | 10/05/2005 | (477789) |
| 10 | 12/07/2005 | (477790) |
| 11 | 12/21/2006 | (518529) |
| 12 | 08/10/2007 | (693332) |
| 13 | 12/21/2007 | (600892) |
| 14 | 08/31/2008 | (715545) |
| 15 | 10/23/2008 | (715546) |
| 16 | 11/21/2008 | (731261) |
| 17 | 12/30/2008 | (731262) |
| 18 | 01/20/2009 | (754559) |
| 19 | 02/19/2009 | (754558) |
| 20 | 03/20/2009 | (771810) |
| 21 | 04/24/2009 | (771812) |
| 22 | 05/04/2009 | (771808) |
| 23 | 05/04/2009 | (771809) |
| 24 | 05/04/2009 | (771811) |
| 25 | 05/04/2009 | (771813) |
| 26 | 05/04/2009 | (771815) |
| 27 | 05/04/2009 | (771816) |
| 28 | 05/04/2009 | (771817) |
| 29 | 05/04/2009 | (771818) |
| 30 | 05/04/2009 | (771819) |
| 31 | 05/04/2009 | (771820) |
| 32 | 05/04/2009 | (771821) |
| 33 | 05/04/2009 | (771822) |
| 34 | 05/04/2009 | (771823) |
| 35 | 05/21/2009 | (771814) |
| 36 | 11/24/2009 | (777817) |

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

| | | | | |
|--------------|---|----------|-------------|--------------------------|
| Date: | 02/28/2005 | (445838) | CN600795736 | |
| 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: | 04/30/2005 | (445840) | CN600795736 | |
| Self Report? | YES | | | Classification: Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a) | | | |
| Description: | Failure to meet the limit for one or more permit parameter | | | |
| Date: | 05/31/2005 | (445841) | CN600795736 | |
| 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: | 06/30/2005 | (445842) | CN600795736 | |
| 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: | 07/21/2005 | (449421) | CN600795736 | |
| Self Report? | NO | | | Classification: Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) | | | |
| Description: | NON-RPT VIOS FOR MONIT PER OR PIPE | | | |
| Self Report? | NO | | | Classification: Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) | | | |
| Description: | NON-RPT VIOS FOR MONIT PER OR PIPE | | | |
| Self Report? | NO | | | Classification: Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) | | | |
| Description: | NON-RPT VIOS FOR MONIT PER OR PIPE | | | |
| 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 | 07/31/2005 | | CN600795736 |
| Self Report? | YES | Classification: | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a) | | |
| Description: | Failure to meet the limit for one or more permit parameter | | |
| Date | 08/31/2005 | | CN600795736 |
| Self Report? | YES | Classification: | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a) | | |
| Description: | Failure to meet the limit for one or more permit parameter | | |
| Date | 09/30/2005 | | CN600795736 |
| Self Report? | YES | Classification: | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a) | | |
| Description: | Failure to meet the limit for one or more permit parameter | | |
| Date | 12/29/2006 | | CN600795736 |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 30, SubChapter J 30.350(j) 30 TAC Chapter 305, SubChapter F 305.125(1) TPDES Permit PERMIT | | |
| Description: | Failure employ or contract with one or more licensed wastewater treatment facility operators or wastewater systems operations companies holding a valid license or registration. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(17) TPDES Permit PERMIT | | |
| Description: | Failure to submit the annual sludge reports for the monitoring periods ending July 31 for 2005, 2006, and 2007 by September 1 for each corresponding year. | | |
| Self Report? | NO | Classification: | Minor |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 317 317.4(c) TPDES Permit PERMIT | | |
| Description: | Failure to provide a flow measuring device to accurately measure the flow according to the permit requirement. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations and Monitoring PERMIT | | |
| Description: | Failure to conduct self-monitoring sampling according to the permit requirements. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) TPDES Permit PERMIT | | |
| Description: | Failure to submit discharge monitoring reports (DMRs) for the period of October 2006 through September 2007. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter D 305.85 | | |
| Description: | Failure to submit the permit renewal to the TCEQ Permitting Section within 180 days of the expiration of the permit. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| Description: | Failure to comply with permitted effluent limitations. | | |
| Date | 08/10/2007 | | CN600795736 |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) | | |
| Description: | NON-RPT VIOS FOR MONIT PER OR PIPE | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) | | |
| Description: | NON-RPT VIOS FOR MONIT PER OR PIPE | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) | | |
| Description: | NON-RPT VIOS FOR MONIT PER OR PIPE | | |
| 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 | Classification: | Moderate |
| Self Report? | NO | | |
| 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 | Classification: | Moderate |
| Self Report? | NO | | |
| 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 | Classification: | Moderate |
| Self Report? | NO | | |
| 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 | Classification: | Moderate |
| Self Report? | NO | | |
| 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 | Classification: | Moderate |
| Self Report? | NO | | |
| 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 | Classification: | Moderate |
| Self Report? | NO | | |
| 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 | Classification: | Moderate |
| Self Report? | NO | | |
| 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 | Classification: | Moderate |
| Date | 08/31/2008 (715545) CN600795736 | | |
| 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 | 09/30/2008 (715548) CN600795736 | | |
| 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 | 10/31/2008 (731261) CN600795736 | | |
| 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 | 11/30/2008 (731262) CN600795736 | | |
| 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 (771812) CN600795736 | | |
| 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 (771814) CN600795736 | | |
| 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 | 05/31/2009 CN600795736 | | |
| 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 GOODLOW
RN101520922

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-2020-MWD-E

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

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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

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

I. FINDINGS OF FACT

1. The City owns and operates a wastewater treatment plant located approximately two miles south of the intersection of State Highway 31 and State Highway 309 on the west side of State Highway 309 in Navarro County, Texas (the "Facility").

2. The City has discharged municipal wastewater into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on September 29, 2009, TCEQ staff documented the following effluent data from the Facility's self-reported discharge monitoring reports ("DMRs"):

| EFFLUENT VIOLATION TABLE | | | | |
|--------------------------|-----------------|----------------------|---------------|------------------|
| Months | BOD Avg. Conc. | TSS Daily Avg. Conc. | pH | Flow |
| | Limit = 30 mg/L | Limit = 90 mg/L | Max. = 9.0 SU | Limit = 0.06 MGD |
| 8/31/2008 | 32.7 | c | c | c |
| 9/30/2008 | 36.6 | 94 | c | c |
| 10/31/2008 | c | c | c | 0.08 |
| 11/30/2008 | c | c | 9.2 | c |
| 3/31/2009 | 34.7 | 158 | c | c |
| 4/30/2009 | 32.5 | c | c | c |
| 5/31/2009 | c | 136 | c | c |

BOD = biochemical oxygen demand

mg/L = milligrams per liter

TSS = total suspended solids

MGD = million gallons per day

avg. = average

SU = standard units

c = compliant

conc. = concentration

4. During a record review conducted on September 29, 2009, TCEQ staff documented that the City did not submit the DMR for the monitoring period ending June 30, 2009.
5. The City received notice of the violations on November 30, 2009.

II. CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the City failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012616001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3.
3. As evidenced by Findings of Fact No. 4, the City failed to submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0012616001, Monitoring and Reporting Requirements No. 1.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Ten Thousand Dollars (\$10,000) 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. The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the City and determined that the City is unable to pay the administrative penalty. Therefore, Ten Thousand Dollars (\$10,000) of the penalty 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.

III. ORDERING PROVISIONS

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

1. The City is assessed an administrative penalty in the amount of Ten Thousand Dollars (\$10,000) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Goodlow, Docket No. 2009-2020-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 City shall undertake the following technical requirements:

a. Within 30 days after the effective date of this Agreed Order:

i. Update the Facility's operational guidance and conduct employee training to ensure that all DMRs are submitted as specified in the permit; and

ii. Submit the missing DMR for the monitoring period ending June 30, 2009 to:

Compliance Monitoring Section
Enforcement Division, MC 224
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3088

b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision Nos. 2.a.i and 2.a.ii. The certification shall be in accordance with Ordering Provision No. 2.d below;

c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0012616001, 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 in accordance with Ordering Provision No. 2.d below; and

d. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i, 2.a.ii, and 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
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 City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
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 the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
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 the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed

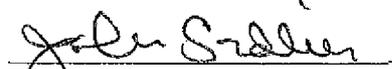
Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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 under this Agreed Order.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 10/22/2010

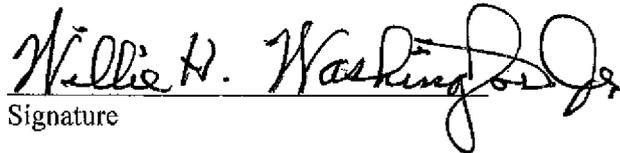
I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Goodlow. I am authorized to agree to the attached Agreed Order on behalf of the City of Goodlow, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment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

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

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

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

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



Signature

Date 8/16/10

WILLIE H. WASHINGTON, JR

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

Title Mayor

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.

