

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2010-0058-MWD-E **TCEQ ID:** RN101919991 **CASE NO.:** 38974

**RESPONDENT NAME:** City of Streetman

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> City of Streetman Wastewater Treatment Facility, located west of Farm-to-Market Road 80 and east of the Fort Worth &amp; Denver Railway on the north bank of Sloan Creek in the southern portion of Streetman, Freestone County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 21, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Lanae Foard, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2554; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> The Honorable Johnny Robinson, Mayor, City of Streetman, Post Office Box 7, Streetman, Texas 75859  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> September 24, 2009</p> <p><b>Date of NOE Relating to this Case:</b> December 17, 2009</p> <p><b>Background Facts:</b> This was a records review.</p> <p><b>WATER</b></p> <p>Failure to comply with permitted effluent limits for chlorine and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010471001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].</p>	<p><b>Total Assessed:</b> \$5,370</p> <p><b>Total Deferred:</b> \$1,074  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$179 (remaining \$4,117 due in 23 monthly payments of \$179)</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. During October 2009, returned to compliance with all permitted effluent limits by manually adjusting the chlorinator; and</p> <p>b. During December 2009, re-built the automatic chlorine injector to prevent future effluent violations from occurring.</p>

Additional ID No(s): WQ0010471001



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	21-Dec-2009		
	<b>PCW</b>	12-Jan-2010	<b>Screening</b>	11-Jan-2010
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Streetman
<b>Reg. Ent. Ref. No.</b>	RN101919991
<b>Facility/Site Region</b>	9-Waco
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	38974	<b>No. of Violations</b>	1
<b>Docket No.</b>	2010-0058-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Lanae Ford
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** *Subtotal 1* **\$3,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** 109.0% Enhancement *Subtotals 2, 3, & 7* **\$3,270**

**Notes** Enhancement recommended due to 17 self-reported monthly effluent violations, two unrelated NOV's, and one final agreed order with denial of liability.

**Culpability** No 0.0% Enhancement *Subtotal 4* **\$0**

**Notes** The City does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** *Subtotal 5* **\$750**

**Economic Benefit** 0.0% Enhancement\* *Subtotal 6* **\$0**

Total EB Amounts \$20  
Approx. Cost of Compliance \$300  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** *Final Subtotal* **\$5,520**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** -2.7% *Adjustment* **-\$150**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes** Recommended reduction in the penalty so that monthly self-reported effluent violations do not overly impact the penalty amount.

**Final Penalty Amount** **\$5,370**

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty* **\$5,370**

**DEFERRAL** 20.0% Reduction *Adjustment* **-\$1,074**

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

**Notes** Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$4,296**

Screening Date 11-Jan-2010

Docket No. 2010-0058-MWD-E

PCW

Respondent City of Streetman

Policy Revision 2 (September 2002)

Case ID No. 38974

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101919991

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

### 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)	17	85%
	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 judgments 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) 109%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement recommended due to 17 self-reported monthly effluent violations, two unrelated NOVs, and one final agreed order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 109%

Screening Date 11-Jan-2010

Docket No. 2010-0058-MWD-E

PCW

Respondent City of Streetman

Policy Revision 2 (September 2002)

Case ID No. 38974

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101919991

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(4), and Texas Pollutant Discharge Elimination System Permit No. WQ0010471001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on September 24, 2009 and as shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Total residual chlorine and total suspended solids were considered to determine whether the discharged amounts of pollutants exceeded protective levels. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 184 Number of violation days

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

Violation Base Penalty \$3,000

Three quarterly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$750

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

Notes The City returned to compliance during October 2009.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$5,370

This violation Final Assessed Penalty (adjusted for limits) \$5,370

# Economic Benefit Worksheet

**Respondent:** City of Streetman  
**Case ID No.:** 38974  
**Reg. Ent. Reference No.:** RN101919991  
**Media:** Water Quality  
**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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)	\$100	31-Dec-2008	31-Oct-2009	0.83	\$0	\$6	\$6
Engineering/construction	\$200	31-Dec-2008	31-Dec-2009	1.00	\$1	\$13	\$14
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 manually adjust then to repair the chlorine injector to ensure compliance with permitted effluent limits. Date required is the first month of noncompliance. Final dates are the date of compliance by manually adjusting the chlorinator and the date the chlorinator was repaired, respectively.

### 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

\$300

**TOTAL**

\$20

EFFLUENT VIOLATION TABLE						
City of Streetman						
EPDES Permit No. WQ001047100						
Docket No. 2010-0058-MWD-P						
Permitted Effluent Limits	Monitoring Period End Date					
	12/31/08	4/30/09	5/31/09	6/30/09	7/31/09	8/31/09
TRC monthly min. conc. Limit = 1.0 mg/L	c	c	c	c	0.6	0.9
TRC monthly max. conc. Limit = 4.0 mg/L	c	5	5.6	5.3	5	c
TSS daily avg. conc. Limit = 20 mg/L	34.5	c	c	c	c	c

TRC = total residual chlorine  
TSS = total suspended solids  
c = compliant  
conc. = concentration

mg/L = milligrams per liter  
max. = maximum  
min. = minimum  
avg. = average



# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600513261	City of Streetman	Classification: AVERAGE	Rating: 2.72
Regulated Entity:	RN101919991	CITY OF STREETMAN	Classification: AVERAGE	Site Rating: 2.44
ID Number(s):	WASTEWATER	PERMIT	WQ0010471001	
	WASTEWATER	PERMIT	TPDES0072338	
	WASTEWATER	PERMIT	TX0072338	
	WASTEWATER LICENSING	LICENSE	WQ0010471001	
Location:	located west of Farm-to-Market Road 80 and east of the Fort Worth & Denver Railway (F W & D RR) on the north bank of Sloan Creek in the southern portion of the City of Streetman, Freestone County, Texas			

TCEQ Region: REGION 09 - WACO  
 Date Compliance History Prepared: January 07, 2010  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: January 07, 2005 to January 07, 2010

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

Name: Lanae Foard Phone: 512-239-2554

### Site Compliance History Components

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

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- |   |                            |
|---|----------------------------|
| Effective Date: 08/19/2008  | ADMINORDER 2007-1729-MWD-E |
| Classification: Moderate  |                            |
| Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                             |                            |
| Rqmt Prov: Effluent Limits PERMIT   |                            |
| Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.           |                            |
| Classification: Moderate  |                            |
| Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)  |                            |
| Rqmt Prov: Self-reporting Requirements PERMIT   |                            |
| Description: Failure to submit monitoring results at the intervals specified in the permit as documented by a TCEQ record review. |                            |
- 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	02/07/2005	(423709)
2	05/09/2005	(423710)
3	06/06/2005	(423711)
4	06/23/2005	(423712)
5	07/22/2005	(444504)
6	09/02/2005	(444505)
7	09/19/2005	(444506)
8	10/17/2005	(475175)
9	11/10/2005	(475176)
10	12/15/2005	(475177)
11	01/06/2006	(475178)
12	02/16/2006	(475173)
13	03/10/2006	(475174)
14	04/10/2006	(502720)
15	05/11/2006	(502721)

16 06/12/2006 (502722)  
 17 07/14/2006 (525053)  
 18 08/04/2006 (525054)  
 19 09/08/2006 (525055)  
 20 10/23/2006 (549902)  
 21 11/20/2006 (549903)  
 22 12/20/2006 (549904)  
 23 01/11/2007 (584340)  
 24 02/12/2007 (584335)  
 25 03/12/2007 (584336)  
 26 04/09/2007 (584337)  
 27 05/21/2007 (584338)  
 28 06/22/2007 (584339)  
 29 07/23/2007 (604226)  
 30 08/21/2007 (604227)  
 31 09/21/2007 (604228)  
 32 10/08/2007 (674131)  
 33 10/29/2007 (623214)  
 34 11/28/2007 (623215)  
 35 12/21/2007 (623216)  
 36 01/21/2008 (674579)  
 37 02/21/2008 (674578)  
 38 03/10/2008 (692908)  
 39 04/10/2008 (692909)  
 40 05/15/2008 (692910)  
 41 06/20/2008 (714084)  
 42 07/18/2008 (714085)  
 43 08/15/2008 (714086)  
 44 09/16/2008 (714087)  
 45 10/20/2008 (730115)  
 46 11/20/2008 (730116)  
 47 12/19/2008 (730117)  
 48 01/15/2009 (753293)  
 49 02/09/2009 (753292)  
 50 03/23/2009 (770817)  
 51 03/31/2009 (740514)  
 52 04/20/2009 (770818)  
 53 04/24/2009 (736669)  
 54 05/22/2009 (770819)  
 55 06/29/2009 (749808)  
 56 12/17/2009 (777277)

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

Date: 01/31/2005 (423709) CN600513261

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2005 (423710) CN600513261

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2005 (423711) CN600513261

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 (423712) CN600513261

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2005 (444504) CN600513261

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2005 (444505) CN600513261

Self Report? YES Classification: Moderate

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

Description: TWC Chapter 26 26.121(a)  
 Failure to meet the limit for one or more permit parameter  
 Date: 09/30/2005 (475175) CN600513261  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter  
 Date: 10/31/2006 (549903) CN600513261  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter  
 Date: 02/28/2007 (584336) CN600513261  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter  
 Date: 03/31/2007 (584337) CN600513261  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter  
 Date: 05/31/2007 (584339) CN600513261  
 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: 12/31/2008 (753293) CN600513261  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter  
 Date: 03/27/2009 (740514) CN600513261  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(5)  
 Operational Requirements; No. 4, pg. 10 PERMIT

Description: Failure to install and subsequently maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.  
 Date: 04/20/2009 (736669) CN600513261  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 319, SubChapter A 319.7(c)  
 Reporting Reqs.; No. 3(b), Pg. 5 PERMIT

Description: Failure by the permittee to maintain monitoring and reporting records for a period of three years.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 319, SubChapter A 319.11(a)  
 Monitoring Requirements; No. 2, Pg. 4 PERMIT

Description: Failure to comply with procedures specified in 30 TAC 319.11 - 319.12.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Monitoring Reqs.; No. 3(c)(l), Pg. 5 PERMIT

Description: Failure by the permittee to maintain adequate records of monitoring activities.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(5)  
 Operational Requirements; No. 1, Pg. 9 PERMIT

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 317 317.6(b)(1)(E)

Description: Failure by the permittee to ensure that pressurized chlorine cylinders and chlorination equipment are properly housed.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 317 317.3(a)

Description: Failure by the permittee to secure an area when required.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(5)  
 Operational Requirements; No. 1, Pg. 9 PERMIT

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

Self Report? NO Classification: Minor

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

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

Date: 04/30/2009 (770819) CN600513261

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: 05/31/2009 CN600513261

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2009 CN600513261

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: 07/31/2009 CN600513261

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2009 CN600513261

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

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 STREETMAN  
RN101919991**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2010-0058-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 Streetman ("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 west of Farm-to-Market Road 80 and east of the Fort Worth & Denver Railway on the north bank of Sloan Creek in the southern portion of Streetman, Freestone 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 December 22, 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 Five Thousand Three Hundred Seventy Dollars (\$5,370) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid One Hundred Seventy-Nine Dollars (\$179) of the

administrative penalty and One Thousand Seventy-Four Dollars (\$1,074) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require City to pay all or part of the deferred penalty.

The remaining amount of Four Thousand One Hundred Seventeen Dollars (\$4,117) of the administrative penalty shall be payable in 23 monthly payments of One Hundred Seventy-Nine Dollars (\$179) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the City fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the City to meet the payment schedule of this Agreed Order constitutes the failure by the City to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
  - a. During October 2009, returned to compliance with all permitted effluent limits by manually adjusting the chlorinator; and
  - b. During December 2009, re-built the automatic chlorine injector to prevent future effluent violations from occurring.
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 failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010471001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as documented during a record review conducted on September 24, 2009, and as shown in the following violation table:

EFFLUENT VIOLATION TABLE						
Permitted Effluent Limits	Monitoring Period End Date					
	12/31/08	4/30/09	5/31/09	6/30/09	7/31/09	8/31/2009
TRC monthly min. conc. Limit = 1.0 mg/L	c	c	c	c	0.6	0.9
TRC monthly max. conc. Limit = 4.0 mg/L	c	5	5.6	5.3	5	c
TSS daily avg. conc. Limit = 20 mg/L	34.5	c	c	c	c	c

TRC = total residual chlorine  
 TSS = total suspended solids  
 c = compliant  
 conc. = concentration

mg/L = milligrams per liter  
 max. = maximum  
 min. = minimum  
 avg. = average

## III. DENIALS

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

## IV. ORDERING PROVISIONS

- 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 Streetman, Docket No. 2010-0058-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. 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.
4. 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.
5. 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.
6. 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.
7. 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

*J. De Sordien*  
For the Executive Director

6/7/2010  
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.

*Johnny A. Robinson*  
Signature

04-09-2010  
Date

Johnny A. Robinson  
Name (Printed or typed)  
Authorized Representative of  
City of Streetman

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.

