

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2009-0995-MWD-E **TCEQ ID:** RN101916740 **CASE NO.:** 37863
RESPONDENT NAME: City of Sinton

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 Sinton, located approximately 0.75 mile north of Sinton, Texas from the intersection of United States Highway 181 and Sate Hitghway 181 just east of United States Business Highway 77 North and along the southern edge of Chiltipin Creek, extending until the right of way of the Missouri Pacific Railroad, San Patricio County</p> <p>TYPE OF OPERATION: Domestic wastewater system</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 January 17, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Carlie Konkol, Enforcement Division, Enforcement Team 3, MC R-14, (361) 825-3422; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Ira Knox, Jr., City Manager, 301 East Market Street, Sinton, Texas 78387 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: May 21, 2009</p> <p>Date of NOV/NOE Relating to this Case: June 18, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>Failure to comply with the permitted effluent limits for carbonaceous biochemical oxygen demand and ammonia nitrogen [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010055001, Interim Effluent Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$2,360</p> <p>Total Deferred: \$472 <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: \$1,888</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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. In February 2009, cleaned all lift stations and began adding sulfuric acid to the Facility to assist in the treatment of wastewater; and</p> <p>b. By March 31, 2009, returned to compliance with permitted effluent limitations.</p>

Additional ID No(s): 0



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	22-Jun-2009	Screening	27-Jun-2009	EPA Due	
	PCW	27-Jun-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Sinton
Reg. Ent. Ref. No.	RN101916740
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37863	No. of Violations	1
Docket No.	2009-0995-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Carlie Konkol
Admin. Penalty \$ Limit Minimum	\$0	EC's Team	Enforcement Team 3
Maximum	\$10,000		

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **\$2,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **43.0%** Enhancement *Subtotals 2, 3, & 7* **\$860**

Notes: An enhancement is recommended for having seven monthly self-reported effluent violations and four NOV's with unrelated violations to those cited in this action.

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* **\$500**

Economic Benefit **0.0%** Enhancement *Subtotal 6* **\$0**

Total EB Amounts **\$273**
 Approx. Cost of Compliance **\$3,800**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$2,360**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** Reduction *Adjustment* **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$2,360**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$2,360**

DEFERRAL **20.0%** Reduction *Adjustment* **-\$472**

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 **\$1,888**

Screening Date 27-Jun-2009

Docket No. 2009-0995-MWD-E

PCW

Respondent City of Sinton

Policy Revision 2 (September 2002)

Case ID No. 37863

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101916740

Media [Statute] Water Quality

Enf. Coordinator Carlie Konkol

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)	7	35%
	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%
<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) 43%

>> **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

An enhancement is recommended for having seven monthly self-reported effluent violations and four NOVs with unrelated violations to those cited in this action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 43%

Screening Date: 27-Jun-2009 **Docket No.:** 2009-0995-MWD-E **PCW**
Respondent: City of Sinton *Policy Revision 2 (September 2002)*
Case ID No.: 37863 *PCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN101916740
Media [Statute]: Water Quality
Enf. Coordinator: Carlie Konkol

Violation Number: 1
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. WQ0010055001, Interim Effluent Limitations and Monitoring Requirements No. 1
Violation Description: Failed to comply with permitted effluent limits, as documented during a record review conducted on May 21, 2009. See attached table.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

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 carbonaceous biochemical oxygen demand and ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. 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: 2 121 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty: \$2,000

Two quarterly events are recommended.

Good Faith Efforts to Comply 25.0% Reduction \$500

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

Notes: The Respondent returned to compliance by March 31, 2009.

Violation Subtotal: \$1,500

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount: \$273 **Violation Final Penalty Total:** \$2,360

This violation Final Assessed Penalty (adjusted for limits): \$2,360

Economic Benefit Worksheet

Respondent City of Sinton
Case ID No. 37863
Reg. Ent. Reference No. RN101916740
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$3,600	1-Mar-2006	31-Mar-2009	1.08	\$13	\$260	\$273
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to add sulfuric acid to the wastewater treatment process. The Date Required is the first date of noncompliance and the Final Date is the date the Respondent returned to compliance with permitted effluent limitations.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$3,600

TOTAL

\$273

City of Sinton
 TPDES Permit No. WQ0010055001
 Docket No. 2009-0995-MWD-E

EFFLUENT PARAMETER		
Monitoring Periods	Permit Effluent Limits	
	5-day CBOD Daily Average Concentration 30 mg/L	Ammonia Nitrogen Daily Average Concentration 6 mg/L
March 2008	31.8	C
December 2008	C	6.48
January 2009	C	10.12
February 2009	C	9.1

CBOD	Carbonaceous Biochemical Oxygen Demand
mg/L	Milligrams per Liter
C	Compliant

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600737803	City of Sinton	Classification: AVERAGE	Rating: 1.92
Regulated Entity:	RN101916740	CITY OF SINTON	Classification: AVERAGE	Site Rating: 0.52
ID Number(s):	WASTEWATER	PERMIT	WQ0010055001	
	WASTEWATER	PERMIT	TPDES0024562	
	WASTEWATER	PERMIT	TX0024562	
	WASTEWATER LICENSING	LICENSE	WQ0010055001	

Location: Approximately 3/4 mile north of Sinton Texas from the intersection of U.S. Highway 181 and State Highway 181 just east of U.S. Business Highway 77 North and along the southern edge of Chiltipln Creek, extending until the right of way of the Missouri Pacific Railroad in San Patricio County, Texas

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: June 26, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: June 26, 2004 to June 26, 2009

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

Name: Carlie Konkol Phone: (361) 825-3422

Site Compliance History

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: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

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	07/22/2004	(354142)
2	08/24/2004	(354143)
3	09/20/2004	(354144)
4	10/19/2004	(354145)
5	11/18/2004	(382994)
6	12/20/2004	(382995)
7	01/21/2005	(382996)
8	02/11/2005	(344125)
9	02/15/2005	(420826)
10	03/21/2005	(420827)
11	04/22/2005	(420828)
12	05/23/2005	(420829)
13	06/20/2005	(420830)
14	07/22/2005	(420831)
15	08/20/2005	(441804)
16	09/15/2005	(431572)
17	09/26/2005	(441805)
18	10/24/2005	(470400)

19	11/21/2005	(470401)
20	12/20/2005	(470402)
21	01/23/2006	(470403)
22	02/16/2006	(470398)
23	03/20/2006	(470399)
24	03/31/2006	(455426)
25	04/17/2006	(499468)
26	05/16/2006	(499469)
27	06/19/2006	(499470)
28	07/18/2006	(578092)
29	08/21/2006	(521538)
30	10/16/2006	(546102)
31	11/21/2006	(546103)
32	12/17/2006	(534403)
33	01/03/2007	(578095)
34	01/18/2007	(578096)
35	02/13/2007	(534421)
36	02/14/2007	(578088)
37	03/19/2007	(578089)
38	04/16/2007	(578090)
39	06/12/2007	(578091)
40	06/25/2007	(578093)
41	06/29/2007	(578094)
42	07/12/2007	(602379)
43	09/10/2007	(602380)
44	09/19/2007	(593799)
45	10/05/2007	(620567)
46	11/19/2007	(620568)
47	12/13/2007	(620569)
48	01/14/2008	(672829)
49	02/12/2008	(672828)
50	03/10/2008	(690859)
51	04/28/2008	(690860)
52	05/23/2008	(690861)
53	06/18/2008	(711740)
54	07/24/2008	(711741)
55	07/24/2008	(711742)
56	08/29/2008	(688310)
57	09/22/2008	(711743)
58	10/22/2008	(728206)
59	11/20/2008	(728207)
60	12/19/2008	(728208)
61	01/20/2009	(751180)
62	02/25/2009	(751179)
63	06/18/2009	(746535)

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

Date: 02/11/2005 (344125)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TPDES Permit No. WQ0010055-001 PERMIT
 Description: Failure to collect a flow proportional composite sample for laboratory testing.

Date: 03/31/2005 (420828) CN600737803
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2006 (455426) CN600737803
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.7(e)
 Description: Failure to provide adequate plant protection.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.6
 30 TAC Chapter 319, SubChapter A 319.9©
 TPDES Permit No. 10055-001 PERMIT
 Description: Failure to assure the quality of all measurements through the use of blanks, standards, duplicate analyses, and spikes.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
 Description: Failure to maintain complete records of monitoring activities

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)
 TPDES Permit No. 10055-001 PERMIT
 Description: Failure to conduct sample collection according to the recommendations found in the latest edition of Standard Methods for the Examination of Water and Wastewater.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(g)
 TPDES Permit No. 10055-001 PERMIT
 Description: Failure to ensure the facility and all its systems of collection, treatment, and disposal are properly operated and maintained.

Date: 11/30/2006 (578095) CN600737803
 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: 02/13/2007 (534421) CN600737803
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(b)(2)
 Operational Requirements; No. 1, Pg. 9 PERMIT
 Description: Failure to ensure the facility and all its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the grit chamber was out of service.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Monitor & Reporting Req., No. 2, Pg. 4 PERMIT
 Description: Failure to ensure the flow measurement accuracy.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Other Requirements, No. 4, Pg. 23 PERMIT
 Description: Failure to submit the pond lining certification to the TCEQ Regional Office (MC Region 14) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division.

Date: 07/31/2007 (578093) CN600737803
 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: 01/28/2008 (615063) CN600737803
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Permit No. WQ0010055001 PERMIT
Description: Failure to adequately operate and maintain a sequential batch reactor.

Date: 12/31/2008 CN600737803
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: 03/31/2008 (690/860) CN600737803
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: 01/31/2009 CN600737803
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2009 CN600737803
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

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 SINTON
RN101916740**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-0995-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 City of Sinton ("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 appear before the Commission and together stipulate that:

1. The City owns and operates a domestic wastewater treatment system located approximately 0.75 mile north of Sinton, Texas from the intersection of United States Highway 181 and State Highway 181, just east of United States Business Highway 77 North and along the southern edge of Chiltipin Creek, extending until the right of way of the Missouri Pacific Railroad in San Patricio County, Texas (the "Facility").
2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about June 23, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Two Thousand Three Hundred Sixty Dollars (\$2,360) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid One Thousand Eight Hundred Eighty-Eight Dollars (\$1,888) of the administrative penalty and Four Hundred Seventy-Two Dollars (\$472) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
 - a. In February 2009, cleaned all lift stations and began adding sulfuric acid to the Facility to assist in the treatment of wastewater; and
 - b. By March 31, 2009, returned to compliance with permitted effluent limitations.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have failed to comply with the permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010055001, Interim Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on May 21, 2009 and shown in the table below.

EFFLUENT PARAMETER		
Monitoring Periods	Permit Effluent Limits	
	5-day CBOD Daily Average Concentration 30 mg/L	Ammonia Nitrogen Daily Average Concentration 6 mg/L
March 2008	31.8	C
December 2008	C	6.48
January 2009	C	10.12
February 2009	C	9.1

CBOD	Carbonaceous Biochemical Oxygen Demand
mg/L	Milligrams per Liter
C	Compliant

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Sinton, Docket No. 2009-0995-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. 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.
3. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed

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

4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

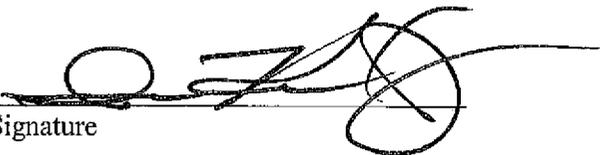
Date 12/23/2009

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

Date 11/03/2009

IRA KNOX, JR
Name (Printed or typed)
Authorized Representative of
City of Sinton

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.

