

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3

DOCKET NO.: 2009-0866-MWD-E **TCEQ ID:** RN102777661 **CASE NO.:** 37757

RESPONDENT NAME: City of Rio Grande City

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Rio Grande City Wastewater Treatment Plant, located on the north bank of the Rio Grande, approximately 0.5 mile upstream of the International Bridge (Farm-to-Market Road 755) on the Old Fort Ringgold site, east of Rio Grande City, Starr County</p> <p>TYPE OF OPERATION: Wastewater treatment plant.</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 21, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: The Honorable Ruben O. Villarreal, Mayor, City of Rio Grande City, P.O. Box 19, Rio Grande City, Texas 78582 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 checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 30, 2009</p> <p>Date of NOV/NOE Relating to this Case: May 29, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures. Specifically, the Facility's on-site generator was not operable due to run down batteries [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010802001, Operational Requirements No. 4, and 30 TEX. ADMIN. CODE § 305.125(1) and (5)].</p> <p>2) Failure to comply with permit effluent limits for minimum dissolved oxygen ("DO") of 2.0 milligrams per liter ("mg/l") and minimum chlorine residual ("Cl2") of 1.0 mg/l. Specifically, grab samples collected during the April 30, 2009 investigation revealed DO levels at 0.4 mg/l and Cl2 levels at 0.0 mg/l [TPDES Permit No. WQ0010802001, Effluent Limitations and Monitoring Requirements Nos. 2 and 6, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].</p> <p>3) Failure to maintain process control records [TPDES Permit No. WQ0010802001, Operational Requirements No. 1, and 30 TEX. ADMIN. CODE § 305.125(1)].</p> <p>4) Failure to maintain calibration and maintenance records for any analytical equipment used at the Facility. Specifically, failure to maintain logs of the maintenance and calibration of the DO, Cl2 and pH meters</p>	<p>Total Assessed: \$25,686</p> <p>Total Deferred: \$5,137 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$20,549</p> <p>Total Paid (Due) to General Revenue: \$0</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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Properly began maintaining the sludge levels within the clarifiers by May 1, 2009;</p> <p>b. Repaired/replaced the run down batteries of the on-site generator and began implementing improved maintenance procedures to prevent future discharges by May 13, 2009;</p> <p>c. Developed and began implementing procedures to maintain process control records by May 13, 2009;</p> <p>d. Repaired/replaced the malfunctioning aeration rotor and installed missing blades by May 14, 2009;</p> <p>e. Developed and implemented a system to maintain calibration and maintenance records for any analytical equipment used at the Facility by May 15, 2009;</p> <p>f. Repaired the chlorination system by replacing the old tubing and installing a new diaphragm by May 16, 2009; and</p> <p>g. Hired a Category B licensed individual to operate the Facility by June 22, 2009.</p> <p>h. Returned to compliance with permitted effluent limits by May 25, 2009.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

<p>[TPDES Permit No. WQ0010802001, Monitoring and Reporting Requirements No. 3.b., and 30 TEX. ADMIN. CODE § 319.7(a) and (c)].</p> <p>5) Failure to have a certified operator with the proper level of license operating the Facility and the collection system. Specifically, the Respondent employed a Category C licensed operator, however, the Facility is required to be operated by an operator holding a Category B license or higher [TPDES Permit No. WQ0010802001, Other Requirements No. 1, and 30 TEX. ADMIN. CODE § 30.350(d)].</p> <p>6) Failure to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the oxidation ditches had one inoperable aeration rotor each, one of the rotors in both ditches appeared to be turning at very low revolutions per minute, and the rotors were missing several blades [TPDES Permit No. WQ0010802001, Operational Requirements No. 1, and 30 TEX. ADMIN. CODE § 305.125(5)].</p> <p>7) Failure to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the chlorination system was incapable of dispensing sufficient chlorine as the valve was malfunctioning [TPDES Permit No. WQ0010802001, Operational Requirements No. 1, and 30 TEX. ADMIN. CODE § 305.125(5)].</p> <p>8) Failure to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, sludge was allowed to go septic inside the clarifiers due to poor operation [TPDES Permit No. WQ0010802001, Operational Requirements No. 1, and 30 TEX. ADMIN. CODE § 305.125(5)].</p>		
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Additional ID No(s): WQ0010802001

Attachment A
Docket Number: 2009-0866-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Rio Grande City

Payable Penalty Amount: Twenty Thousand Five Hundred Forty-Nine Dollars (\$20,549)

SEP Amount: Twenty Thousand Five Hundred Forty-Nine Dollars (\$20,549)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")-Abandoned Tire Clean-Up

Location of SEP: Starr County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	8-Jun-2009	Screening	9-Jun-2009	EPA Due	
	PCW	10-Jun-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Rio Grande City
Reg. Ent. Ref. No.	RN102777661
Facility/Site Region	15-Harlingen
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37757	No. of Violations	6
Docket No.	2009-0866-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jorge Ibarra, P.E.
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **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 *Capped at the Total EB \$ Amount
 Approx. Cost of Compliance

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 9-Jun-2009

Docket No. 2009-0866-MWD-E

PCW

Respondent City of Rio Grande City

Policy Revision 2 (September 2002)

Case ID No. 37757

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102777661

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

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)	8	40%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (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%

Please Enter Yes or No

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) 68%

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

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The Respondent was issued one 1660 Agreed Order, two NOVs with the same/similar type of violations, four NOVs without the same/similar type of violations, and self-reported six months of effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 68%

Screening Date 9-Jun-2009	Docket No. 2009-0866-MWD-E				
Respondent City of Rio Grande City	PCW <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small>				
Case ID No. 37757					
Reg. Ent. Reference No. RN102777681					
Media [Statute] Water Quality					
Enf. Coordinator Jorge Ibarra, P.E.					
Violation Number <input type="text" value="1"/>					
Rule Cite(s)	Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010802001, Operational Requirements No. 4, and 30 Tex. Admin. Code § 305.125(1) and (5)				
Violation Description	Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures. Specifically, the Facility's on-site generator was not operable due to run down batteries.				
Base Penalty	<input type="text" value="\$10,000"/>				
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="50%"/>
	Potential	x	<input type="text"/>	<input type="text"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	Failure to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures could result in the exposure of significant amounts of pollutants which would exceed levels that are protective of human health or the environment as a result of this violation.				
Adjustment					<input type="text" value="\$5,000"/>
					<input type="text" value="\$5,000"/>
Violation Events					
	Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="13"/>	Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>	<input type="text"/>		Violation Base Penalty <input type="text" value="\$5,000"/>
	weekly	<input type="text"/>	<input type="text"/>		
	monthly	<input type="text" value="x"/>	<input type="text"/>		
	quarterly	<input type="text"/>	<input type="text"/>		
	semiannual	<input type="text"/>	<input type="text"/>		
	annual	<input type="text"/>	<input type="text"/>		
	single event	<input type="text"/>	<input type="text"/>		
One monthly event is recommended. The penalty was calculated from the investigation date of April 30, 2009, to the compliance date of May 13, 2009.					
Good Faith Efforts to Comply		<input type="text" value="25.0%"/> Reduction	<input type="text" value="\$1,250"/>		
		<small>Before NOV</small>	<small>NOV to EOPRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>		
Ordinary	x	<input type="text"/>	<input type="text"/>		
N/A	<input type="text"/>	<small>(mark with x)</small>			
Notes	The Respondent achieved compliance by May 13, 2009 for this violation.				
Violation Subtotal					<input type="text" value="\$3,750"/>
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$0"/>	Violation Final Penalty Total		<input type="text" value="\$7,150"/>
This violation Final Assessed Penalty (adjusted for limits)					<input type="text" value="\$7,150"/>

Economic Benefit Worksheet

Respondent City of Rio Grande City
Case ID No. 37757
Reg. Ent. Reference No. RN10277661
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$100	30-Apr-2009	13-May-2009	0.04	\$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

Estimated cost to repair/replace the run down batteries of the on-site generator and implement maintenance procedures to prevent future discharges. 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

\$100

TOTAL

\$0

Screening Date 9-Jun-2009		Docket No. 2009-0866-MWD-E		PCW	
Respondent City of Rio Grande City		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 37757		<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN102777661					
Media [Statute] Water Quality					
Enf. Coordinator Jorge Ibarra, P.E.					
Violation Number		<input type="text" value="2"/>			
Rule Cite(s) TPDES Permit No. WQ0010802001, Effluent Limitations and Monitoring Requirements Nos. 2 and 6, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)					
Violation Description		Failed to comply with permit effluent limits for minimum dissolved oxygen ("DO") of 2.0 milligrams per liter ("mg/l") and minimum chlorine residual ("Cl2") of 1.0 mg/l. Specifically, grab samples collected during the April 30, 2009 investigation revealed DO levels at 0.4 mg/l and Cl2 levels at 0.0 mg/l.			
Base Penalty				<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="50%"/>	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>	
Matrix Notes		Failure to comply with permit effluent limits resulted in the exposure of significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.			
Adjustment				<input type="text" value="\$5,000"/>	
				<input type="text" value="\$5,000"/>	
Violation Events					
Number of Violation Events		<input type="text" value="1"/>	Number of violation days		
		<input type="text" value="1"/>			
<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" value="x"/>			
				Violation Base Penalty <input type="text" value="\$5,000"/>	
One single event is recommended for the grab sample taken on April 30, 2009.					
Good Faith Efforts to Comply		<input type="text" value="25.0%"/>	Reduction		
		<input type="text"/>			
		<input type="text"/>			
		<input type="text"/>			
		<input type="text"/>			
		<input type="text"/>			
		<input type="text"/>			
		<input type="text"/>			
		<input type="text"/>			
Notes		The Respondent achieved compliance by May 25, 2009 for this violation.			
Violation Subtotal				<input type="text" value="\$3,750"/>	
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount		<input type="text" value="\$3"/>	Violation Final Penalty Total <input type="text" value="\$7,150"/>		
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$7,150"/>	

Economic Benefit Worksheet

Respondent City of Rio Grande City
Case ID No. 37757
Reg. Ent. Reference No. RN102777661
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				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)	\$1,000	30-Apr-2009	25-May-2009	0.07	\$3	n/a	\$3

Notes for DELAYED costs: Estimated cost to develop and implement procedures to comply with permit effluent limits. Date required is the first date of non-compliance and the final date is the compliance date.

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	\$1,000	TOTAL	\$3
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Screening Date 9-Jun-2009 **Docket No.** 2009-0866-MWD-E **PCW**

Respondent City of Rio Grande City *Policy Revision 2 (September 2002)*

Case ID No. 37757 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN102777661

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 3

Rule Cite(s) TPDES Permit No. WQ0010802001, Operational Requirements No. 1, and 30 Tex. Admin. Code § 305.126(1)

Violation Description Failed to maintain process control records.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
			x	1%

Matrix Notes At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$25

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

Notes The Respondent achieved compliance by May 13, 2009 for this violation.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$143

This violation Final Assessed Penalty (adjusted for limits) \$143

Economic Benefit Worksheet

Respondent City of Rio Grande City
Case ID No. 37757
Reg. Ent. Reference No. RN102777661
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	\$250	30-Apr-2009	13-May-2009	0.04	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to develop and implement a system to maintain process control records. 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	\$250	TOTAL	\$0
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Screening Date 9-Jun-2009	Docket No. 2009-0866-MWD-E	PCW		
Respondent City of Rio Grande City	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37757	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN102777681				
Media [Statute] Water Quality				
Enf. Coordinator Jorge Ibarra, P.E.				
Violation Number 4				
Rule Cite(s)	TPDES Permit No. WQ0010802001, Monitoring and Reporting Requirements No. 3.b., and 30 Tex. Admin. Code § 319.7(a) and (c)			
Violation Description	Failed to maintain calibration and maintenance records for any analytical equipment used at the Facility. Specifically, logs were not maintained of the maintenance and calibration of the DO, Cl2 and pH meters.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent 0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
				Percent 1%
Matrix Notes	At least 70% of the rule requirement was met.			
Adjustment			\$9,900	
			\$100	
Violation Events				
Number of Violation Events		1	Number of violation days	
		1		
<small>mark only one with an x</small>	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="checkbox"/>		
			Violation Base Penalty \$100	
One single event is recommended.				
Good Faith Efforts to Comply		25.0% Reduction		\$25
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>			
Ordinary	<input checked="" type="checkbox"/>			
N/A	<input type="text"/>	<small>(mark with x)</small>		
Notes	The Respondent achieved compliance by May 15, 2009 for this violation.			
Violation Subtotal			\$75	
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		\$1	Violation Final Penalty Total \$143	
			This violation Final Assessed Penalty (adjusted for limits) \$143	

Economic Benefit Worksheet

Respondent City of Rio Grande City
Case ID No. 37757
Reg. Ent. Reference No. RN10277681
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	30-Apr-2009	15-May-2009	0.04	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop and implement a system to maintain calibration and maintenance records for any analytical equipment used at the Facility. 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

\$250

TOTAL

\$1

Screening Date 9-Jun-2009	Docket No. 2009-0866-MWD-E	PCW		
Respondent City of Rio Grande City	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37757	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN102777681				
Media [Statute] Water Quality				
Enf. Coordinator Jorge Ibarra, P.E.				
Violation Number 6				
Rule Cite(s)	TPDES Permit No. WQ0010802001, Other Requirements No. 1, and 30 Tex. Admin. Code § 30.350(d)			
Violation Description	Failed to have a certified operator with the proper level of license operating the Facility and the collection system. Specifically, the Respondent employed a Category C licensed operator, however, the Facility is required to be operated by an operator holding a Category B license or higher.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	x	<input type="checkbox"/>
				Percent 25%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent 0%
Matrix Notes	Failure to employ or contract a licensed individual to operate the Facility could result in poor operation of the Facility, which in turn could result in the exposure of significant amounts of pollutants which would not exceed levels that are protective of human health or the environment as a result of this violation.			
			Adjustment	\$7,500
			\$2,500	
Violation Events				
Number of Violation Events		1	Number of violation days 40	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	x		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
				Violation Base Penalty \$2,500
One quarterly event is recommended. The penalty was calculated from the investigation date of April 30, 2009, to the screening date of June 9, 2009.				
Good Faith Efforts to Comply		10.0% Reduction	\$250	
	Extraordinary	Before NOV	NOV to EDRP/ Settlement Offer	
	Ordinary	<input type="checkbox"/>	x	
	N/A	(mark with x)		
Notes	The Respondent achieved compliance by June 22, 2009 for this violation.			
			Violation Subtotal	\$2,250
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		\$1,625	Violation Final Penalty Total \$3,950	
			This violation Final Assessed Penalty (adjusted for limits) \$3,950	

Economic Benefit Worksheet

Respondent City of Rio Grande City
Case ID No. 37757
Reg. Ent. Reference No. RN102777661
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
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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

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	\$10,000	30-Apr-2009	22-Jun-2009	0.15	\$73	\$1,452	\$1,525
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

Annual salary difference between a Category B licensed and a Category C licensed wastewater operator. Date Required is the investigation date. Final Date is the compliance date.

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,525

Screening Date 9-Jun-2009	Docket No. 2009-0866-MWD-E	PCW
Respondent City of Rio Grande City	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 37757	<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No. RN102777661		
Media [Statute] Water Quality		
Enf. Coordinator Jorge Ibarra, P.E.		
Violation Number 6		
Rule Cite(s)	TPDES Permit No. WQ0010802001, Operational Requirements No. 1, and 30 Tex. Admin. Code § 305.125(5)	
Violation Description	Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the oxidation ditches had one inoperable aeration rotor each, one of the rotors in both ditches appeared to be turning at very low revolutions per minute, and the rotors were missing several blades; the chlorination system was incapable of dispensing sufficient chlorine as the valve was malfunctioning; and sludge was allowed to go septic inside the clarifiers due to poor operation.	
	Base Penalty	\$10,000
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Release Major Moderate Minor	
Actual	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Percent	50%
>> Programmatic Matrix		
	Falsification Major Moderate Minor	
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	Percent	0%
Matrix Notes	Failure to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained could result in the release of pollutants which would exceed levels that are protective of human health or the environment.	
	Adjustment	\$5,000
		\$5,000
Violation Events		
Number of Violation Events	1	16
		Number of violation days
<i>mark only one with an x</i>	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"/>
	Violation Base Penalty	\$5,000
	One monthly event is recommended. The penalty was calculated from the investigation date of April 30, 2009, to the compliance date of May 16, 2009.	
Good Faith Efforts to Comply	25.0% Reduction	\$1,250
	Before NOV NOV to EDCRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	<input type="checkbox"/>	(mark with x)
Notes	The Respondent achieved compliance by May 16, 2009 for this violation.	
	Violation Subtotal	\$3,750
Economic Benefit (EB) for this violation		
	Statutory Limit Test	
Estimated EB Amount	\$18	Violation Final Penalty Total \$7,150
	This violation Final Assessed Penalty (adjusted for limits) \$7,150	

Economic Benefit Worksheet

Respondent City of Rio Grande City
Case ID No. 37757
Reg. Ent. Reference No. RN102777661
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**
Item-Description: No commas or \$

Delayed Costs

Item-Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$5,297	30-Apr-2009	16-May-2009	0.04	\$1	\$15	\$16
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)	\$1,000	30-Apr-2009	16-May-2009	0.04	\$2	n/a	\$2

Notes for DELAYED costs
 Estimated cost to develop and implement procedures to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained and to repair/replace any faulty equipment. Date required is the investigation date and the final date is the compliance date.

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 \$6,297 **TOTAL** \$18

Compliance History Report

Customer/Respondent/Owner-Operator: CN600735476 City of Rio Grande City Classification: AVERAGE Rating: 2.78
 Regulated Entity: RN102777661 RIO GRANDE CITY WASTEWATER TREATMENT PLANT Classification: AVERAGE Site Rating: 2.12

ID Number(s):	WASTEWATER	PERMIT	WQ0010802001
	WASTEWATER	EPA ID	TPDES0068764
	WASTEWATER	PERMIT	WQ0010802001
	WASTEWATER	PERMIT	TPDES0068764
	WASTEWATER	PERMIT	TX0068764
	WASTEWATER LICENSING	LICENSE	WQ0010802001

Location: LOCATED ON THE NORTH BANK OF RIO GRANDE RIVER, APPX 0.5 MI UPSTREAM OF THE INTERNATIONAL BRIDGE (FARM-TO-MARKET RD 755) ON THE OLD FORT RINGGOLD SITE EAST OF RIO GRANDE CITY IN STARR CO, TEXAS

TCEQ Region: REGION 15 - HARLINGEN

Date Compliance History Prepared: June 09, 2009

Agency Decision Requiring Compliance Enforcement

Compliance Period: June 09, 2004 to June 09, 2009

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

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
 - Effective Date: 05/11/2007 ADMINORDER 2007-0171-WQ-E
 - Classification: Major
 - Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
 - Description: Field Citation-Failure to obtain a Texas Pollutant Discharge Elimination System Multi-Sector General Permit (MSGP) for Storm Water.
- 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	06/22/2004	(311117)
2	07/15/2004	(358478)
3	08/23/2004	(358482)
4	09/20/2004	(358479)
5	10/18/2004	(358480)
6	11/18/2004	(358481)
7	12/20/2004	(385364)
8	02/14/2005	(385362)

9	03/14/2005	(385363)
10	04/20/2005	(423410)
11	05/16/2005	(423411)
12	06/02/2005	(423413)
13	06/02/2005	(423414)
14	06/20/2005	(423412)
15	09/19/2005	(444222)
16	10/20/2005	(474667)
17	11/14/2005	(474668)
18	11/21/2005	(474666)
19	12/15/2005	(474669)
20	12/27/2005	(474665)
21	02/27/2006	(474662)
22	03/20/2006	(474663)
23	04/17/2006	(474664)
24	05/15/2006	(502413)
25	06/19/2006	(502414)
26	08/14/2006	(524731)
27	09/18/2006	(524732)
28	10/18/2006	(549669)
29	11/21/2006	(515912)
30	11/29/2006	(549670)
31	12/18/2006	(549671)
32	12/29/2006	(553725)
33	01/18/2007	(549672)
34	02/02/2007	(535557)
35	02/20/2007	(583681)
36	03/14/2007	(583682)
37	03/22/2007	(593296)
38	04/16/2007	(583683)
39	05/04/2007	(583686)
40	05/17/2007	(583684)
41	06/18/2007	(583685)
42	08/13/2007	(604016)
43	09/10/2007	(604017)
44	10/04/2007	(594911)
45	10/15/2007	(622902)
46	10/22/2007	(622905)
47	11/19/2007	(622903)
48	12/20/2007	(622904)
49	02/06/2008	(679843)
50	02/15/2008	(674347)
51	03/28/2008	(674348)
52	04/14/2008	(692689)
53	05/19/2008	(692690)
54	06/13/2008	(699453)
55	06/23/2008	(692691)
56	07/07/2008	(713825)
57	08/15/2008	(713826)
58	09/17/2008	(713827)
59	10/20/2008	(729833)
60	11/18/2008	(729834)
61	06/02/2009	(744005)

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

Date: 11/30/2004 (385364)

Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	12/31/2005	(423414)	
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:	11/29/2006	(531602)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations And PERMIT		
Description:	Failure to maintain a Biochemical Oxygen Demand (5-day) Single Grab effluent limitation of 65 mg/l or less.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations And PERMIT		
Description:	Failure to maintain a Total Suspended Solids Single Grab effluent limitation of 65 mg/l or less.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Permit Conditions, PERMIT		
Description:	Failure to apply for an amendment or renewal at least 180 days prior to expiration of the existing permit.		
Date:	12/29/2006	(553725)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Date:	03/22/2007	(593296)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Date:	05/31/2007	(583685)	CN600735476
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:	07/31/2007	(604016)	CN600735476
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	(674347)	CN600735476
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:	02/06/2008	(679843)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Date:	02/15/2008	(615276)	CN600735476
Self Report?	NO	Classification:	Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
 TPDES Permit ID. No. TX0068764 PERMIT
 TWC Chapter 26 26.121

Description: Failure to prevent an unauthorized discharge of untreated wastewater into or adjacent to the waters of the State.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)(A)
 TPDES Permit ID No. TX0068764 PERMIT

Description: Failure to notify the TCEQ in the event of unauthorized discharges of untreated wastewater.

Date: 02/29/2008 (674348) CN600735476

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: 06/13/2008 (699453)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIQS FOR MONIT PER OR PIPE

- 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 RIO GRANDE CITY
RN102777661

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

AGREED ORDER DOCKET NO. 2009-0866-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Rio Grande City ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment plant located on the north bank of the Rio Grande, approximately 0.5 mile upstream of the International Bridge (Farm-to-Market Road 755) on the Old Fort Ringgold site east of Rio Grande City in Starr County, Texas (the "Facility").
2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about June 3, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Five Thousand Six Hundred Eighty-Six Dollars (\$25,686) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Five Thousand One Hundred Thirty-Seven Dollars (\$5,137) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed

- Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty. Twenty Thousand Five Hundred Forty-Nine Dollars (\$20,549) shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
 8. The Executive Director of the TCEQ and the City has agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
 9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
 - a. Properly began maintaining the sludge levels within the clarifiers by May 1, 2009;
 - b. Repaired/replaced the run down batteries of the on-site generator and began implementing improved maintenance procedures to prevent future discharges by May 13, 2009;
 - c. Developed and began implementing procedures to maintain process control records by May 13, 2009;
 - d. Repair/replaced the malfunctioning aeration rotor and installed missing blades by May 14, 2009;
 - e. Developed and implemented a system to maintain calibration and maintenance records for any analytical equipment used at the Facility by May 15, 2009;
 - f. Repaired the chlorination system by replacing the old tubing and installing a new diaphragm by May 16, 2009; and
 - g. Hired a Category B licensed individual to operate the Facility by June 22, 2009.
 - h. Returned to compliance with permitted effluent limits by May 25, 2009.
 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010802001, Operational Requirements No. 4, and 30 TEX. ADMIN. CODE § 305.125(1) and (5), as documented during an investigation conducted on April 30, 2009. Specifically, the Facility's on-site generator was not operable due to run down batteries.
2. Failed to comply with permit effluent limits for minimum dissolved oxygen ("DO") of 2.0 milligrams per liter ("mg/l") and minimum chlorine residual ("Cl₂") of 1.0 mg/l, in violation of TPDES Permit No. WQ0010802001, Effluent Limitations and Monitoring Requirements Nos. 2 and 6, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on April 30, 2009. Specifically, grab samples collected during the April 30, 2009 investigation revealed DO levels at 0.4 mg/l and Cl₂ levels at 0.0 mg/l.
3. Failed to maintain process control records, in violation of TPDES Permit No. WQ0010802001, Operational Requirements No. 1, and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on April 30, 2009.
4. Failed to maintain calibration and maintenance records for any analytical equipment used at the Facility, in violation of TPDES Permit No. WQ0010802001, Monitoring and Reporting Requirements No. 3.b., and 30 TEX. ADMIN. CODE § 319.7(a) and (c), as documented during an investigation conducted on April 30, 2009. Specifically, failure to maintain logs of the maintenance and calibration of the DO, Cl₂ and pH meters.
5. Failed to have a certified operator with the proper level of license operating the Facility and the collection system, in violation of TPDES Permit No. WQ0010802001, Other Requirements No. 1, and 30 TEX. ADMIN. CODE § 30.350(d), as documented during an investigation conducted on April 30, 2009. Specifically, the City employed a Category C licensed operator, however, the Facility is required to be operated by an operator holding a Category B license or higher.
6. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of TPDES Permit No. WQ0010802001, Operational Requirements No. 1, and 30 TEX. ADMIN. CODE § 305.125(5), as documented during an investigation conducted on April 30, 2009. Specifically, the oxidation ditches had one inoperable aeration rotor each, one of the rotors in both ditches appeared to be turning at very low revolutions per minute, and the rotors were missing several blades.
7. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of TPDES Permit No. WQ0010802001, Operational Requirements No. 1, and 30 TEX. ADMIN. CODE § 305.125(5), as documented during an investigation conducted on April 30, 2009. Specifically, the chlorination system was incapable of dispensing sufficient chlorine as the valve was malfunctioning.

8. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of TPDES Permit No. WQ0010802001, Operational Requirements No. 1, and 30 TEX. ADMIN. CODE § 305.125(5), as documented during an investigation conducted on April 30, 2009. Specifically, sludge was allowed to go septic inside the clarifiers due to poor operation.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Rio Grande City, Docket No. 2009-0866-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 implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twenty Thousand Five Hundred Forty-Nine Dollars (\$20,549) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

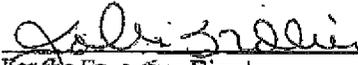
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

City of Rio Grande City
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

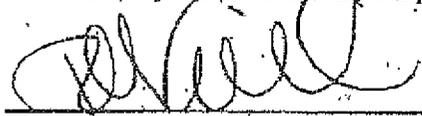
3/30/2010
Date

I, the undersigned, have read and understood the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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


Signature

MARCH 12, 2010
Date

RUBEN C. VILLARREAL
Name (Printed or typed)
Authorized Representative of
City of Rio Grande City

MAYOR
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.

Attachment A
Docket Number: 2009-0866-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Rio Grande City
Payable Penalty Amount:	Twenty Thousand Five Hundred Forty-Nine Dollars (\$20,549)
SEP Amount:	Twenty Thousand Five Hundred Forty-Nine Dollars (\$20,549)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")-Abandoned Tire Clean-Up
Location of SEP:	Starr County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

