

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-1843-MWD-E **TCEQ ID:** RN103118923 **CASE NO.:** 38698

RESPONDENT NAME: City of Ranger

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMEDIATE 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 Ranger, located on the northeast corner of Garrett Street and Lackland Avenue in Ranger, approximately 2,500 feet north-northwest of the intersection of United States Highway 80 and Farm-to-Market Road 571, Ranger, Bastland County</p> <p>TYPE OF OPERATION: Wastewater treatment system</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 17, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Jordan Jones, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2569; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: The Honorable Margaret Green, Mayor, City of Ranger, 400 West Main Street, Ranger, Texas 76470 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 23, 2009</p> <p>Date of NOV/NOE Relating to this Case: November 4, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>1) Failure to comply with permit effluent limits for carbonaceous biochemical oxygen demand, total residual chlorine, total ammonia nitrogen, and total suspended solids [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011557003, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].</p> <p>2) Failure to submit the discharge monitoring report ("DMR") for the monitoring period ending September 30, 2008 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0011557003, Monitoring and Reporting Requirements No. 1].</p>	<p>Total Assessed: \$39,600</p> <p>Total Deferred: \$0 <input 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: \$3,300 (remaining \$36,300 due in 11 monthly payments of \$3,300 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>Findings Orders Justification: Human health and the environment have been exposed to pollutants which exceed levels that are protective.</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of the Agreed Order, submit the DMR data for the monitoring period ending September 30, 2008;</p> <p>b. Within 30 days after the effective date of the Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs and annual sludge reports;</p> <p>c. Within 45 days after the effective date of this Agreed Order, certify compliance with Ordering Provisions a. and b.; and</p> <p>d. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011557003, 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>

Additional ID No(s): WQ0011557003



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revison October 30, 2008

TCEQ
DATES

Assigned	9-Nov-2009	Screening	12-Nov-2009	EPA Due	
PCW	13-Nov-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Ranger				
Reg. Ent. Ref. No.	RN103118923				
Facility/Site Region	3-Abilene	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	38698	No. of Violations	3
Docket No.	2009-1843-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jordan Jones
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000
		EC's Team	Enforcement Team 3

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement Subtotals 2, 3, & 7

Notes:

Culpability Enhancement Subtotal 4

Notes:

Good Faith Effort to Comply Total Adjustments Subtotal 5

Economic Benefit Enhancement* Subtotal 6

Total EB Amounts	\$1,175	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$10,500	

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes:

PAYABLE PENALTY

Screening Date 12-Nov-2009

Docket No. 2009-1843-MWD-E

PCW

Respondent City of Ranger

Policy Revision 2 (September 2002)

Case ID No. 38698

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103118923

Media [Statute] Water Quality

Enf. Coordinator Jordan Jones

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)	24	120%
	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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

An enhancement is recommended because the Respondent has 22 self-reported effluent violations and two NOVs with same or similar violations.

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

Screening Date 12-Nov-2009

Docket No. 2009-1843-MWD-E

PCW

Respondent City of Ranger

Policy Revision 2 (September 2002)

Case ID No. 38698

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN103118923

Media [Statute] Water Quality

Enf. Coordinator Jordan Jones

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011557003, Final Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description Failed to comply with permit effluent limits, as documented in a record review on September 23, 2009. See attached Effluent Limit Violation Table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	X			50%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes A simplified model was used to evaluate ammonia nitrogen ("NH3-N"), carbonaceous biochemical oxygen demand 5-day ("CBOD5"), and flow to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total chlorine residual and total suspended solids ("TSS") were also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 3 Number of violation days 334

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$15,000

Three monthly events are recommended for the months of May 2008, March 2009, and April 2009.

Good Faith Efforts to Comply

	0.0% Reduction	
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

\$0

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,126

Violation Final Penalty Total \$33,000

This violation Final Assessed Penalty (adjusted for limits) \$33,000

Economic Benefit Worksheet

Respondent City of Ranger
Case ID No. 38698
Reg. Ent. Reference No. RN103118923
Media Water Quality
Violation No. 1

Percent Interest 5.0
Years of Depreciation 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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$10,000	31-May-2008	31-Aug-2010	2.25	\$1,126	n/a	\$1,126
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility. Date required is the initial date of noncompliance. 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

\$10,000

TOTAL

\$1,126

Screening Date 12-Nov-2009

Docket No. 2009-1843-MWD-E

PCW

Respondent City of Ranger

Policy Revision 2 (September 2002)

Case ID No. 38698

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN103118923

Media [Statute] Water Quality

Enf. Coordinator Jordan Jones

Violation Number 2

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WG0011557003, Final Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description Failed to comply with permit effluent limits, as documented in a record review on September 23, 2009. See attached Effluent Limit Violation Table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				x	10%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes

A simplified model was used to evaluate NH3-N, CBOD5, and flow to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total chlorine residual and TSS 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 as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 334 Number of violation days

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

Violation Base Penalty \$2,000

Two quarterly events are recommended for the quarters containing the months of June 2008 and February 2009.

Good Faith Efforts to Comply

	0.0% Reduction	\$0
	Before NOV	NOV to EDP RP/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 \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,400

This violation Final Assessed Penalty (adjusted for limits) \$4,400

Economic Benefit Worksheet

Respondent City of Ranger
Case ID No. 38698
Reg. Ent. Reference No. RN103118923
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
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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 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-Nov-2009

Docket No. 2009-1843-MWD-E

PCW

Respondent City of Ranger

Policy Revision 2 (September 2002)

Case ID No. 38698

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103118923

Media [Statute] Water Quality

Enf. Coordinator Jordan Jones

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0011557003, Monitoring and Reporting Requirements No. 1

Violation Description Failed to submit the discharge monitoring report ("DMR") for the monitoring period ending September 30, 2008, as documented in a record review on September 23, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
	x			10%
100% of the rule requirement was not met.				

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 30

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

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

	0.0% Reduction	\$0
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Estimated EB Amount \$49

Statutory Limit Test

Violation Final Penalty Total \$2,200

This violation Final Assessed Penalty (adjusted for limits) \$2,200

Economic Benefit Worksheet

Respondent City of Ranger
Case ID No. 38698
Reg. Ent. Reference No. RN103118923
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
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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	\$500	20-Oct-2008	30-Sep-2010	1.95	\$49	n/a	\$49
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

The estimated cost of training Facility personnel to ensure that all reports are submitted timely and completely.
Date Required is the date the report was due. 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

	\$500
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TOTAL

	\$49
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Effluent Limit Violation Table

Respondent	City of Ranger
ID Number(s)	TPDES Permit No. WQ0011557003, Case No. 38698
Docket Number	2009-1843-MWD-E
Enf. Coordinator	Jordan Jones

Corresponds to Violation Number: 1,2

**EFFLUENT PARAMETER
Permit Limit**

<i>Month/Year</i>	CBOD5 Daily Avg. Conc.	CBOD5 Daily Max. Conc.	CBOD5 Daily Avg. Loading	Total Residual Chlorine Min. Conc.	Total Ammonia-Nitrogen Daily Avg. Conc.	Total Ammonia-Nitrogen Daily Max. Conc.	Total Ammonia-Nitrogen Daily Avg. Loading	Total Suspended Solids Daily Avg. Conc.	Total Suspended Solids Daily Max. Conc.	Total Suspended Solids Daily Avg. Loading
	Limit = 10 mg/L	Limit = 25 mg/L	Limit = 46 lb/d	Limit = 1 mg/L	Limit = 2 mg/L	Limit = 10 mg/L	Limit = 9.2 lb/d	Limit = 15 mg/L	Limit = 40 mg/L	Limit = 69 lb/d
5/31/2008	c	c	c	0.66	12.14	17	42.39	19.16	55	70.93
6/30/2008	c	c	c	0.83	c	c	c	c	c	c
2/28/2009	c	c	c	c	8.13	16	19.94	c	c	c
3/31/2009	30.75	56	102.71	0.62	15.23	23	52.01	66.25	210	305.96
4/30/2009	c	c	c	c	12.1	21	29.16	c	c	c
	CBOD5 = carbonaceous biochemical oxygen demand 5-Day						avg. = average			
	conc. = concentration						mg/L = milligrams per liter			
	max. = maximum						lb/d = pound per day			
	c = compliant						min. = minimum			

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600636617	City of Ranger	Classification: AVERAGE	Rating: 2.83
Regulated Entity:	RN103118923	CITY OF RANGER	Classification: AVERAGE	Site Rating: 1.95
ID Number(s):	WASTEWATER		PERMIT	WQ0011557003
	WASTEWATER		PERMIT	TPDES0118702
	WASTEWATER		PERMIT	TX0118702
	WASTEWATER LICENSING		LICENSE	WQ0011557003
Location:	LOCATED AT THE NORTHEAST CORNER OF GARRETT STREET AND LACKLAND AVENUE IN THE CITY OF RANGER, APPROXIMATELY 2500 FEET NORTH NORTHWEST OF THE INTERSECTION OF US HIGHWAY 80 AND FARM TO MARKET ROAD 571 IN EASTLAND COUNTY, TEXAS			
TCEQ Region:	REGION 03 - ABILENE			
Date Compliance History Prepared:	November 13, 2009			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	November 13, 2004 to November 13, 2009			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Jordan Jones		Phone:	512-239-2569

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership/operator of the site during the compliance period? | No |
| 3. If Yes, who is the current owner/operator? | N/A |
| 4. If Yes, who was/were the prior owner(s)/operator(s) ? | N/A |
| 5. When did the change(s) in owner or operator occur? | N/A |
| 6. Rating Date: 9/1/2009 Repeat Violator: NO | |

Components (Multimedia) for the Site :

- | | | |
|----|---|--|
| A. | Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. | |
| | N/A | |
| B. | Any criminal convictions of the state of Texas and the federal government. | |
| | N/A | |
| C. | Chronic excessive emissions events. | |
| | N/A | |
| D. | The approval dates of investigations. (CCEDS Inv. Track. No.) | |
| | 1 10/15/2004 (366887) | |
| | 2 11/10/2004 (389968) | |
| | 3 12/14/2004 (389969) | |
| | 4 01/24/2005 (389970) | |
| | 5 02/11/2005 (427475) | |
| | 6 03/11/2005 (389967) | |
| | 7 04/13/2005 (427476) | |
| | 8 05/12/2005 (427477) | |
| | 9 06/10/2005 (427478) | |
| | 10 07/21/2005 (427479) | |
| | 11 09/14/2005 (447518) | |
| | 12 10/17/2005 (492438) | |
| | 13 11/14/2005 (492439) | |
| | 14 12/12/2005 (492440) | |
| | 15 01/12/2006 (492441) | |
| | 16 02/13/2006 (492436) | |
| | 17 03/15/2006 (492437) | |
| | 18 04/14/2006 (506257) | |

19	05/17/2006	(506258)
20	06/12/2006	(506259)
21	07/07/2006	(466356)
22	07/20/2006	(528492)
23	08/18/2006	(528493)
24	09/20/2006	(528494)
25	10/09/2006	(551853)
26	11/15/2006	(551854)
27	12/21/2006	(551855)
28	01/03/2007	(535671)
29	01/18/2007	(589094)
30	02/16/2007	(589090)
31	03/14/2007	(589091)
32	04/16/2007	(589092)
33	05/21/2007	(589093)
34	07/31/2007	(605716)
35	08/20/2007	(605717)
36	08/24/2007	(605718)
37	10/01/2007	(631282)
38	10/22/2007	(631283)
39	11/26/2007	(631284)
40	12/14/2007	(631285)
41	01/14/2008	(677289)
42	02/19/2008	(677288)
43	03/19/2008	(695961)
44	04/14/2008	(695962)
45	05/14/2008	(695963)
46	06/20/2008	(717568)
47	07/14/2008	(717569)
48	08/20/2008	(717570)
49	09/15/2008	(717571)
50	09/30/2008	(732895)
51	10/13/2008	(704963)
52	11/21/2008	(732896)
53	12/05/2008	(732897)
54	01/20/2009	(756124)
55	02/19/2009	(756123)
56	03/19/2009	(773103)
57	03/25/2009	(738755)
58	04/10/2009	(773104)
59	05/15/2009	(773105)
60	08/31/2009	(767324)

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

Date:	11/30/2004	(389969)	CN600636617	
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	(427475)	CN600636617	
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	(389967)	CN600636617	
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	(427476)	CN600636617	Classification:	Moderate
Self Report?	YES				
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	(447518)	CN600636617	Classification:	Moderate
Self Report?	YES				
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	(492438)	CN600636617	Classification:	Moderate
Self Report?	YES				
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	(492436)	CN600636617	Classification:	Moderate
Self Report?	YES				
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	(492437)	CN600636617	Classification:	Moderate
Self Report?	YES				
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	(506257)	CN600636617	Classification:	Moderate
Self Report?	YES				
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	(506258)	CN600636617	Classification:	Moderate
Self Report?	YES				
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	(506259)	CN600636617	Classification:	Moderate
Self Report?	YES				
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:	07/07/2008	(466356)	CN600636617	Classification:	Moderate
Self Report?	NO				
Citation:	30 TAC Chapter 317 317.4(a)(8)				
Description:	Failure to provide an annual certification of the reduced pressure backflow assembly (RPBA) on the public water supply line located at the wastewater treatment plant.				
Self Report?	NO			Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0011557-003 PERMIT				
Description:	Failure to submit an annual sludge report (September 04 thru August 05) to the TCEQ Regional Office by September 1, 2005.				
Self Report?	NO			Classification:	Moderate
Citation:	30 TAC Chapter 317 317.3				
Description:	Failure to properly design and construct the Interstate 20 lift station to prevent unauthorized discharges from occurring into adjacent tributaries and streams.				
Self Report?	NO			Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0011557-003 PERMIT				
Description:	Failure to meet total chlorine residual limits.				
Self Report?	NO			Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.8				
Description:	Failure to conduct applicable quality assurance/quality control for the total chlorine residual analysis.				

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.11(c)		
Description:	Failure to analyze total chlorine residual in accordance with the method.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.6		
Description:	Failure to include a dissolved oxygen standard after the calibration of the dissolved oxygen meter for each day dissolved oxygen is measured.		
Date:	10/31/2006	(551854)	CN600636617
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	(605716)	CN600636617
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:	06/30/2007	(605717)	CN600636617
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	09/30/2007	(631283)	CN600636617
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	(695962)	CN600636617
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	(695963)	CN600636617
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	(717568)	CN600636617
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	(717569)	CN600636617
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:	08/01/2008	(594053)	CN600636617
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 317 317.4(a)(8) 30 TAC Chapter 317 317.7(l)		
Description:	Failure to provide an annual check certification on the reduced pressure backflow assembly (RPBA) on the public water supply line located at the wastewater treatment plant.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 317 317.4(a)(5) WQ0011557003 PERMIT		
Description:	Failure to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0011557003 PERMIT		
Description:	Failure to meet the chlorine residual limit at the time of the investigation.		

Self Report?	NO	Classification:	Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0011557003 PERMIT		
Description:	Failure to meet the daily average flow permit limit based upon a twelve month record review of DMR data.		
Self Report?	NO	Classification:	Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0011557003 PERMIT		
Description:	Failure to meet permit effluent limits for TSS and ammonia nitrogen based upon a twelve month record review of DMR data.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a) WQ0011557003 PERMIT		
Description:	Failure to record the required monitoring activities for field measurements such as dissolved oxygen, pH, total chlorine residual and flow.		
Self Report?	NO	Classification:	Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0011557003 PERMIT		
Description:	Failure to submit noncompliance notifications for effluent violations which deviate from the permitted effluent limitation by more than 40%.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.11(b) WQ0011557003 PERMIT		
Description:	Failure to demonstrate adequate quality assurance/quality control for the analysis of dissolved oxygen.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 317 317.6(b)(1) 30 TAC Chapter 317 317.6(b)(1)(A) 30 TAC Chapter 317 317.6(b)(1)(B) 30 TAC Chapter 317 317.6(b)(1)(C) 30 TAC Chapter 317 317.6(b)(1)(D) 30 TAC Chapter 317 317.6(b)(1)(E) 30 TAC Chapter 317 317.6(b)(1)(F) 30 TAC Chapter 317 317.6(b)(1)(G) WQ0011557003 PERMIT		
Description:	Failure to provide an adequate and operable chlorine pump.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0011557003 PERMIT		
Description:	Failure to properly collect composite samples.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.11(b) WQ0011557003 PERMIT		
Description:	Failure to provide an NIST certified thermometer in the sample storage refrigerator.		
Date:	02/28/2009	(773103)	CN600636617
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2009	(773104)	CN600636617
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/30/2009	(773105)	CN600636617
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
- K. Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF RANGER
RN103118923

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2009-1843-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Ranger ("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 it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

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

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

I. FINDINGS OF FACT

1. The City owns and operates a wastewater treatment system located on the northeast corner of Garrett Street and Lackland Avenue in Ranger, approximately 2,500 feet north-northwest of the

intersection of United States Highway 80 and Farm-to-Market Road 571 in Ranger, Eastland 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 a record review on September 23, 2009, TCEQ staff documented that the City did not comply with permit effluent limits as depicted in the table below:

	CBOD5 Daily Avg. Conc.	CBOD5 Daily Max. Conc.	CBOD5 Daily Avg. Loading	Total Residual Chlorine Min. Conc.	Total Ammonia-Nitrogen Daily Avg. Conc.	Total Ammonia-Nitrogen Daily Max. Conc.	Total Ammonia-Nitrogen Daily Avg. Loading	Total Suspended Solids Daily Avg. Conc.	Total Suspended Solids Daily Max. Conc.	Total Suspended Solids Daily Avg. Loading
Month/Year	Limit = 10 mg/L	Limit = 25 mg/L	Limit = 46 lb/d	Limit = 1 mg/L	Limit = 2 mg/L	Limit = 10 mg/L	Limit = 9.2 lb/d	Limit = 15 mg/L	Limit = 40 mg/L	Limit = 89 lb/d
5/31/2008	c	c	c	0.66	12.14	17	42.39	19.16	55	70.93
6/30/2008	c	c	c	0.83	c	c	c	c	c	c
2/28/2009	c	c	c	c	8.13	16	19.94	c	c	c
3/31/2009	30.75	56	102.71	0.62	15.23	23	52.01	66.25	210	305.96
4/30/2009	c	c	c	c	12.1	21	29.16	c	c	c
	CBOD5 = carbonaceous biochemical oxygen demand 5-Day						avg. = average			
	conc. = concentration						mg/L = milligrams per liter			
	max. = maximum						lb/d = pound per day			
	c = compliant						min. = minimum			

4. During a record review on September 23, 2009, TCEQ staff documented that the City did not submit the discharge monitoring report ("DMR") for the monitoring period ending September 30, 2008.
5. The City received notice of the violations on November 6, 2009.

II. CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the City failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011557003, Effluent Limitations and Monitoring Requirements Nos. 1 and 2.
3. As evidenced by Findings of Fact No. 4, the City failed to submit the discharge monitoring report ("DMR") for the monitoring period ending September 30, 2008, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0011557003, Monitoring and Reporting Requirements No. 1.

4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Thirty-Nine Thousand Six Hundred Dollars (\$39,600) 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 City has paid Three Thousand Three Hundred Dollars (\$3,300) of the administrative penalty. The remaining amount of Thirty-Six Thousand Three Hundred Dollars (\$36,300) of the administrative penalty shall be payable in 11 monthly payments of Three Thousand Three Hundred Dollars (\$3,300) 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 the Agreed Order.

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 Thirty-Nine Thousand Six Hundred Dollars (\$39,600) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Ranger, Docket No. 2009-1843-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 the Agreed Order, submit the DMR data for the monitoring period ending September 30, 2008;

- b. Within 30 days after the effective date of the Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs and annual sludge reports, in accordance with TPDES Permit No. WQ0011557003, Monitoring and Reporting Requirements No. 1;
- c. Within 45 days after the effective date of this Agreed Order, certify compliance with Ordering Provisions 2.a. and 2.b. and submit to address in 2.d. below; and
- d. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011557003, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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
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.

City of Ranger
DOCKET NO. 2009-1843-MWD-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. ...
For the Executive Director

4/23/2010
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of City of Ranger. I am authorized to agree to the attached Agreed Order on behalf of City of Ranger, 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 Ranger 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.

Margaret Green
Signature

March 3, 2010
Date

Margaret Green
Name (Printed or typed)
Authorized Representative of
City of Ranger

Mayor, City of Ranger
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.