

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2009-0202-MWD-E **TCEQ ID:** RN102985355 **CASE NO.:** 37157  
**RESPONDENT NAME:** City of Chillicothe

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

<b>CASE TYPE:</b>		
<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

**SITE WHERE VIOLATION(S) OCCURRED:** City of Chillicothe WWTP, located approximately two miles north-northeast of the intersection of Farm-to-Market Roads 91 and 924, approximately 2.5 miles north of the intersection of Farm-to-Market Road 91 and United States Highway 287, Hardeman County

**TYPE OF OPERATION:** Domestic wastewater treatment plant

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on December 21, 2009. No comments were received.

**CONTACTS AND MAILING LIST:**  
**TCEQ Attorney/SEP Coordinator:** None  
**TCEQ Enforcement Coordinator:** Ms. Lauren Smitherman, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-5223; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  
**Respondent:** The Honorable Wallace Clay, Mayor, City of Chillicothe, P.O. Box 546, Chillicothe, Texas 79225-0546  
**Respondent's Attorney:** Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> December 3, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> January 30, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to maintain records of the Facility's sewage sludge use and disposal activities and failed to maintain adequate monitoring records [30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010639001, Monitoring and Reporting Requirements No. 3.b].</p> <p>2) Failure to timely submit the annual sludge report [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010639001, Sludge Provisions].</p> <p>3) Failure to 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 [30 TEX. ADMIN. CODE § 305.125(1) and 305.125(5) and TPDES Permit No. WQ0010639001, Operational Requirements No. 4].</p> <p>4) Failure to submit the monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0010639001, Monitoring and Reporting Requirements No. 1].</p> <p>5) Failure to notify the TCEQ in writing of any effluent permit excursion of 40% or</p>	<p><b>Total Assessed:</b> \$59,820</p> <p><b>Total Deferred:</b> \$59,820  <input type="checkbox"/> Expedited Settlement  <input checked="" type="checkbox"/> Financial Inability to Pay</p> <p>The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay the administrative penalty.</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$0</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b> This case involves a violation of a prior Agreed Order. When the Respondent failed to comply with the prior Agreed Order, the Respondent demonstrated an indifference to legal duty.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. By February 12, 2009, the Respondent:</p> <p>i. Removed the woody vegetation and began properly maintaining the wastewater treatment pond system;</p> <p>ii. Began maintaining records of the Facility's sewage sludge use and disposal activities;</p> <p>iii. Submitted the annual sludge report for the monitoring period ending July 31, 2008; and</p> <p>iv. Submitted the discharge monitoring reports ("DMRs") for the monitoring periods ending November 30, 2007, May 31, 2008, and October 31, 2008.</p> <p>b. By February 17, 2009:</p> <p>i. Conducted training on the required quality assurance and effluent analysis methods and began calculating the dissolved oxygen standard to ensure the dissolved oxygen meter was recording correctly; and</p> <p>ii. Conducted training and began performing the manganese correction during the chlorine analyses.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, update the Facility's standard operating procedures and conduct employee training to ensure that all reporting procedures are properly accomplished, including that all DMRs are submitted by the twentieth day of every month, all operation monitoring records are properly maintained, and all written reports for effluent violations which deviate by more than 40% from the</p>

<p>greater [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010639001, Monitoring and Reporting Requirements No. 7.c].</p> <p>6) Failure to utilize the required quality assurance and effluent analysis methods [30 TEX. ADMIN. CODE §§ 319.6, 319.9(c), and 319.11 and TPDES Permit No. WQ0010639001, Monitoring and Reporting Requirements No. 2].</p> <p>7) Failure to comply with permitted effluent limitations for biochemical oxygen demand, pH, total suspended solids, flow, and dissolved oxygen [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0010639001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3, and TCEQ Agreed Order Docket No. 2006-0955-MWD-E, Ordering Provision 2.b].</p> <p>8) Failure to properly maintain and operate the wastewater treatment ponds [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010639001, Operational Requirements No. 1].</p>		<p>permitted limit are properly submitted to the TCEQ.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions a.</p> <p>c. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification of compliance that adequate safeguards were installed to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by use of a generator, retention basin, or dual power feed to the Facility; and</p> <p>ii. Submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010639001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p> <p>d. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a and c.</p>
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Additional ID No(s): WQ0010639001





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	Assigned	2-Feb-2009	Screening	12-Feb-2009	EPA Due	
	PCW	21-May-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	City of Chillicothe
Reg. Ent. Ref. No.	RN102985355
Facility/Site Region	3:Abitene
Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	37157	No. of Violations	8
Docket No.	2009-0202-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Lauren Smitherman
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$21,400</b>
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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.

<b>Compliance History</b>	245.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$52,430</b>
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Notes: Enhancement due to 43 monthly self-reported effluent violations, two NOVs with violations same or similar to those cited in this action, and one final enforcement order containing a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$100</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts \$42,226  
Approx. Cost of Compliance \$234,418  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$73,730</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	-18.9%	<b>Adjustment</b>	<b>-\$13,910</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

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

<b>Final Penalty Amount</b>	<b>\$59,820</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$59,820</b>
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$59,820</b>
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<b>Screening Date</b> 12-Feb-2009	<b>Docket No.</b> 2009-0202-MWD-E	<b>PGW</b>
<b>Respondent</b> City of Chillicothe	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 37157	<i>PCW Revision October 30, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN102985355		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Lauren Smitherman		

### 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 <i>(number of NOVs meeting criteria)</i>	45	225%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	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)** 245%

>> **Repeat Violator (Subtotal 3)**

<span style="border: 1px solid black; padding: 2px;">No</span>		<b>Adjustment Percentage (Subtotal 3)</b>	<span style="border: 1px solid black; padding: 2px;">0%</span>
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>> **Compliance History Person Classification (Subtotal 7)**

<span style="border: 1px solid black; padding: 2px;">Average Performer</span>		<b>Adjustment Percentage (Subtotal 7)</b>	<span style="border: 1px solid black; padding: 2px;">0%</span>
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>> **Compliance History Summary**

<b>Compliance History Notes</b>	Enhancement due to 43 monthly self-reported effluent violations, two NOVs with violations same or similar to those cited in this action, and one final enforcement order containing a denial of liability.
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**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 245%

<b>Screening Date</b>	12-Feb-2009	<b>Docket No.</b>	2009-0202-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Chillicothe	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	37157	<i>PCW Revision October 30, 2008</i>		
<b>Reg. Ent. Reference No.</b>	RN102985365			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Lauren Smitherman			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010639001, Monitoring and Reporting Requirements No. 3.b.			
<b>Violation Description</b>	Failed to maintain adequate monitoring records and records of the Facility's sewage sludge use and disposal activities, as documented during an investigation conducted on December 3, 2008. Specifically, the flow records and monitoring records did not include the date, time, and place of measurements, the identity of the individual who made the measurement, and the date and time of analysis. In addition, the Toxicity Characteristic Leaching Procedure results, paint filter test records, and monthly sludge hauling records were not provided.			
<b>Base Penalty</b>				\$10,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
<b>Falsification</b>				
Major      Moderate      Minor				
<input type="text"/> <input type="text"/> <input checked="" type="text"/> <input type="text"/>				
<b>Percent</b> <input type="text" value="5%"/>				
<b>Matrix Notes</b>	At least 30% but less than 70% of the permit requirement was met.			
<b>Adjustment</b>				\$9,500
				\$500
<b>Violation Events</b>				
<b>Number of Violation Events</b>		<input type="text" value="1"/>	<b>Number of violation days</b>	
		<input type="text" value="71"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="text"/>		
<b>Violation Base Penalty</b> <input type="text" value="\$500"/>				
One single event is recommended based on documentation of the violation during the December 8, 2008 investigation.				
<b>Good Faith Efforts to Comply</b>				
		<b>0.0%</b>	<b>Reduction</b>	<b>\$0</b>
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>			
Ordinary	<input type="text"/>			
N/A	<input checked="" type="text"/>	(mark with x)		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>				\$500
<b>Economic Benefit (EB) for this violation</b>				
<b>Statutory Limit Test</b>				
<b>Estimated EB Amount</b>		<input type="text" value="\$24"/>	<b>Violation Final Penalty Total</b>	
			<input type="text" value="\$1,400"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$1,400

### Economic Benefit Worksheet

Respondent: City of Chillicothe  
 Case ID No: 37157  
 Reg. Ent. Reference No: RN102985355  
 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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$150	3-Dec-2008	12-Feb-2009	0.19	\$1	n/a	\$1
Training/Sampling	\$535	3-Dec-2008	30-Sep-2009	0.82	\$22	n/a	\$22
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

Delayed costs to maintain records of the Facility's sewage sludge use and disposal activities. Date Required is the investigation date. Final Date is the date of compliance. In addition, the estimated cost to update operational guidance and conduct employee training to ensure that all monitoring records are properly maintained and all reporting requirements are properly submitted. Date Required is the investigation date. Final Date is the expected 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

\$685

TOTAL

\$24

<b>Screening Date</b> 12-Feb-2009	<b>Docket No.</b> 2009-0202-MWD-E	<b>PCW</b>	
<b>Respondent</b> City of Chillicothe		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 37157		<i>PCW Revision October 30, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN102985355			
<b>Media [Statute]</b> Water Quality			
<b>Enf. Coordinator</b> Lauren Smitherman			
<b>Violation Number</b> 2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(17) and TPDES Permit No: WQ0010639001, Sludge Provisions		
<b>Violation Description</b>	Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2008 by September 1, 2008, as documented during an investigation conducted on December 3, 2008.		
	<b>Base Penalty</b>	\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
OR	<b>Release</b>	<b>Harm</b>	
		Major    Moderate    Minor	
	Actual		<b>Percent</b> <input type="text" value="0%"/>
	Potential		
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major    Moderate    Minor	
			<b>Percent</b> <input type="text" value="1%"/>
<b>Matrix Notes</b>	More than 70% of the permit requirement was met.		
	<b>Adjustment</b>	\$9,900	
			\$100
<b>Violation Events</b>			
	<b>Number of Violation Events</b>	<input type="text" value="1"/>	<b>Number of violation days</b>
		<input type="text" value="164"/>	
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$100"/>
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input checked="" type="checkbox"/>	
One single event is recommended.			
<b>Good Faith Efforts to Comply</b>			<b>\$0</b>
	<b>0.0% Reduction</b>		
	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
			<b>Violation Subtotal</b> <input type="text" value="\$100"/>
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>
	<b>Estimated EB Amount</b>	<input type="text" value="\$2"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$280"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$280"/>

## Economic Benefit Worksheet

**Respondent:** City of Chilllicothe  
**Case ID No.:** 37157  
**Reg. Ent. Reference No.:** RN102985355  
**Media:** Water Quality  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Item Description</b> 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)	\$100	1-Sep-2008	12-Feb-2009	0.45	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to submit the annual sludge report. Date Required is the date the report was due. Final Date is the date the report was submitted.

### 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

\$100

**TOTAL**

\$2

<b>Screening Date</b>	12-Feb-2009	<b>Docket No.</b>	2009-0202-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Chillicothe	Policy Revision 2 (September 2002) PCW Revision October 30, 2008		
<b>Case ID No.</b>	37157	<b>Reg. Ent. Reference No.</b>	RN102985355	
<b>Media [Statute]</b>	Water Quality	<b>Enf. Coordinator</b>	Lauren Smitherman	
<b>Violation Number</b>	3	<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1) and 305.125(5) and TPEDES Permit No. WQ0010639001, Operational Requirements No. 4	
<b>Violation Description</b>	Failed to 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, as documented during an investigation conducted on December 3, 2008. Specifically, the Facility did not have a generator, retention basin, or dual power feed.			
<b>Base Penalty</b>				\$10,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Percent</b>				25%
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Percent</b>				0%
<b>Matrix Notes</b>	Human health or the environment could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of this violation.			
<b>Adjustment</b>				\$7,500
				\$2,500
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	3	<b>Number of violation days</b>	71
mark only one with an x	daily	<input type="checkbox"/>	weekly	<input type="checkbox"/>
	monthly	<input checked="" type="checkbox"/>	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>
	single event	<input type="checkbox"/>		
<b>Violation Base Penalty</b>				\$7,500
Three monthly events are recommended based on the investigation date (December 3, 2008) to the screening date (February 12, 2009).				
<b>Good Faith Efforts to Comply</b>		0.0% Reduction	\$0	
		Before NOV	NOV to EDRP Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>				\$7,500
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>	\$848	<b>Violation Final Penalty Total</b>	\$20,993	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$20,993

### Economic Benefit Worksheet

**Respondent:** City of Chillicothe  
**Case ID No.:** 37157  
**Reg. Ent. Reference No.:** RN102985355  
**Media:** Water Quality  
**Violation No.:** 3

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	\$12,215	3-Dec-2008	30-Nov-2009	0.99	\$40	\$808	\$848
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

Delayed cost to purchase and install a generator to prevent the discharge of untreated or inadequately treated wastes during electrical power failures. Date Required is the investigation date. Final Date is the expected 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

\$12,215

**TOTAL**

\$848

<b>Screening Date</b>	12-Feb-2009	<b>Docket No.</b>	2009-0202-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Chillicothe			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	37157			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN102985355			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Lauren Smitherman			
<b>Violation Number</b>	4			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0010639001, Monitoring and Reporting Requirements No. 1			
<b>Violation Description</b>	Failed to timely submit the discharge monitoring reports ("DMR") for the monitoring periods ending November 30, 2007, May 31, 2008, and October 31, 2008, as documented during an investigation conducted on December 3, 2008.			
		<b>Base Penalty</b>	\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<b>Percent</b>	0%	
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<b>Percent</b>	1%	
<b>Matrix Notes</b>	More than 70% of the permit requirement was met.			
		<b>Adjustment</b>	\$9,900	
			\$100	
<b>Violation Events</b>				
	Number of Violation Events	3	Number of violation days	71
<i>mark only one with an x</i>	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"/>		
		<b>Violation Base Penalty</b>	\$300	
	Three single events are recommended.			
<b>Good Faith Efforts to Comply</b>				
	0.0% Reduction			\$0
		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"/>	(mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
		<b>Violation Subtotal</b>	\$300	
<b>Economic Benefit (EB) for this violation</b>				
	<b>Estimated EB Amount</b>			\$0
		<b>Violation Final Penalty Total</b>	\$840	
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>		
			\$840	

## Economic Benefit Worksheet

**Respondent:** City of Chillicothe  
**Case ID No.:** 37157  
**Reg. Ent. Reference No.:** RN102985355  
**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**

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 Worksheet for Violation No. 1.

**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

<b>Screening Date:</b> 12-Feb-2009	<b>Docket No.:</b> 2009-0202-MWD-E	<b>PCW</b>			
<b>Respondent:</b> City of Chillicothe	<i>Policy Revision 2 (September 2002)</i>				
<b>Case ID No.:</b> 37157	<i>PCW Revision October 30, 2008</i>				
<b>Reg. Ent. Reference No.:</b> RN102986355					
<b>Media [Statute]:</b> Water Quality					
<b>Enf. Coordinator:</b> Lauren Smitherman					
<b>Violation Number:</b> 5					
<b>Rule Cite(s):</b>	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010639001, Monitoring and Reporting Requirements No. 7.c				
<b>Violation Description:</b>	Failed to notify the TCEQ in writing of any effluent permit excursion of 40% or greater, as documented during an investigation conducted on December 3, 2008. Specifically, no notification was received when excursions of 40% or greater were observed during February, March, and April 2008.				
<b>Base Penalty:</b>		\$10,000			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Harm</b>				
	Release	Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				<b>Percent</b> <input type="text" value="0%"/>	
<b>&gt;&gt; Programmatic Matrix</b>					
		Falsification	Major	Moderate	Minor
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<b>Percent</b> <input type="text" value="10%"/>	
<b>Matrix Notes</b>	100% of the permit requirement was not met.				
<b>Adjustment:</b>				\$9,000	
				\$1,000	
<b>Violation Events</b>					
		<input type="text" value="8"/>	<input type="text" value="90"/>	Number of violation days	
<i>mark only one with an x</i>	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"/>			
Three single events (one event per notice) are recommended.				<b>Violation Base Penalty</b> <input type="text" value="\$3,000"/>	
<b>Good Faith Efforts to Comply</b>			0.0% Reduction	\$0	
		Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>				
Ordinary	<input type="checkbox"/>				
N/A	<input checked="" type="checkbox"/>	(mark with x)			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.				
<b>Violation Subtotal:</b>				\$3,000	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount:</b>		<input type="text" value="\$0"/>		<b>Violation Final Penalty Total:</b> <input type="text" value="\$8,397"/>	
<b>This violation Final Assessed Penalty (adjusted for limits):</b>				<input type="text" value="\$8,397"/>	

## Economic Benefit Worksheet

**Respondent:** City of Chillicothe  
**Case ID No.:** 37157  
**Reg. Ent. Reference No.:** RN102985355  
**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

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 Worksheet for Violation No. 1.

### 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

\$0

TOTAL

\$0

**Screening Date** 12-Feb-2009 **Docket No.** 2009-0202-MWD-E **PCW**  
**Respondent** City of Chillicothe *Policy Revision 2 (September 2002)*  
**Case ID No.** 37157 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN102985355  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Lauren Smitherman

**Violation Number** 6  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 319.6, 319.9(c), and 319.11 and TPDES Permit No. WQ0010639001, Monitoring and Reporting Requirements No. 2  
**Violation Description** Failed to utilize the required quality assurance and effluent analysis methods, as documented during an investigation conducted on December 3, 2008. Specifically, the dissolved oxygen standard was not being calculated to ensure that the dissolved oxygen meter was recording correctly and the manganese correction during the chlorine analyses was not being performed.  
**Base Penalty** \$10,000

**>> Environmental, Property and Human Health Matrix**

OR	<b>Harm</b>			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential		x	5%	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent

**Matrix Notes** Human health or the environment would or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.  
**Adjustment** \$9,500

**Adjustment** \$500

**Violation Events**

Number of violation days: 1 (mark) 71 (text)  
 mark only one with an x:  
 daily:   
 weekly:   
 monthly:   
 quarterly:   
 semiannual:   
 annual:   
 single event:  x  
**Violation Base Penalty** \$500  
 One single event is recommended.

**Good Faith Efforts to Comply** 10.0% Reduction \$50

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

**Notes** The Respondent came into compliance on February 17, 2009.  
**Violation Subtotal** \$450

**Economic Benefit (EB) for this violation** Estimated EB Amount \$3  
**Statutory Limit Test** Violation Final Penalty Total \$1,359  
 This violation Final Assessed Penalty (adjusted for limits) \$1,359

## Economic Benefit Worksheet

**Respondent:** City of Chillicothe  
**Case ID No.:** 37157  
**Reg. Ent. Reference No.:** RN102985355  
**Media:** Water Quality  
**Violation No.:** 6

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item	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	\$250	3-Dec-2008	17-Feb-2009	0.21	\$3	n/a	\$3
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 update the standard operating procedures ("SOP"s) and to conduct employee training to ensure that all quality assurance procedures are properly accomplished. Date Required is the investigation date. Final Date is the date of compliance.

### Avoided Costs

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

Item	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

\$250

TOTAL

\$3

<b>Screening Date</b>	12-Feb-2009	<b>Docket No.</b>	2009-0202-MWD-E	<b>PCW</b>	
<b>Respondent</b>	City of Chillicothe	Policy Revision 2 (September 2002)			
<b>Case ID No.</b>	37157	PCW Revision October 30, 2008			
<b>Reg. Ent. Reference No.</b>	RN102985355				
<b>Media [Statute]</b>	Water Quality				
<b>Enf. Coordinator</b>	Lauren Smitherman				
<b>Violation Number</b>	7				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), TPDES Permit No. WQ0010639001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3, and TCEQ Agreed Order Docket No. 2006-0955-MWD-E, Ordering Provision 2.b				
<b>Violation Description</b>	Failed to comply with permitted effluent limitations, as shown in the attached Effluent Violation Table.				
<b>Base Penalty</b>				\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Harm</b>				
	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"/>	
				<b>Percent</b>	
				10%	
<b>&gt;&gt; Programmatic Matrix</b>					
		Falsification	Major	Moderate	Minor
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<b>Percent</b>	
				0%	
<b>Matrix Notes</b>	A simplified model was used to evaluate ammonia nitrogen and biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Dissolved oxygen, total suspended solids, flow, and pH were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.				
<b>Adjustment</b>				\$9,000	
				\$1,000	
<b>Violation Events</b>					
<b>Number of Violation Events</b>		9	<b>Number of violation days</b>		
		748			
mark only one with an x	Daily	<input type="checkbox"/>			
	weekly	<input type="checkbox"/>			
	monthly	<input type="checkbox"/>			
	quarterly	<input checked="" type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
	single event	<input type="checkbox"/>			
				<b>Violation Base Penalty</b>	
				\$9,000	
Nine quarterly events are recommended from the effective date of the Agreed Order (January 26, 2007) to the screening date (February 12, 2009).					
<b>Good Faith Efforts to Comply</b>		0.0% Reduction	\$0		
		Before NOV	NOV to EDRP/ Settlement Offer		
Extraordinary	<input type="checkbox"/>				
Ordinary	<input type="checkbox"/>				
N/A	<input checked="" type="checkbox"/>	(mark with x)			
Notes	The Respondent does not meet the good faith criteria for this violation.				
<b>Violation Subtotal</b>				\$9,000	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>		\$41,339	<b>Violation Final Penalty Total</b>		
			\$25,192		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$25,192	

### Economic Benefit Worksheet

**Respondent:** City of Chillicothe  
**Case ID No.:** 37157  
**Reg. Ent. Reference No.:** RN102965355  
**Media:** Water Quality  
**Violation No.:** 7

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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	\$220,403	26-Jan-2007	30-Sep-2009	2.68	\$1,969	\$39,371	\$41,339
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

Delayed cost to install a chlorine contact chamber, replace rods for the wet well motor, and to spray for algal blooms to bring effluent into compliant limits. Date required is the effective date of the Agreed Order and the final date is the expected date of compliance.

**Avoided Costs**

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

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

\$220,403

**TOTAL**

\$41,339

<b>Screening Date:</b> 12-Feb-2009	<b>Docket No.:</b> 2009-0202-MWD-E	<b>PCW</b>	
<b>Respondent:</b> City of Chilllicothe		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.:</b> 37157		<i>PCW Revision October 30, 2008</i>	
<b>Reg. Ent. Reference No.:</b> RN102985355			
<b>Media [Statute]:</b> Water Quality			
<b>Enf. Coordinator:</b> Lauren Smitherman			
<b>Violation Number:</b> 8			
<b>Rule Cite(s):</b>	30 Tex. Admin. Code § 306.126(1) and TPDES Permit No. WQ0010639001, Operational Requirements No. 1		
<b>Violation Description:</b>	Failed to properly maintain and operate the wastewater treatment ponds, as documented during an investigation on December 3, 2008. Specifically, woody plants, small trees, and cattails were observed growing on the banks of the pond system.		
	<b>Base Penalty</b>	\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
OR	Release	Harm	
		Major    Moderate    Minor	
	Actual		
	Potential		X
			<b>Percent</b> 5%
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major    Moderate    Minor	
			<b>Percent</b> 0%
<b>Matrix Notes</b>	Human health or the environment would or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.		
	<b>Adjustment</b>	\$9,500	
		\$500	
<b>Violation Events</b>			
	<b>Number of Violation Events</b>	1	<b>Number of violation days</b>
		71	
<i>mark only one with an x</i>	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	X	
			<b>Violation Base Penalty</b> \$500
One single event is recommended.			
<b>Good Faith Efforts to Comply</b>		10.0% Reduction	\$50
		Before NOV    NOV to EDRP/Settlement Offer	
Extraordinary			
Ordinary		X	
N/A		(mark with x)	
<b>Notes</b>	The Respondent came into compliance on February 12, 2009.		
		<b>Violation Subtotal</b>	\$460
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	\$10	<b>Violation Final Penalty Total</b>	\$1,359
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$1,359

### Economic Benefit Worksheet

**Respondent:** City of Chillicothe  
**Case ID No.:** 37157  
**Reg. Ent. Reference No.:** RN102985355  
**Media:** Water Quality  
**Violation No.:** 8

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$765	3-Dec-2008	12-Feb-2009	0.19	\$0	\$10	\$10
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: Delayed cost to remove woody vegetation from the banks of the pond system. Date Required is the investigation date. 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 TOTAL

\$765		TOTAL	\$10
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## EFFLUENT VIOLATION TABLE

City of Chillicothe

TPDES Permit No. WQ0010639001

Docket No. 2009-0202-MWD-E

	BODs Daily Avg. Conc.	BODs Daily Avg. Loading	pH Monthly Max.	TSS Daily Avg. Conc.	Daily Avg. Flow	DO Monthly Min.
Months	Limit = 30 mg/L	Limit = 28 lbs/day	Limit = 9.0 SU	Limit = 90 mg/L	Limit = 0.113 MGD	Limit = 4.0 mg/L
3/31/2007	54	c	c	136	c	c
4/30/2007	39	c	c	128	c	c
5/31/2007	42.4	c	c	139.2	c	c
6/30/2007	34	c	c	114	c	c
7/31/2007	30.6	c	c	c	c	c
8/31/2007	c	c	c	c	0.18	c
10/31/2007	31.25	c	9.1	c	c	c
11/30/2007	55	c	c	121	c	c
12/31/2007	34.5	c	9.42	c	c	c
1/31/2008	38	c	9.36	c	c	c
2/29/2008	65	c	c	135	c	c
3/31/2008	58	c	9.1	136	c	1.65
4/30/2008	42.5	c	9.37	127.5	c	1.29
5/31/2008	c	c	c	c	c	c
10/31/2008	c	c	c	105	0.139	c
11/30/2008	38	c	9.29	135	c	c
12/31/2008	c	38	9.12	93	c	c
1/31/2009	33	c	9.3	c	c	c

BOD<sub>5</sub> = biochemical oxygen demand      mg/L = milligrams per liter  
 TSS = total suspended solids              max. = maximum  
 SU = standard units                              c = compliant  
 avg. = average                                    conc. = concentration  
 lbs/day = pounds per day                      MGD = million gallons per day  
 DO = dissolved oxygen



# Compliance History Report

Customer/Respondent/Owner-Operator: CN600337331 City of Chillicothe Classification: AVERAGE Rating: 3.13  
Regulated Entity: RN102985355 CITY OF CHILLICOTHE WWTP Classification: AVERAGE Site Rating: 3.25

ID Number(s):  
WASTEWATER PERMIT WQ0010639001  
WASTEWATER EPA ID TX0053066  
WASTEWATER PERMIT TPDES0053066  
WASTEWATER PERMIT TX0053066  
WASTEWATER LICENSING LICENSE WQ0010639001

Location: LOCATED APPRX 2 MI N-NE OF THE  
INTX OF FM 91 AND 924, APPRX 2.5 MI  
N OF THE INTX OF FM 91 AND US HWY 287  
IN HARDEMAN CO, TX

TCEQ Region: REGION 03 - ABILENE

Date Compliance History Prepared: February 10, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 10, 2004 to February 10, 2009

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Lauren Smiltherman Phone: 512-239-5223

## 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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership 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.

Effective Date: 01/26/2007

ADMINORDER 2006-0955-MWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Mon and Reporting Rq No. 1 PERMIT

Description: Failed to comply with permitted effluent limitations as detailed in the effluent violation chart

Classification: Minor

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

Rqmt Prov: Mon and Rep Rq No. 1 and Sludge Provisio PERMIT

Description: Failed to submit parameter data on the discharge monitoring report for five-day biochemical oxygen demand grab maximum limit for the month of May 2005 and dissolved oxygen minimum limit for the month of June 2005; and for polychlorinated biphenyls and compliance with Part 258 Requirements for Sewage Sludge on the annua

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	04/06/2004	(306522)	29	05/15/2006	(501219)	
	2	04/26/2004	(356529)	30	06/14/2006	(481908)
	3	06/03/2004	(356530)	31	06/28/2006	(501220)
	4	06/21/2004	(356531)	32	07/13/2006	(523449)
	5	08/02/2004	(356532)	33	08/18/2006	(523450)
	6	09/16/2004	(334580)	34	09/11/2006	(523451)
	7	10/12/2004	(356533)	35	10/02/2006	(548348)
	8	10/25/2004	(356534)	36	11/27/2006	(548349)
	9	11/08/2004	(384324)	37	12/27/2006	(548350)
	10	12/13/2004	(384325)	38	01/18/2007	(581436)
	11	01/14/2005	(384326)	39	04/23/2007	(581433)
	12	02/07/2005	(422262)	40	05/21/2007	(581434)
	13	03/31/2005	(422263)	41	06/22/2007	(581435)
	14	04/15/2005	(422264)	42	07/23/2007	(608130)
	15	05/20/2005	(422265)	43	08/20/2007	(608131)
	16	06/06/2005	(422266)	44	09/24/2007	(608132)
	17	07/22/2005	(422267)	45	11/26/2007	(621706)
	18	08/15/2005	(443178)	46	11/26/2007	(621707)
	19	09/15/2005	(443179)	47	11/26/2007	(621708)
	20	10/13/2005	(472899)	48	11/26/2007	(673652)
	21	11/07/2005	(472900)	49	12/18/2007	(621709)
	22	12/09/2005	(438433)	50	01/24/2008	(673653)
	23	12/12/2005	(472901)	51	02/22/2008	(673651)
	24	12/31/2005	(472902)	52	03/24/2008	(691906)
	25	02/14/2006	(472897)	53	04/14/2008	(691907)
	26	02/21/2006	(456181)	54	05/27/2008	(691908)
	27	03/16/2006	(472898)	55	01/30/2009	(721862)
	28	04/24/2006	(501218)			

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

Date: 02/29/2004 (306522) CN600337331  
N/A 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: 04/30/2004 (356530) CN600337331  
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: 05/31/2004 (356531) CN600337331  
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: 06/30/2004 (356532) CN600337331  
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: 07/01/2004 (278636) CN600337331  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
Description: Failure to properly operate and maintain the Imhoff tank and plant lift station.  
Self Report? NO Classification: Major  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
Description: Failure to prevent the unauthorized discharge of wastewater from the Imhoff tank.

Date: 07/31/2004 (356533) CN600337331  
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 (384325) CN600337331  
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 (384326) CN600337331  
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 (422264) CN600337331  
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 (422265) CN600337331  
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 (422267) CN600337331  
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 (443178) CN600337331  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2005 (443179) CN600337331  
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 (472899) CN600337331  
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 (472900) CN600337331  
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 (472901) CN600337331  
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: 12/09/2005 (438433) CN600337331  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)  
30 TAC Chapter 305, SubChapter F 305.125(11)(C)  
Sludge Provisions III G, page 25 OP  
Description: Failure to submit annual sludge report.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
30 TAC Chapter 317 317.4(i)

Description: Failure to maintain the growth of cattails and small trees in and on the embankments of the wastewater treatment ponds.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
TWC Chapter 26 26.121  
TWC Chapter 26 26.121(a)  
TWC Chapter 26 26.121(a)(1)  
TWC Chapter 26 26.121(a)(2)  
TWC Chapter 26 26.121(a)(3)  
TWC Chapter 26 26.121(b)  
TWC Chapter 26 26.121(c)  
TWC Chapter 26 26.121(d)  
TWC Chapter 26 26.121(e)

Description: Failure to prevent the unauthorized discharge of sewage into or adjacent to any water in the state.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Monitoring and Reporting Requirements OP

Description: Failure to calibrate the flow meter annually.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Effluent Limitation Requirement OP

Description: Failure to meet permit effluent limits for pH, BOD and TSS based upon a twelve month record review of DMR data and investigation sample results.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)  
Monitoring and Reporting Requirements OP

Description: Failure to record collection and analyses times for pH and dissolved oxygen.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Reporting Requirements OP

Description: Failure to submit noncompliance notifications for effluent violations which deviate from the permitted effluent limit by more than 40%.

Self Report? NO Classification: Minor

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

Description: Failure to maintain stabilization ponds that conform to the TCEQ "Design Criteria for Sewage Systems" and maintain a minimum two feet of free board.

Self Report? NO Classification: Minor

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

Description: Failure to maintain the pH buffer for the analysis of wastewater.

Date: 12/31/2005 (472902) CN600337331

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: 01/31/2006 (472897) CN600337331

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: 02/28/2006 (472898) CN600337331

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 (501218) CN600337331

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 (501219) CN600337331

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: 05/31/2006 (501220) CN600337331

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 (548349) CN600337331

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 (548350) CN600337331

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 (581436) CN600337331

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 (621706) CN600337331  
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: 03/31/2007 (581433) CN600337331  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2007 (581434) CN600337331  
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 (581435) CN600337331  
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 (608130) CN600337331  
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 (608131) CN600337331  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2007 (608132) CN600337331  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2007 (673652) CN600337331  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2007 (621709) CN600337331  
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 (673653) CN600337331

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 (673651) CN600337331  
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 (691906) CN600337331  
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 (691907) CN600337331  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2008 (691908) CN600337331  
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 (621709) CN600337331  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2008 (673653) CN600337331  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2008 CN600337331  
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: 12/31/2008 (673651) CN600337331  
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: 01/31/2009 (691906) CN600337331  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF CHILLICOTHE  
RN102985355

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2009-0202-MWD-E**

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

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

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

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

## I. FINDINGS OF FACT

1. The City owns and operates a domestic wastewater treatment plant located approximately two miles north-northeast of the intersection of Farm-to-Market Roads 91 and 924, approximately 2.5 miles north of the intersection of Farm-to-Market Road 91 and United States Highway 287 in Hardeman 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. During an investigation on December 3, 2008, TCEQ staff documented that the City could not provide records of the Facility's sewage sludge use and disposal activities or the required monitoring records. Specifically, the flow records and monitoring records did not include the date, time, and place of measurements, the identity of the individual who made the measurement, and the date and time of analysis. In addition, the Toxicity Characteristic Leaching Procedure results, paint filter test records, and monthly sludge hauling records were not provided.
4. During an investigation on December 3, 2008, TCEQ staff documented that the City did not timely submit the annual sludge report for the monitoring period ending July 31, 2008, by September 1, 2008.
5. During an investigation on December 3, 2008, TCEQ staff documented that the Facility did not have a generator, retention basin, or dual power feed.
6. During an investigation on December 3, 2008, TCEQ staff documented that the City did not submit the discharge monitoring reports ("DMRs") for the monitoring periods ending November 30, 2007, May 31, 2008, and October 31, 2008 by the twentieth day of the following month.
7. During an investigation on December 3, 2008, TCEQ staff documented that the City did not submit notification to TCEQ when excursions of 40% or greater of the permitted limit were observed during February, March, and April 2008.
8. During an investigation on December 3, 2008, TCEQ staff documented that the City was not conducting the manganese correction during the chlorine analyses or calculating the dissolved oxygen standard to ensure that the dissolved oxygen meter was recording correctly.
9. During an investigation on December 3, 2008, TCEQ staff documented the following from the self-reported monthly DMRs:

EFFLUENT VIOLATION TABLE						
Months	BOD <sub>5</sub> Daily Avg. Conc. Limit = 30 mg/L	BOD <sub>5</sub> Daily Avg. Loading Limit = 28 lbs/day	pH Monthly Max. Limit = 9.0 SU	TSS Daily Avg. Conc. Limit = 90 mg/L	Daily Avg. Flow Limit = 11.5 MGD	DO Monthly Min. Limit = 2.0 mg/L
3/31/2007	54	c	c	136	c	c
4/30/2007	39	c	c	128	c	c
5/31/2007	42.4	c	c	139.2	c	c
6/30/2007	34	c	c	114	c	c
7/31/2007	30.6	c	c	c	c	c
8/31/2007	c	c	c	c	0.18	c
10/31/2007	31.25	c	9.1	c	c	c
11/30/2007	55	c	c	121	c	c
12/31/2007	34.5	c	9.42	c	c	c
1/31/2008	38	c	9.36	c	c	c
2/29/2008	65	c	c	135	c	c
3/31/2008	58	c	9.1	136	c	1.65
4/30/2008	42.5	c	9.37	127.5	c	1.29
5/31/2008	c	c	c	c	c	c
10/31/2008	c	c	c	105	0.139	c
11/30/2008	38	c	9.29	135	c	c
12/31/2008	c	38	9.12	93	c	c
1/31/2009	33	c	9.3	c	c	c

BOD<sub>5</sub> = biochemical oxygen demand      mg/L = milligrams per liter  
TSS = total suspended solids              max. = maximum  
SU = standard units                              c = compliant  
avg. = average                                      conc. = concentration  
lbs/day = pounds per day                      MGD = million gallons per day  
DO = dissolved oxygen

10. During an investigation on December 3, 2008, TCEQ staff documented woody plants, small trees, and cattails were growing on the banks of pond system.
11. The City received notice of the violations on February 4, 2009.
12. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
  - a. By February 12, 2009, the City:

- i. Removed the woody vegetation and began properly maintaining the wastewater treatment pond system;
  - ii. Began maintaining records of the Facility's sewage sludge use and disposal activities;
  - iii. Submitted the annual sludge report for the monitoring period ending July 31, 2008; and
  - iv. Submitted the DMRs for the monitoring periods ending November 30, 2007, May 31, 2008, and October 31, 2008.
- b. By February 17, 2009:
- i. Conducted training on the required quality assurance and effluent analysis methods and began calculating the dissolved oxygen standard to ensure the dissolved oxygen meter was recording correctly; and
  - ii. Conducted training and began performing the manganese correction during the chlorine analyses.

## II. CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the City failed to maintain records of the Facility's sewage sludge use and disposal activities and failed to maintain adequate monitoring records, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010639001, Monitoring and Reporting Requirements No. 3.b.
3. As evidenced by Findings of Fact No. 4, the City failed to timely submit the annual sludge report, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010639001, Sludge Provisions.
4. As evidenced by Findings of Fact No. 5, the City failed to 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, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and 305.125(5) and TPDES Permit No. WQ0010639001, Operational Requirements No. 4.
5. As evidenced by Findings of Fact No. 6, the City failed to submit the monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0010639001, Monitoring and Reporting Requirements No. 1.

6. As evidenced by Findings of Fact No. 7, the City failed to notify the TCEQ in writing of any effluent permit excursion of 40% or greater, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010639001, Monitoring and Reporting Requirements No. 7.c.
7. As evidenced by Findings of Fact No. 8, the City failed to utilize the required quality assurance and effluent analysis methods, in violation of 30 TEX. ADMIN. CODE §§ 319.6, 319.9(c), and 319.11 and TPDES Permit No. WQ0010639001, Monitoring and Reporting Requirements No. 2.
8. As evidenced by Findings of Fact No. 9, the City failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0010639001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3, and TCEQ Agreed Order Docket No. 2006-0955-MWD-E, Ordering Provision 2.b.
9. As evidenced by Findings of Fact No. 10, the City failed to properly maintain and operate the wastewater treatment ponds, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010639001, Operational Requirements No. 1.
10. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
11. An administrative penalty in the amount of Fifty-Nine Thousand Eight Hundred Twenty Dollars (\$59,820) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the City and determined that the City is unable to pay the administrative penalty, pursuant to TEX. WATER CODE § 7.034. Therefore, Fifty-Nine Thousand Eight Hundred Twenty Dollars (\$59,820) of the penalty is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the City to pay all or part of the deferred penalty.

### III. ORDERING PROVISIONS

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

1. The City is assessed an administrative penalty in the amount of Fifty-Nine Thousand Eight Hundred Twenty Dollars (\$59,820) as set forth in Section II, Paragraph 11 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Chillicothe, Docket No. 2009-0202-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 City shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Agreed Order, update the Facility's standard operating procedures and conduct employee training to ensure that all reporting procedures are properly accomplished, including that all DMRs are submitted by the twentieth day of every month, all operation monitoring records are properly maintained, and all written reports for effluent violations which deviate by more than 40% from the permitted limit are properly submitted to the TCEQ.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, as described in Ordering Provision No. 2.d below.
  - c. Within 90 days after the effective date of this Agreed Order:
    - i. Submit written certification of compliance, in accordance with Ordering Provision No. 2.d. below, that adequate safeguards were installed to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by use of a generator, retention basin, or dual power feed to the Facility, in accordance with TPDES Permit No. WQ0010639001, Monitoring and Reporting Requirements No. 3.b; and
    - ii. Submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010639001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be in accordance with Ordering Provision No. 2.d. below.
  - d. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a and 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager  
Abilene Regional Office  
Texas Commission on Environmental Quality  
1977 Industrial Boulevard  
Abilene, Texas 79602-7833

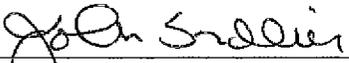
3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

9. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

2/25/2010  
Date

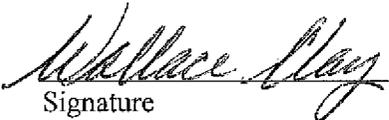
I, the undersigned, have read and understand the attached Agreed Order in the matter of City of Chillicothe. I am authorized to agree to the attached Agreed Order on behalf of City of Chillicothe, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment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

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

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

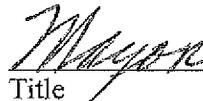
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement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

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

  
Signature

10-22-2009  
Date

WALLACE CLAY  
Name (Printed or typed)  
Authorized Representative of  
City of Chillicothe

  
Title

**Instructions:** Send the original, signed Agreed Order to the address in Section III, Paragraph 1 of this Agreed Order.

