

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2010-0108-MWD-E **TCEQ ID:** RN102181922 **CASE NO.:** 39023**RESPONDENT NAME:** City of Splendora

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY-CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of Splendora Sewage Treatment Plant, located on the east side of Cox Street, approximately 1,800 feet northeast of where Farm-to-Market Road 2090 intersects both Cox Street and the Union Pacific Railroad, Splendora, Montgomery County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</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 31, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Carlie Konkol, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-0735; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: The Honorable Dorothy Welch, Mayor, City of Splendora, P.O. Box 1087, Splendora, Texas 77372 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: October 27, 2009</p> <p>Date of NOV/NOE Relating to this Case: January 7, 2010 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>1) Failure to comply with permitted effluent limitations for flow, ammonia nitrogen, and total suspended solids [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013389001, Effluent Limitations and Monitoring Requirements No. 1].</p> <p>2) Failure to timely submit the discharge monitoring report ("DMR") data for flow daily maximum for the monitoring period ending February 28, 2009 by the 20th day of the following month [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0013389001, Monitoring and Reporting Requirements No. 1].</p> <p>3) Failure to timely submit the annual sludge report for the monitoring period ending July 31, 2009, by September 1, 2009 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0013389001, Sludge Reporting Provisions].</p>	<p>Total Assessed: \$6,288</p> <p>Total Deferred: \$1,257 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$5,031</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. In July 2009, repaired the blowers and restored the air supply;</p> <p>b. By September 30, 2009, the Respondent returned to compliance with permitted effluent limits;</p> <p>c. On January 25, 2010, submitted a revised DMR for the period ending February 28, 2009 and updated procedures to ensure the timely submittal of annual sludge reports and DMRs; and</p> <p>d. On February 11, 2010, submitted the 2009 annual sludge report.</p>

Additional ID No(s): WQ0013389001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	11-Jan-2010	Screening	20-Jan-2010	EPA Due	
	PCW	21-Jan-2010				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Splendora	
Reg. Ent. Ref. No.	RN102181922	
Facility/Site Region	12-Houston	Major/Minor Source
		Minor

CASE INFORMATION

Enf./Case ID No.	39023	No. of Violations	3
Docket No.	2010-0108-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Charlie Konkol
		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	\$74
Approx. Cost of Compliance	\$1,375

*Capped at the Total EB \$ Amount

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 20-Jan-2010

Docket No. 2010-0108-MWD-E

PCW

Respondent City of Splendora

Policy Revision 2 (September 2002)

Case ID No. 39023

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN102181922

Media [Statute] Water Quality

Enf. Coordinator Carlie Konkol

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	11	55%
	Other written NOVs	2	4%
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%
<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 for eleven monthly self-reported effluent violations, two NOVs for violations unrelated to this case and one agreed order containing a denial of liability.

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

Screening Date 20-Jan-2010

Docket No. 2010-0108-MWD-E

PCW

Respondent City of Splendora

Policy Revision 2 (September 2002)

Case ID No. 39023

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102181922

Media [Statute] Water Quality

Enf. Coordinator Carlie Konkol

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013389001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as documented during a record review on October 27, 2009, and shown in the attached Effluent Table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Also, total suspended solids and flow were 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 protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4 Number of violation days 182

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

Violation Base Penalty \$4,000

Four quarterly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction \$1,000

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

Notes The City returned to compliance by September 30, 2009.

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Estimated EB Amount \$64

Statutory Limit Test

Violation Final Penalty Total \$5,961

This violation Final Assessed Penalty (adjusted for limits) \$5,961

Economic Benefit Worksheet

Respondent City of Splendora
 Case ID No. 39023
 Reg. Ent. Reference No. RN102181922
 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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$1,000	31-Oct-2008	30-Sep-2009	0.92	\$3	\$61	\$64
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to repair the mechanical malfunction within the Facility and repair the air supply. The Date Required is the first date of noncompliance. The Final Date is the date of compliance with permitted effluent limitations.

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

\$1,000

TOTAL

\$64

Screening Date 20-Jan-2010

Docket No. 2010-0108-MWD-E

PCW

Respondent City of Splendora

Policy Revision 2 (September 2002)

Case ID No. 39023

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102181922

Media [Statute] Water Quality

Enf. Coordinator Carlie Konkol

Violation Number 2

Rule Cite(s)

30 Tex. Admin Code § 305.125(17) and TPDES Permit No. WQ0013389001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit the discharge monitoring report ("DMR") data for flow daily maximum for the monitoring period ending February 28, 2009, by the 20th day of the following month, as documented during an investigation conducted on October 27, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

More than 70% of permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

28 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$100

One single event is recommended for the month of February 2009.

Good Faith Efforts to Comply

10.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$10

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes The City returned to compliance January 25, 2010.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$164

This violation Final Assessed Penalty (adjusted for limits) \$164

Economic Benefit Worksheet

Respondent City of Splendora
Case ID No. 39023
Reg. Ent. Reference No. RN102181922
Media Water Quality
Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$25	20-Mar-2009	26-Jan-2010	0.85	\$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 submit a revised DMR to the TCEQ. The Date Required is the date the DMR data was due. The Final Date is the date the revised DMR was received.

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 \$25

TOTAL \$1

Screening Date 20-Jan-2010

Docket No. 2010-0108-MWD-E

PCW

Respondent City of Splendora

Policy Revision 2 (September 2002)

Case ID No. 39023

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102181922

Media [Statute] Water Quality

Enf. Coordinator Carlie Konkol

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0013389001, Sludge Reporting Provisions

Violation Description

Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2009, by September 1, 2009, as documented during a record review conducted on October 27, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
	Major	Moderate	Minor
Release Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			X

Percent 1%

Matrix Notes

More than 70% of permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

141 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

	10.0% Reduction Before NOV	NOV to EDRP/ Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

\$10

Notes

The City achieved compliance February 11, 2010.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$164

This violation Final Assessed Penalty (adjusted for limits) \$164

Economic Benefit Worksheet

Respondent City of Splendora
Case ID No. 39023
Reg. Ent. Reference No. RN102181922
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)	\$100	1-Sep-2009	11-Feb-2010	0.45	\$0	\$3	\$3
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	1-Sep-2009	11-Feb-2010	0.45	\$6	n/a	\$6
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 prepare and submit the annual sludge report and to update procedures. The Date Required is date the report was due. The Final Date is the date the report was submitted and procedures were updated.

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

\$350

TOTAL

\$9

City of Splendor
Docket No. 2010-0108-MWD-E
TPDES Permit No. WQ0013389001

Effluent Table				
Monitoring Periods	Permit Effluent Limits			
	Flow Daily Average Maximum 0.30 MGD	Ammonia Nitrogen Daily Average Concentration 2.0 mg/L	Ammonia Nitrogen Single Grab Maximum Concentration 15.0 mg/L	Total Suspended Solids Daily Average Concentration 15.0 mg/L
October 2008	0.71	C	C	C
December 2008	C	C	C	18.5
February 2009	0.70	C	C	C
June 2009	C	3.52	17.0	C
July 2009	C	2.88	C	C
August 2009	C	5.60	C	15.7

MGD – Million Gallons per Day
mg/L – Milligrams per Liter
C - Compliant

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600824712	City of Splendora	Classification: AVERAGE	Rating: 1.27
Regulated Entity:	RN102181922	CITY OF SPLENDORA SEWAGE TREATMENT PLANT	Classification: AVERAGE	Site Rating: 1.27

ID Number(s):	WASTEWATER	PERMIT	WQ0013389001
	WASTEWATER	PERMIT	TPDES0102512
	WASTEWATER	PERMIT	TX0102512
	WASTEWATER LICENSING	LICENSE	WQ0013389001

Location: LOCATED ON THE EAST SIDE OF COX STREET, APPROXIMATELY 1,800 FEET NORTHEAST OF WHERE FARM-TO-MARKET ROAD 2090 INTERSECTS BOTH COX STREET AND THE UNION PACIFIC RAILROAD IN SPLENDORA IN MONTGOMERY COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: January 20, 2010
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: January 20, 2005 to January 20, 2010

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

Name: Carlie Konkol Phone: (512) 239-0735

Site Compliance History Components

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

Effective Date: 05/23/2005	ADMINORDER 2004-0812-MWD-E
Classification: Moderate	
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
Rqmt Prov: EL&MR, No. 1 PERMIT	
Description: Failure to maintain compliance with permitted effluent limits for total suspended solids ("TSS") daily average ("Dly Avg") concentration limit in milligrams per liter ("mg/L"), TSS Dly Avg loading limit in pounds per day ("lbs/day"), and flow Dly Avg limit in MGD.	

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 | 02/17/2006 | (388448) |
| 2 | 03/21/2005 | (388449) |
| 3 | 04/22/2005 | (425982) |
| 4 | 05/18/2005 | (425983) |
| 5 | 06/16/2005 | (425984) |
| 6 | 07/18/2005 | (446439) |
| 7 | 08/15/2005 | (446440) |
| 8 | 09/19/2005 | (446441) |
| 9 | 10/09/2005 | (479035) |
| 10 | 11/14/2005 | (479036) |
| 11 | 11/29/2005 | (434149) |
| 12 | 12/19/2005 | (479037) |
| 13 | 01/27/2008 | (479038) |
| 14 | 02/24/2008 | (479033) |
| 15 | 02/27/2006 | (456878) |
| 16 | 03/13/2006 | (479034) |
| 17 | 04/14/2006 | (504950) |

18	05/19/2006	(504951)
19	06/21/2006	(504952)
20	07/19/2006	(527249)
21	08/11/2006	(527250)
22	09/13/2006	(527251)
23	10/12/2006	(628208)
24	11/13/2006	(628210)
25	12/14/2006	(628212)
26	01/18/2007	(628214)
27	02/12/2007	(628200)
28	03/29/2007	(628201)
29	04/16/2007	(628202)
30	05/22/2007	(628203)
31	06/15/2007	(628204)
32	07/13/2007	(628205)
33	09/10/2007	(628206)
34	09/19/2007	(628207)
35	10/22/2007	(628209)
36	11/16/2007	(628211)
37	12/17/2007	(599697)
38	01/10/2008	(628213)
39	01/11/2008	(676351)
40	02/15/2008	(676350)
41	03/14/2008	(694748)
42	04/10/2008	(694749)
43	05/14/2008	(694750)
44	06/07/2008	(534624)
45	06/12/2008	(716234)
46	07/10/2008	(716235)
47	09/18/2008	(716237)
48	10/17/2008	(716238)
49	10/27/2008	(716236)
50	12/01/2008	(731755)
51	12/19/2008	(731756)
52	01/20/2009	(755147)
53	02/19/2009	(755146)
54	03/20/2009	(772273)
55	04/22/2009	(772274)
56	05/19/2009	(772275)
57	11/04/2009	(780777)
58	01/07/2010	(780524)

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

Date:	01/31/2005	(388448)	CN600624712
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2005	(425984)	CN600624712
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:	11/28/2005	(434149)	CN600624712
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 317 317.4(a)(8) 30 TAC Chapter 317 317.7(i)		
Description:	Failure to annually test the backflow prevention device.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to provide for review the analytical results of a Paint Filter Test performed on the landfilled sludge.		

Date:	12/31/2005	(479038)	CN600624712	
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:	12/17/2007	(599697)	CN600624712	
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.11(d)			
Description:	Failure to provide accurate flow measurements.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to maintain the calibration equipment for the chlorine meter.			
Date:	04/30/2008	(694750)	CN600624712	
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	(716234)	CN600624712	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	10/31/2008	(731755)	CN600624712	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	12/31/2008	(755147)	CN600624712	
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:	02/28/2009	(772273)	CN600624712	
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:	06/30/2009		CN600624712	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	07/31/2009		CN600624712	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	08/31/2009		CN600624712	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF SPLENDORA
RN102181922

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-0108-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 the City of Splendora ("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 facility located on the east side of Cox Street, approximately 1,800 feet northeast of where Farm-to-Market Road 2090 intersects both Cox Street and the Union Pacific Railroad in Splendora, Montgomery 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 January 12, 2010.
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 Six Thousand Two Hundred Eighty-Eight Dollars (\$6,288) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Five Thousand Thirty-One Dollars (\$5,031) of the

- administrative penalty and One Thousand Two Hundred Fifty-Seven Dollars (\$1,257) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
 8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
 9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
 - a. In July 2009, repaired the blowers and restored the air supply;
 - b. By September 30, 2009, the City returned to compliance with permitted effluent limits;
 - c. On January 25, 2010, submitted a revised discharge monitoring report ("DMR") for the period ending February 28, 2009 and updated procedures to ensure the timely submittal of annual sludge reports and DMRs; and
 - d. On February 11, 2010, submitted the 2009 annual sludge report.
 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 comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013389001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review on October 27, 2009, and depicted in the table below:

Effluent Table				
Monitoring Periods	Permit Effluent Limits			
	Flow Daily Average Maximum 0.30 MGD	Ammonia Nitrogen Daily Average Concentration 2.0 mg/L	Ammonia Nitrogen Single Grab Maximum Concentration 15.0 mg/L	Total Suspended Solids Daily Average Concentration 15.0 mg/L
October 2008	0.71	C	C	C
December 2008	C	C	C	18.5
February 2009	0.70	C	C	C
June 2009	C	3.52	17.0	C
July 2009	C	2.88	C	C
August 2009	C	5.60	C	15.7

MGD -- Million Gallons per Day
 mg/L -- Milligrams per Liter
 C - Compliant

2. Failed to timely submit the DMR data for flow daily maximum for the monitoring period ending February 28, 2009 by the 20th day of the following month, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0013389001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on October 27, 2009.
3. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2009, by September 1, 2009, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0013389001, Sludge Reporting Provisions, as documented during a record review conducted on October 27, 2009.

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 Splendor, Docket No. 2010-0108-MWD-E" to:

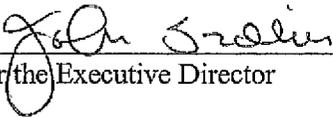
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

5/3/2010

Date

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

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

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

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



Signature

March 22, 2010

Date

Dorothy Welch

Name (Printed or typed)
Authorized Representative of
City of Splendor

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.

