

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-1228-MWD-E **TCEQ ID:** RN102844362 **CASE NO.:** 38072

RESPONDENT NAME: City of Wortham

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 Wortham, located approximately 0.75 mile east of State Highway 14 and one mile north of Farm-to-Market Road 27 in the northeast section of Wortham, Freestone 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 February 22, 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 Baves, Enforcement Division, MC 219, (512) 239-4495 Respondent: The Honorable Albert E. Hall, Mayor-ProTem, City of Wortham, P.O. Box 186, Wortham, Texas 76693 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 6 and July 15, 2009</p> <p>Date of NOV/NOE Relating to this Case: July 9 and 21, 2009 (NOE)</p> <p>Background Facts: These were record reviews.</p> <p>WATER</p> <p>1) Failure to install, prior to plant start-up, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater [30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010551001, Operational Requirements No. 4].</p> <p>2) Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, one clarifier was inoperable, one clarifier had excessive solids, and the oxidation ditch was missing a rotor [30 TEX. ADMIN. CODE §§ 305.125(1) and 317.4(g)(1)(c) and TPDES Permit No. WQ0010551001, Operational Requirements No. 1].</p> <p>3) Failure to ensure measurements, tests and calculations are accurately accomplished in a representative manner. Specifically, loading parameters were not being accurately calculated [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010551001, Monitoring and Reporting Requirements No. 2].</p>	<p>Total Assessed: \$16,725</p> <p>Total Deferred: \$3,345 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$395 (remaining \$12,985 due in 35 monthly payments of \$371 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility, as documented in the Respondent's letter dated September 8, 2009:</p> <p>a. Installed a staff gauge at the primary flow measuring device by August 17, 2009;</p> <p>b. Removed excessive solids from the operational clarifier by August 17, 2009; and</p> <p>c. Replaced the missing oxidation pond rotor by August 15, 2009.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately after the effective date of this Agreed Order, begin accurately calculating all loading parameters.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Conduct training to ensure that all quality assurance measures are performed properly; and</p> <p>ii. Submit revised discharge monitoring reports for May, June, and July 2009 with correctly calculated loading parameter data.</p> <p>c. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures; and</p> <p>ii. Properly operate and maintain all systems of collection, treatment, and disposal including repair of the inoperable clarifier.</p> <p>d. Within 105 days after the effective date of this Agreed Order, submit written</p>

<p>4) Failure to conform with the flow measurement equipment installation requirements specified in the United States Department of the Interior Bureau of Reclamation Water Measurement Manual. Specifically, a secondary element, such as a staff guage, was not installed at the primary flow measuring device [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0010551001, Monitoring and Reporting Requirements No. 2].</p> <p>5) Failure to comply with the permitted effluent limitations and monitoring requirements. Specifically, a grab sample of treated effluent collected during the investigation contained a residual chlorine concentration 0.43 milligrams per liter ("mg/L"), which is below the 1.0 mg/L minimum specified in the permit, and an oily sheen was observed on effluent being discharged to the receiving stream [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010551001, Effluent Limitations and Monitoring Requirements Nos. 2 and 4].</p>		<p>certification of compliance with Ordering Provisions a. through c. and the effluent limits of TPDES Permit No. WQ0010551001, 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 include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p>
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Additional ID No(s): TPDES Permit No. WQ0010551001



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

DATES	Assigned	27-Jul-2009	Screening	1-Aug-2009	EPA Due	
	PCW	12-Nov-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Wortham
Reg. Ent. Ref. No.	RN102844362
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38072	No. of Violations	5
Docket No.	2009-1228-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)	<i>Subtotal 1</i>	\$5,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	205.0% Enhancement	<i>Subtotals 2, 3, & 7</i>	\$11,275
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Notes: Enhancement for 37 NOVs with self-reported effluent data and four NOVs with same or similar violations issued to this Facility within the past five years.

Culpability	No	0.0% Enhancement	<i>Subtotal 4</i>	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	<i>Subtotal 5</i>	\$50
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Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i>	\$0
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Total EB Amounts	\$3,449
Approx. Cost of Compliance	\$55,750

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$16,725
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	<i>Adjustment</i>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<i>Final Penalty Amount</i>	\$16,725
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STATUTORY LIMIT ADJUSTMENT	<i>Final Assessed Penalty</i>	\$16,725
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DEFERRAL	20.0% Reduction	<i>Adjustment</i>	-\$3,345
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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	\$13,380
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Screening Date: 1-Aug-2009

Docket No.: 2009-1228-MWD-E

PCW

Respondent: City of Worham

Policy Revision 2 (September 2002)

Case ID No.: 38072

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN102844362

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)	41	205%
	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	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) 205%

>> **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 37 NOVs with self-reported effluent data and four NOVs with same or similar violations issued to this Facility within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 205%

Screening Date: 1-Aug-2009 **Docket No.:** 2009-1228-MWD-E **PCW**
Respondent: City of Wortham *Policy Revision 2 (September 2002)*
Case ID No.: 38072 *PCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN102844362
Media [Statute]: Water Quality
Enf. Coordinator: Thomas Jecha, P.G.

Violation Number: 1
Rule Cite(s): 30 Tex. Adm. Code § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010651001, Operational Requirements No. 4
Violation Description: Failed to install prior to plant start-up, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.
Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	X			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes: Human health or the environment could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment: \$7,500
Subtotal: \$2,500

Violation Events

Number of Violation Events: 1 **Number of violation days:** 17
mark only one with an x
 daily:
 weekly:
 monthly:
 quarterly:
 semiannual:
 annual:
 single event:
Violation Base Penalty: \$2,500

One monthly event is recommended from the July 15, 2009 record review investigation until screening on August 1, 2009.

Good Faith Efforts to Comply: 0.0% Reduction **Subtotal:** \$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: \$2,500

Economic Benefit (EB) for this violation: \$608
Statutory Limit Test:
Violation Final Penalty Total: \$7,625
This violation Final Assessed Penalty (adjusted for limits): \$7,625

Economic Benefit Worksheet

Respondent: City of Worham
Case ID No.: 38072
Reg. Ent. Reference No.: RN102844362
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)	\$10,000	15-Jul-2009	28-May-2010	0.87	\$29	\$579	\$608
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 cost to purchase a standby power generator. The date required is the record review date and the final date is the estimated 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

\$608

Screening Date	1-Aug-2009	Docket No.	2009-1228-MWD-E	PCW
Respondent	City of Worham			<small>Policy Revision 2 (September 2002)</small>
Case ID No.	98072			<small>PCW Revision October 30, 2008</small>
Reg. Ent. Reference No.	RN102844362			
Media [Statute]	Water Quality			
Enf. Coordinator	Thomas Jecha, P.G.			
Violation Number	2			
Rule Cite(s)	30.Tex. Admin. Code §§ 305.125(1) and 317.4(g)(1)(c) and TPDES Permit No. WQ0010551001, Operational Requirements No. 1.			
Violation Description	Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, one clarifier was inoperable, one clarifier had excessive solids, and the oxidation ditch was missing a rotor.			
		Base Penalty	\$10,000	
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential		X	
			Percent	10%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			Percent	0%
Matrix Notes	Human health or the environment could be exposed to significant amounts of pollutants as a result of this violation.			
		Adjustment	\$9,000	
			\$1,000	
Violation Events				
	Number of Violation Events	1	Number of violation days	87
	<small>mark only one with an x</small>	daily		
		weekly		
		monthly		
		quarterly	X	
		semiannual		
		annual		
		single event		
			Violation Base Penalty	\$1,000
	One quarterly event is recommended from the May 6, 2009 investigation until screening on August 1, 2009.			
Good Faith Efforts to Comply				
		0.0% Reduction		\$0
		<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>	
	Extraordinary			
	Ordinary			
	N/A	X	<small>(mark with x)</small>	
Notes	The Respondent does not meet the good faith criteria for this violation.			
		Violation Subtotal	\$1,000	
Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$2,820	Violation Final Penalty Total	\$3,050
			This violation Final Assessed Penalty (adjusted for limits)	\$3,050

Economic Benefit Worksheet

Respondent: City of Worham
Case ID No.: 38072
Reg. Ent. Reference No.: RN102844362
Media: Water Quality
Violation No.: 2

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$20,000	6-May-2009	28-May-2010	1.06	\$71	\$1,414	\$1,484
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)	\$25,200	6-May-2009	28-May-2010	1.06	\$1,336	n/a	\$1,336

Notes for DELAYED costs: Estimated cost to replace an oxidation ditch rotor (\$20,000), clean one clarifier (\$200), and rehabilitate the other clarifier (\$25,000). The date required is the investigation date and the final date is the estimated date of compliance.

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

\$45,200

TOTAL

\$2,820

Screening Date: 1-Aug-2009	Docket No.: 2009-1228-MWD-E	PCW				
Respondent: City of Worham	<i>Policy Revision 2 (September 2002)</i>					
Case ID No.: 38072	<i>PCW Revision October 30, 2008</i>					
Reg. Ent. Reference No.: RN102844362						
Media [Statute]: Water Quality						
Enf. Coordinator: Thomas Jecha, P.G.						
Violation Number: 3						
Rule Cite(s):	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010651001, Monitoring and Reporting Requirements No. 2					
Violation Description:	Failed to ensure measurements, tests and calculations are accurately accomplished in a representative manner. Specifically, loading parameters were not being accurately calculated.					
Base Penalty:		\$10,000				
>> Environmental, Property and Human Health Matrix						
OR	Harm					
	Release	Major	Moderate	Minor		
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
		Percent:	0%			
>> Programmatic Matrix						
		Falsification	Major	Moderate	Minor	
		<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	
		Percent:	5%			
Matrix Notes:	30% to 70% of the rule requirement was not met.					
		Adjustment:	\$9,500			
					\$500	
Violation Events						
Number of Violation Events:		<input type="text" value="1"/>	Number of violation days:		<input type="text" value="87"/>	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>				
	weekly	<input type="checkbox"/>				
	monthly	<input type="checkbox"/>				
	quarterly	X				
	semiannual	<input type="checkbox"/>				
	annual	<input type="checkbox"/>				
	single event	<input type="checkbox"/>				
					Violation Base Penalty:	\$500
One quarterly event is recommended from the May 6, 2009 investigation until screening on August 1, 2009.						
Good Faith Efforts to Comply						
		0.0% Reduction		\$0		
		Before NOV	NOV to EDPRP/Settlement Offer			
Extraordinary		<input type="checkbox"/>				
Ordinary		<input type="checkbox"/>				
N/A		X	(mark with x)			
Notes:	The Respondent does not meet the good faith criteria for this violation.					
					Violation Subtotal:	\$500
Economic Benefit (EB) for this violation						
		Statutory Limit Test				
Estimated EB Amount:		<input type="text" value="\$19"/>		Violation Final Penalty Total:		\$1,525
					This violation Final Assessed Penalty (adjusted for limits):	\$1,525

Economic Benefit Worksheet

Respondent: City of Worham
Case ID No.: 38072
Reg. Ent. Reference No.: RN102844362
Media: Water Quality
Violation No.: 3

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	\$250	6-May-2009	11-Mar-2010	0.85	\$11	n/a	\$11
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	6-May-2009	11-Mar-2010	0.85	\$8	n/a	\$8

Notes for DELAYED costs: Estimated cost to correctly calculate loading parameters and submit revised DMRs and to conduct training to ensure that all quality assurance measures are performed properly. The date required is the investigation date and the final date is the estimated 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	\$450	TOTAL:	\$19
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Screening Date	1-Aug-2009	Docket No.	2009-1228-MWD-E	PCW
Respondent	City of Wortham	Policy Revision 2 (September 2002)		
Case ID No.	38072	PCW Revision October 30, 2008		
Reg. Ent. Reference No.	RN102844362			
Media [Statute]	Water Quality			
Enf. Coordinator	Thomas Jecha, P.G.			

Violation Number	4
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0010551001, Monitoring and Reporting Requirements No. 2
Violation Description	Failed to conform with the flow measurement equipment installation requirements specified in the United States Department of the Interior Bureau of Reclamation Water Measurement Manual. Specifically, a secondary element, such as a staff guage, was not installed at the primary flow measuring device.
Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
Potential			x	5%

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification				
				0%

Matrix Notes
Human health or the environment could be exposed to insignificant amounts of pollutants as a result of this violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events	1	Number of violation days	87	Violation Base Penalty													
<table border="1"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>					daily		weekly		monthly		quarterly		semiannual		annual		single event
daily																	
weekly																	
monthly																	
quarterly																	
semiannual																	
annual																	
single event	x																
<p>mark only one with an x</p>				\$500													

One single event is recommended.

Good Faith Efforts to Comply 10.0% Reduction \$50

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		(mark with x)
Notes	Compliance was achieved on August 17, 2009.	
Violation Subtotal	\$450	

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$1
Violation Final Penalty Total	\$1,475
This violation Final Assessed Penalty (adjusted for limits)	
\$1,475	

Economic Benefit Worksheet

Respondent City of Worham
Case ID No. 38072
Reg. Ent. Reference No. RN102844362
Media Water Quality
Violation No. 4

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)	\$100	6-May-2009	17-Aug-2009	0.28	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to properly install a staff gauge. The date required is the investigation date and the final date is the 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

\$100

TOTAL

\$1

Screening Date	1-Aug-2009	Docket No.	2009-1228-MWD-E	PCW
Respondent	City of Wortham	Policy Revision 2 (September 2002)		
Case ID No.	38072	PCW Revision October 30, 2008		
Reg. Ent. Reference No.	RN102844362			
Media [Statute]	Water Quality			
Enf. Coordinator	Thomas Jecha, P.G.			
Violation Number	5			
Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010551001, Effluent Limitations and Monitoring Requirements Nos. 2 and 4.			
Violation Description	Failed to comply with the permitted effluent limitations and monitoring requirements. Specifically, a grab sample of treated effluent collected during the investigation contained a residual chlorine concentration 0.48 milligrams/liter, which is below the 1.0 milligrams/liter minimum specified in the permit, and an oily sheen was observed on effluent being discharged to the receiving stream.			
Base Penalty				\$10,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent				10%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent				0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants as a result of this violation.			
Adjustment				\$9,000
				\$1,000
Violation Events				
Number of Violation Events		1	Number of violation days	
		1		
mark only one with an x	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
Violation Base Penalty				\$1,000
One single event is recommended for the grab sample collected on May 6, 2009.				
Good Faith Efforts to Comply				
		0.0%	Reduction	
		Before NOV NOV to EDRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(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				
Estimated EB Amount		\$0	Statutory Limit Test	
		Violation Final Penalty Total		\$3,050
This violation Final Assessed Penalty (adjusted for limits)				\$3,050

Economic Benefit Worksheet

Respondent City of Wortham
Case ID No. 38072
Reg. Ent. Reference No. RN102844362
Media Water Quality
Violation No. 5

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

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)	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)	0.00				\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for violation No. 2.

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

\$0

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600633341	City of Wortham	Classification: AVERAGE	Rating: 2.45
Regulated Entity:	RN102844362	CITY OF WORTHAM	Classification: AVERAGE	Site Rating: 1.89
ID Number(s):	WASTEWATER	PERMIT	WQ0010551001	
	WASTEWATER	PERMIT	TPDES0020541	
	WASTEWATER	PERMIT	TX0020541	
	WASTEWATER LICENSING	LICENSE	WQ0010551001	
Location:	APPROXIMATELY 0.75 MILE EAST OF STATE HIGHWAY 14 AND 1 MILE NORTH OF FARM -TO MARKET ROAD 27 IN THE NORTH EAST SECTION OF THE CITY OF WORTHAM.			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History	July 29, 2009			
Agency Decision Requiring Compliance	Enforcement			
Compliance Period:	July 29, 2004 to July 29, 2009			

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: 9/1/2008 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	08/04/2004	(352939)
2	09/20/2004	(352940)
3	09/20/2004	(352941)
4	10/25/2004	(352942)
5	11/29/2004	(382256)
6	11/29/2004	(382257)
7	11/29/2004	(382258)
8	12/21/2004	(382259)
9	01/20/2005	(337565)
10	01/20/2005	(382260)
11	02/11/2005	(342286)
12	03/25/2005	(382254)

13	03/25/2005	(382255)
14	04/28/2005	(420108)
15	05/27/2005	(420109)
16	06/16/2005	(420110)
17	07/22/2005	(441218)
18	09/22/2005	(441219)
19	09/22/2005	(441220)
20	10/26/2005	(469105)
21	12/13/2005	(469106)
22	02/08/2006	(469107)
23	02/08/2006	(469108)
24	03/13/2006	(469103)
25	03/13/2006	(469104)
26	05/02/2006	(498651)
27	05/11/2006	(498652)
28	06/19/2006	(498653)
29	07/13/2006	(520648)
30	08/11/2006	(520649)
31	10/20/2006	(576271)
32	10/20/2006	(576272)
33	11/16/2006	(576273)
34	12/22/2006	(576274)
35	01/17/2007	(576275)
36	02/23/2007	(576266)
37	03/22/2007	(576267)
38	04/13/2007	(576268)
39	05/11/2007	(576269)
40	06/20/2007	(576270)
41	07/13/2007	(607737)
42	08/21/2007	(607738)
43	09/24/2007	(607739)
44	10/23/2007	(619860)
45	11/19/2007	(619861)
46	12/27/2007	(619862)
47	01/28/2008	(672343)
48	02/21/2008	(672342)
49	03/17/2008	(690257)
50	04/10/2008	(690258)
51	05/21/2008	(690259)
52	05/22/2008	(653269)
53	06/19/2008	(711082)
54	07/21/2008	(711083)
55	09/02/2008	(711084)
56	09/04/2008	(701336)
57	09/22/2008	(711085)
58	10/21/2008	(727735)
59	11/19/2008	(727736)
60	12/22/2008	(727737)
61	01/16/2009	(750581)
62	01/30/2009	(724151)
63	02/19/2009	(750580)
64	03/31/2009	(740460)
65	07/22/2009	(762253)

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

Date: 07/31/2004 (352941) CN600633341
 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: 08/31/2004 (382256) CN600633341
 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: 09/30/2004 (352942) CN600633341
 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: 10/31/2004 (382258) CN600633341
 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: 11/30/2004 (382259) CN600633341
 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: 12/31/2004 (382260) CN600633341
 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: 01/31/2005 (382254) CN600633341
 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: 02/28/2005 (382255) CN600633341
 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: 03/31/2005 (420108) CN600633341
 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 (420109) CN600633341
 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 (420110) CN600633341
 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 (441218) CN600633341
 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: 07/31/2005 (441219) CN600633341
 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: 08/30/2005 (378318) CN600633341
 Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 Description: Failure by the permittee to prevent a discharge of wastewater into or adjacent to water in the state without authorization from the Commission.
 On March 18, 2005, the TCEQ received a noncompliance notification documented that an unauthorized discharge occurred in the 900 block of Mary St. in Wortham, Texas.

Date: 08/31/2005 (441220) CN600633341
 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 (469105) CN600633341
 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: 10/31/2005 (469106) CN600633341
 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: 11/30/2005 (469107) CN600633341
 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: 12/31/2005 (469108) CN600633341
 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: 04/30/2006 (498652) CN600633341
 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: 08/31/2006 (576271) CN600633341
 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: 09/30/2006 (576272) CN600633341
 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: 10/31/2006 (576273) CN600633341
 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: 11/30/2006 (576274) CN600633341
 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: 12/31/2006 (576275) CN600633341
 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 (576266) CN600633341
 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: 02/28/2007 (576267) CN600633341

 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 (576268) CN600633341
 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: 05/31/2007 (576270) CN600633341
 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 (607737) CN600633341
 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: 07/31/2007 (607738) CN600633341
 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: 12/31/2007 (672343) CN600633341
 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: 01/31/2008 (672342) CN600633341
 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: 02/29/2008 (690257) CN600633341

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: 03/31/2008 (690258) CN600633341

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: 04/04/2008 (618011) CN600633341

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.3(a)
 Operation Requirements PERMIT
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.3(b)(2)(A)
 Operational Requirements PERMIT
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Date: 04/30/2008 (690259) CN600633341

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: 05/31/2008 (711082) CN600633341

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: 06/30/2008 (711083) CN600633341

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: 09/08/2008 (701336) CN600633341

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.3(e)(5)
 Operational Requirements, No.1 Pg. 9 PERMIT
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Operational Requirements No. 1, Pg. 9 PERMIT
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(g)(1)(C)
 Operational Requirements No. 1 Pg. 9 PERMIT
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(b)(4)
 Operational Requirements, No. 1 Pg. 9 PERMIT
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

disposal are properly operated and maintained.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11(d)
Monitor/Report Requirements, No. 2 Pg.4 PERMIT

Description: Failure to comply with procedures specified in 30 TAC 319.11 - 319.12.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirements, No. 1 Pg. 9 PERMIT

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirements, No. 1 Pg. 9 PERMIT

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(a)(5)
Operational Requirements, No. 1 Pg. 9 PERMIT

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.7(e)
Operational Requirements No. 1, Pg. 9 PERMIT

Description: Failure to secure a facility, area, or site when required.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.6(b)(1)(E)
Operational Requirements, No. 1 Pg. 9 PERMIT

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Monitor/Report Req, No. 3c Pg. 5 PERMIT

Description: Failure by the permittee to maintain adequate records of monitoring activities.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Sludge Provisions, Section II. F Pg.22 PERMIT

Description: Failure to submit a complete Annual Sludge Report to the TCEQ by September 1 of each year.

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 335, SubChapter A 335.4(1)
Permit Conditions, No. 2g Pg. 7 PERMIT

Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.

Date: 03/27/2009 (740460) CN600633341

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirements; no. 4, pg. 10 PERMIT

Description: Failure to install and subsequently maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

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 WORTHAM
RN102844362**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1228-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 Wortham ("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 wastewater treatment plant approximately 0.75 mile east of State Highway 14 and one mile north of Farm-to-Market Road 27 in the northeast section of Wortham, Freestone County, Texas (the "Facility").
2. The City has committed any other act or engaged in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of 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 July 14 and 26, 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 Sixteen Thousand Seven Hundred Twenty-Five Dollars (\$16,725) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). The City has paid Three Hundred Ninety-Five Dollars (\$395) of the administrative penalty and Three Thousand Three Hundred Forty-Five Dollars (\$3,345) 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.

The remaining amount of Twelve Thousand Nine Hundred Eighty-Five Dollars (\$12,985) of the administrative penalty shall be payable in 35 monthly payments of Three Hundred Seventy-One Dollars (\$371) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the City fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the City to meet the payment schedule of this Agreed Order constitutes the failure by the City to timely and satisfactorily comply with all the terms of this Agreed Order.

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 implemented the following corrective measures at the Facility, as documented in the City's letter dated September 8, 2009:
 - a. Installed a staff gauge at the primary flow measuring device by August 17, 2009;
 - b. Removed excessive solids from the operational clarifier by August 17, 2009; and
 - c. Replaced the missing oxidation pond rotor by August 15, 2009.
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:

1. Failed to install prior to plant start-up, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010551001, Operational Requirements No. 4, as documented during a record review conducted on July 15, 2009.
2. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 317.4(g)(1)(c) and TPDES Permit No. WQ0010551001, Operational Requirements No. 1, as documented during a record review conducted on May 6, 2009. Specifically, one clarifier was inoperable, one clarifier had excessive solids, and the oxidation ditch was missing a rotor.
3. Failed to ensure measurements, tests and calculations are accurately accomplished in a representative manner, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010551001, Monitoring and Reporting Requirements No. 2, as documented during a record review conducted on May 6, 2009. Specifically, loading parameters were not being accurately calculated.
4. Failed to conform with the flow measurement equipment installation requirements specified in the United States Department of the Interior Bureau of Reclamation Water Measurement Manual, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0010551001, Monitoring and Reporting Requirements No. 2, as documented during a record review conducted on May 6, 2009. Specifically, a secondary element, such as a staff guage, was not installed at the primary flow measuring device.
5. Failed to comply with the permitted effluent limitations and monitoring requirements, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010551001, Effluent Limitations and Monitoring Requirements Nos. 2 and 4, as documented during a record review conducted on May 6, 2009. Specifically, a grab sample of treated effluent collected during the investigation contained a residual chlorine concentration 0.43 milligrams/liter, which is below the 1.0 milligrams/liter minimum specified in the permit, and an oily sheen was observed on effluent being discharged to the receiving stream.

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 Wortham, Docket No. 2009-1228-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. Immediately after the effective date of this Agreed Order, begin accurately calculating all loading parameters.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Conduct training to ensure that all quality assurance measures are performed properly; and
 - ii. Submit revised discharge monitoring reports for May, June, and July 2009 with correctly calculated loading parameter data.
 - c. Within 90 days after the effective date of this Agreed Order:
 - i. Provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures, in accordance with TPDES Permit No. WQ0010551001, Operational Requirements No. 4; and
 - ii. Properly operate and maintain all systems of collection, treatment, and disposal including repair of the inoperable clarifier; and
 - d. Within 105 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions 2.a. through 2.c. and the effluent limits of TPDES Permit No. WQ0010551001, 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 include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, 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
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

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. 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.

7. 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.

8. 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.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Signature]
For the Executive Director

11/29/2010
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]
Signature

11-30-09
Date

Albert E Hall
Name (Printed or typed)
Authorized Representative of
City of Wortham

Mayor-Protem
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.

