

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0164-MWD-E **TCEQ ID:** RN101918308 **CASE NO.:** 37116

RESPONDENT NAME: City of Dublin

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> 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 Dublin, located approximately 3/4 mile southwest of the intersection of Farm-to-Market Road 219 and Farm-to-Market Road 1702 and approximately one mile southeast of Dublin, Erath County</p> <p>TYPE OF OPERATION: Domestic 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 June 14, 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 James R. Siegars, Mayor, City of Dublin, 213 East Blackjack Street, Dublin, Texas 76446-2303 Mr. Jerry Guillory, City Manager, City of Dublin, 213 East Blackjack Street, Dublin, Texas 76446-2303 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: October 29, 2008</p> <p>Date of NOV/NOE Relating to this Case: January 26, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to comply with permitted effluent limits for pH, ammonia nitrogen ("NH3-N"), and carbonaceous biochemical oxygen demand (5-day) ("CBOD") [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010405001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3].</p> <p>2) Failure to prevent unauthorized discharges from the collection system [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0010405001, Permit Conditions No. 2.g].</p> <p>3) Failure to have a certified operator operating the facility [30 TEX. ADMIN. CODE §§ 30.331(b) and 30.350(d), and TPDES Permit No. WQ0010405001, Other Requirements No. 1].</p> <p>4) Failure to submit the annual sludge report to the TCEQ by September 1 of each year [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010405001, Sludge Provisions].</p> <p>5) Failure to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE §</p>	<p>Total Assessed: \$102,000</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$2,845 (remaining \$99,155 due in 35 monthly payments of \$2,833 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</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. On January 21, 2009, submitted the noncompliance notifications for the months of March and April 2008;</p> <p>b. On February 12, 2009, submitted the revised discharge monitoring reports ("DMRs") with corrected loading information for the months of September 2007 through August 2008;</p> <p>c. By October 29, 2008, the Respondent had conducted a sanitary sewer survey and determined that the primary causes of inflow and infiltration ("I/I") was from several brick manholes and approximately one and one-half miles of clay collection lines;</p> <p>d. By July 30, 2007, the Respondent had removed grease from the collection line, and cleaned and disinfected the immediate area around the manhole at Bryan and Ireland with calcium hypochlorite ("HTH");</p> <p>e. By August 20, 2007, the Respondent had cleaned and disinfected the immediate area around the north-west corner of the wastewater treatment plant with HTH; and</p> <p>f. By August 21, 2007, the Respondent had removed towels and other debris from the collection line, and cleaned and disinfected the immediate area around the manhole at Elm and Camden with HTH.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished including the</p>

<p>305.125(5) and TPDES Permit No. WQ0010405001, Operational Requirements No. 1].</p> <p>6) Failure to accurately report the effluent loading for CBOD, total suspended solids, and NH3-N [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010405001, Definitions & Standard Permit Conditions No. 2(f)].</p> <p>7) Failure to provide noncompliance notifications for exceedances of 40 % or more of the permitted effluent limits [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010405001, Monitoring and Reporting Requirements No. 7(c)].</p>		<p>timely submittal of annual sludge reports, the correct submittal of monthly DMRs, and the timely submittal of noncompliance notifications for exceedances of 40% or more of the permitted effluent limits;</p> <p>ii. Submit the annual sludge report for 2008;</p> <p>iii. Employ a "C" licensed operator to perform regulated activities at the Facility;</p> <p>iv. Repair or replace the aerators in the wastewater system; and</p> <p>v. Remove the excessive sludge from the first pond.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a;</p> <p>c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs demonstrating at least three consecutive months of compliance with all permitted effluent limitations;</p> <p>d. Within 500 days after the effective date of this Agreed Order, develop and implement a plan to address the L/I problems and the discharges from the collection system by refurbishing and/or replacing the brick manholes and replacing approximately one and one-half miles of clay collection lines; and</p> <p>e. Within 515 days after the effective date of the Agreed Order, submit written certification of compliance and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision d.</p>
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Additional ID No(s): WQ0010405001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	2-Feb-2009	Screening	3-Feb-2009	EPA Due	
	PCW	9-Mar-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Dublin
Reg. Ent. Ref. No.	RN101918308
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37116	No. of Violations	8
Docket No.	2009-0164-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	J. Craig Fleming
		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 \$27,200

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 280.0% Enhancement Subtotals 2, 3, & 7 \$76,160

Notes: An enhancement is recommended for having one agreed order with denial, 46 NOVs with self-reported same/similar violations, and six NOVs that are not self-reported with same/similar violations.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts: \$37,646
Approx. Cost of Compliance: \$268,900
**Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7 Final Subtotal \$103,360

OTHER FACTORS AS JUSTICE MAY REQUIRE -1.3% Adjustment -\$1,360

Reduces or enhances the Final Subtotal by the indicated percentage.

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

Final Penalty Amount \$102,000

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$102,000

DEFERRAL 0.0% Reduction Adjustment \$0

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY \$102,000

Screening Date 3-Feb-2009

Docket No. 2009-0164-MWD-E

PCW

Respondent City of Dublin

Policy Revision 2 (September 2002)

Case ID No. 37116

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918308

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Compliance History Worksheet

>> Compliance History *Site Enhancement (Subtotal 2)*

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	52	260%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgments or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%

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)

>> 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 having one agreed order with denial, 46 NOVs with self-reported same/similar violations, and six NOVs that are not self-reported with same/similar violations.

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

Screening Date 3-Feb-2009

Docket No. 2009-0184-MWD-E

PCW

Respondent City of Dublin

Policy Revision 2 (September 2002)

Case ID No. 37116

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918308

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number

1

Rule Cite(s)

30 Tex. Admn. Code § 305.125(1), Tex. Water Code § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010405001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3.

Violation Description

Failed to comply with permitted effluent limits, as documented in an investigation conducted on October 29, 2008. Specifically, the Respondent exceeded the permitted effluent limits for the months of February, April, June through August, and October 2008. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was utilized to evaluate the values for NH3-N, CBOD, and flow to determine whether the discharge amounts of pollutant exceeded the levels protective of human health or environmental receptors. The pH values were also considered. The amounts discharged at the time of the violations were insignificant and did not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

151 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

0.0% Reduction

\$0

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

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

Violation Subtotal \$3,000

Economic Benefit (EB) for this Violation

Estimated EB Amount \$4,997

Statutory Limit Test

Violation Final Penalty Total \$11,250

This violation Final Assessed Penalty (adjusted for limits) \$11,250

Economic Benefit Worksheet

Respondent City of Dublin
Case ID No. 37116
Req. Ent. Reference No. RN101918308
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				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)	\$60,000	1-Feb-2008	1-Oct-2008	1.67	\$4,997	n/a	\$4,997

Notes for DELAYED costs

The estimated cost (\$60,000) to remove the excess sludge in the first pond. The Date Required is the first day of the discharge monitoring report ("DMR") exceedances. The Final Date is the expected 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

N/A

Approx. Cost of Compliance

\$60,000

TOTAL

\$4,997

Screening Date 3-Feb-2009

Docket No. 2009-0164-MWD-E

PCW

Respondent City of Dublin

Policy Revision 2 (September 2002)

Case ID No. 37116

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918306

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number

2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and TPDES Permit No. WQ0010405001, Effluent Limitations and Monitoring Requirements No. 1.

Violation Description

Failed to comply with permitted effluent limits, as documented in an investigation conducted on October 29, 2008. Specifically, the Respondent exceeded the permitted effluent limits for the month of March 2008. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			50%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

A simplified model was utilized to evaluate the values for NH3-N, CBOD, and flow to determine whether the discharge amount of the pollutant (NH3-N) exceeded the levels protective of human health or environmental receptors. The amounts discharged at the time of the violations exceeded levels that are protective of human health or environmental receptors.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1 31 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$18,750

This violation Final Assessed Penalty (adjusted for limits) \$18,750

Economic Benefit Worksheet

Respondent City of Dublin
Case ID No. 37116
Reg. Ent. Reference No. RN101918308
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The Delayed Cost is captured in the Economic Benefit for Violation 1.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 8-Feb-2009

Docket No. 2009-0164-MWD-E

PCW

Respondent City of Dublin

Case ID No. 37116

Policy Revision 2 (September 2002)

PCW Revision October 30, 2006

Reg. Ent. Reference No. RN101918303

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and TPDES Permit No. WQ0010405001, Permit Condition No. 2.g.

Violation Description Failed to prevent unauthorized discharges from the collection system. Specifically, based upon information obtained through a review of the Respondent's noncompliance notification reports, there were three unauthorized discharges. See attached 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 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 the environmental receptors as a result of the violation.

Adjustment \$8,000

\$1,000

Violation Events

Number of Violation Events 3 98 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,000

Three single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$32,235

Violation Final Penalty Total \$11,250

This violation Final Assessed Penalty (adjusted for limits) \$11,250

Economic Benefit Worksheet

Respondent City of Dublin
Case ID No. 37116
Reg. Ent. Reference No. RN101918308
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)	\$200,000	29-Oct-2008	13-Feb-2011	2.29	\$1,529	\$30,575	\$32,104
Engineering/construction	\$2,000	29-Oct-2008	1-Oct-2009	0.92	\$6	\$123	\$129
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)	\$600	30-Jul-2007	21-Aug-2007	0.06	\$2	n/a	\$2

Notes for DELAYED costs

The estimated cost to develop and implement a plan (\$2,000), the cost of construction (\$200,000) to reduce the inflow and infiltration ("I/I") in the collection system by refurbishing and/or replacing the brick manholes and approximately one and one-half miles of clay collection lines, and the cost (\$600 - \$200 for each site) for the cleanup and disinfecting the immediate area. The Dates Required are the date of the investigation and the first unauthorized discharge. The Final Dates are the date the unauthorized discharges were cleaned and disinfected and the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$202,600

TOTAL

\$32,235

Screening Date 3-Feb-2009

Docket No. 2009-0164-MWD-E

PCW

Respondent City of Dublin

Case ID No. 37118

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918308

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 30.331(b) and 30.350(d), and TPDES Permit No. WQ0010405001, Other Requirements No. 1.

Violation Description

Failed to have a certified operator operating the facility. Specifically, the operator does not have the required "C" license required to operate the Facility.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to employ an operator with the required license level could result in poor operation of the Facility which in turn will or could result in the exposure to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4

98 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$10,000

Four monthly events are recommended from the investigation date of October 29, 2008 to the screening date of February 3, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$37,500

This violation Final Assessed Penalty (adjusted for limits) \$37,500

Economic Benefit Worksheet

Respondent City of Dublin
Case ID No. 37116
Reg. Ent. Reference No. RN101918308
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$110	29-Oct-2008	1-Oct-2009	0.92	\$5	n/a	\$5

Notes for DELAYED costs

Cost to obtain a wastewater license, for which the operator will be reimbursed by the Respondent, to take the wastewater examination. The Date Required was the date of the investigation. The Final Date is the expected 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

N/A

Approx. Cost of Compliance

\$110

TOTAL

\$5

Screening Date 3-Feb-2009

Docket No. 2009-0164-MWD-E

PCW

Respondent City of Dublin

Policy Revision 2 (September 2002)

Case ID No. 37116

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101918308

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0010405001, Sludge Provisions

Violation Description Failed to submit the annual sludge report to the TCEQ by September 1 of each year as required by the permit. Specifically, the annual sludge report for the monitoring period ending July 31, 2008 was not submitted.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes 100% of the permit requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 156

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Before NCV NOV to EDCRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	x (mark with x)

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$19

Violation Final Penalty Total \$3,750

This violation Final Assessed Penalty (adjusted for limits) \$3,750

Economic Benefit Worksheet

Respondent City of Dublin
Case ID No. 37118
Reg. Ent. Reference No. RN101918308
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

Equipment				0.00	\$0	\$0	\$0
Bulkings				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	1-Sep-2008	1-Oct-2009	1.08	\$14	n/a	\$14
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	1-Sep-2008	1-Oct-2009	1.08	\$5	n/a	\$5

Notes for DELAYED costs

The approximate cost to update the Facility's operation guidance and conduct employee training (\$250), and submit the annual sludge report (\$100). The Date Required is the date the report was due. The Final Date is the expected date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personal				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

N/A

Approx. Cost of Compliance

\$350

TOTAL

\$19

Screening Date 3-Feb-2009

Docket No. 2009-0164-MWD-E

PCW

Respondent City of Dublin

Case ID No. 37116

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918308

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0010405001, Operational Requirements No. 1.

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 investigator observed that the aerators were inoperable and significant amounts of sludge (floating and settled) had accumulated in the first pond.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

98 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended from the investigation date of October 29, 2008 to the screening date of February 3, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$323

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent City of Dublin
Case ID No. 37116
Reg. Ent. Reference No. RN101918308
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 Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$5,000	29-Oct-2008	1-Oct-2009	0.92	\$15	\$308	\$323
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 or replace the aerators (\$5,000) and removal of the sludge from pond one is captured in Violation No. 1. The Date Required was the date of the investigation. The Final Date is the expected date of compliance.

Avoided Costs

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

	Item 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

N/A

Approx. Cost of Compliance

\$5,000

TOTAL

\$323

Screening Date 3-Feb-2009

Docket No. 2009-0164-MWD-E

PCW

Respondent City of Dublin

Policy Revision 2 (September 2002)

Case ID No. 37116

PCW Revision October 30, 2003

Reg. Ent. Reference No. RN101918308

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010405001, Definitions & Standard Permit Conditions No. 2(f).

Violation Description

Failed to accurately report the effluent loading for carbonaceous biochemical oxygen demand (5-day), total suspended solids, and ammonia-nitrogen. Specifically, the Respondent reported the average loading sample results in milligrams per liter ("mg/L") rather than in pounds per day ("lbs/day") on the monthly DMRs for September 2007 through August 2008.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

	12	365	Number of violation days
mark only one with an x	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

Violation Base Penalty \$1,200

Twelve single events (one for each month) are recommended

Good Faith Efforts to Comply

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

Notes

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

Violation Subtotal \$1,200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$49

Violation Final Penalty Total \$4,500

This violation Final Assessed Penalty (adjusted for limits) \$4,500

Economic Benefit Worksheet

Respondent City of Dublin
Case ID No. 37116
Reg. Ent. Reference No. RN101918308
Media Water Quality
Violation No. 7

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	\$250	20-Oct-2007	12-Feb-2009	1.32	\$1	\$22	\$23
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	\$120	20-Oct-2007	12-Feb-2009	1.32	\$8	n/a	\$8
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)	\$200	20-Oct-2007	31-Jul-2009	1.78	\$18	n/a	\$18

Notes for DELAYED costs

Estimated cost for restructuring the spreadsheet (\$250) for calculating the DMR data, conduct employee training (\$200), and (\$10 per monthly report) for submitting the revised DMRs. The Date Required is the date the first DMR was required to be submitted. The Final Dates are the dates the DMRs were submitted (February 12, 2009), the spreadsheet was revised (February 12, 2009), and the anticipated training will be completed (July 31, 2009).

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

N/A

Approx. Cost of Compliance

\$570

TOTAL

\$49

Screening Date 3-Feb-2009

Docket No. 2009-0164-MWD-E

PCW

Respondent City of Dublin

Policy Revision 2 (September 2002)

Case ID No. 37116

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101918308

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number

8

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010405001, Monitoring and Reporting Requirements No. 7(c).

Violation Description

Failed to provide noncompliance notification for exceedances of 40% or more of the permitted effluent limits. Specifically, the Respondent failed to submit noncompliance notifications in writing within five working days of becoming aware of the NH3-N violations which were over 40 percent of the permitted limit during the months of March and April 2008.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

	2	61	Number of violation days
mark only one with an x	daily		
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
single event			

Violation Base Penalty \$2,000

Two monthly events (one for each month) are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent City of Dublin
Case ID No. 37116
Reg. Ent. Reference No. RN101918308
Media Water Quality
Violation No. 8

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	2-Apr-2008	31-Jul-2009	1.33	\$17	n/a	\$17
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)	\$20	2-Apr-2008	21-Jan-2009	0.81	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to conduct employee training (\$250) and submit reports (\$10 each) indicating the 40% exceedances of the effluent limits. The Dates Required are the reporting date required for the first exceedance. The Final Dates are the date the reports were submitted and the anticipated 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

N/A

Approx. Cost of Compliance

\$270

TOTAL

\$17

City of Dublin
Docket No. 2009-0164-MWD-E
TPDES Permit No. WQ0010405001
Corresponds to Violations 1 and 2 of the PCW

Effluent Violation Table					
Permitted Effluent Limits	Parameters Monitored				
	pH Max. 9.0 SU	Ammonia Nitrogen Daily Avg. Loading 15 lbs/day	Ammonia Nitrogen Daily Avg. Concentration 4 mg/L	Ammonia Nitrogen Daily Max. Concentration 15 mg/L Single Grab	CBOD (5-day) Daily Avg. Concentration 30 mg/L
Feb. 2008	9.1	C	4.575	C	34.5
March 2008	C	37.69	17.46	31.0	C
April 2008	C	25.29	10.075	20.0	C
June 2008	9.71	C	C	C	C
July 2008	9.07	C	C	C	C
August 2008	9.27	C	C	C	C
Oct. 2008 *	9.6	NM	NM	NM	NM

SU = Standard Units	CBOD = Carbonaceous Biochemical Oxygen Demand (5-day)	C = Compliant	Avg. = Average
Max. = Maximum	mg/L= milligrams per liter	lbs/day = pounds per day	NM = Not Monitored

* Grab sample taken during the October 29, 2008 investigation.

City of Dublin
Unauthorized Discharges
TPDES Permit No. WQ0010405001
Corresponds to Violation 3 of the PCW

Date of Discharge	Location	Estimated Volume	Cause	Actions Taken
July 30, 2007	Manhole at Bryan and Ireland	1,000 Gallons	Grease in Collection Line	Cleaned and disinfected with HTH
August 20, 2007	Wastewater Treatment Plant	200 Gallons	Power Outage at Plant	Cleaned and disinfected with HTH
August 21, 2007	Manhole at Elm and Camden	500 Gallons	Towels and Other Debris	Cleaned and disinfected with HTH

HTH = calcium hypochlorite

23	11/03/2005	(473221)
24	11/28/2005	(473222)
25	12/27/2005	(473223)
26	01/16/2006	(473218)
27	01/24/2006	(451573)
28	02/16/2006	(473219)
29	02/22/2006	(456206)
30	03/20/2006	(473220)
31	04/14/2006	(496991)
32	05/02/2006	(501419)
33	05/02/2006	(501420)
34	05/22/2006	(501417)
35	06/19/2006	(501418)
36	07/21/2006	(523665)
37	08/21/2006	(523666)
38	09/20/2006	(523667)
39	10/12/2006	(548636)
40	11/27/2006	(548637)
41	12/18/2006	(548638)
42	12/31/2006	(581825)
43	01/16/2007	(536976)
44	02/22/2007	(581822)
45	03/19/2007	(608233)
46	04/23/2007	(581823)
47	05/21/2007	(581824)
48	06/13/2007	(563405)
49	07/09/2007	(608234)
50	08/22/2007	(570355)
51	09/04/2007	(608235)
52	09/04/2007	(608236)
53	10/22/2007	(621852)
54	11/30/2007	(621853)
55	12/10/2007	(621854)
56	02/04/2008	(673800)
57	02/21/2008	(673799)
58	02/21/2008	(673801)
59	03/25/2008	(692028)
60	04/22/2008	(692029)
61	05/21/2008	(692030)
62	06/23/2008	(713086)
63	07/22/2008	(713087)
64	09/18/2008	(713089)
65	11/13/2008	(713088)
66	01/26/2009	(708694)

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

Date:	02/06/2004	(259335)		
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to comply with the maximum pH permit limit of 9.0 S.U.			
Self Report?	NO		Classific	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to comply with the effluent permit limits for pH, NH3N,CBOD5 and Fecal Coliform.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.4			
Description:	Failure to perform the proper analysis.			
Date:	03/31/2004	(307381)	CN600625925	
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
	TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	04/30/2004	(356837)	CN600625925	
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			

TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2004 (356838) CN600625925
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2004 (356839) CN600625925
 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: 07/31/2004 (356840) CN600625925
 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: 08/31/2004 (356841) CN600625925
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2004 (356842) CN600625925
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2004 (501419) CN600625925
 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: 12/30/2004 (384509) CN600625925
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2005 (422450) CN600625925
 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 (422451) CN600625925
 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 (422452) CN600625925
 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 (422453) CN600625925
 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 (422454) CN600625925
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 (422455) CN600625925
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2005 (443396) CN600625925
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2005 (443397) CN600625925
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2005 (473221) CN600625925
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (473222) CN600625925
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 (473223) CN600625925
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/24/2006 (451573) CN600625925
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.4(a)(8)
30 TAC Chapter 317 317.7(l)
Description: Failure to perform the annual certification of the RPZ.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to perform the required annual calibration of the effluent flow meter.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to submit copies of noncompliance reports for effluent violations to the region office.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with the effluent permit limits.

Date: 01/31/2006 (473218) CN600625925
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2006 (473219) CN600625925

Description: Failure to meet the limit for one or more permit parameter
Date: 01/31/2007 (581822) CN600625925
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 (608233) CN600625925
Self Report? YES **Classification:** Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2007 (581823) CN600625925
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: 04/13/2007 (563405) CN600625925
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)
Description: Failure to notify the TCEQ DFW Region office of unauthorized discharges of
wastewater effluent from the plant and the collection system.

Date: 04/30/2007 (581824) CN600625925
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 (608234) CN600625925
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: 06/08/2007 (563405) CN600625925
Self Report? NO **Classification:** Moderate
Citation: TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)(1)
TWC Chapter 26 26.121(a)(2)
TWC Chapter 26 26.121(a)(3)
TWC Chapter 26 26.121(b)
TWC Chapter 26 26.121(c)
TWC Chapter 26 26.121(d)
TWC Chapter 26 26.121(e)
Description: Failure to prevent unauthorized discharges from the wastewater treatment
plant and the collections system.

Date: 06/30/2007 (608235) CN600625925
Self Report? YES **Classification:** Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2007 (608236) CN600625925
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: 08/22/2007 (570355) CN600625925
Self Report? NO **Classification:** Moderate
Citation: TWC Chapter 26 26.121

Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2006 (473220)	CN600625925	
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:	04/14/2006 (496991)		
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		
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:	04/30/2006 (501417)	CN600625925	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2006 (501418)	CN600625925	
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:	06/30/2006 (523665)	CN600625925	
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:	07/31/2006 (523666)	CN600625925	
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:	08/31/2006 (523667)	CN600625925	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	09/30/2006 (548636)	CN600625925	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	11/30/2006 (548638)	CN600625925	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	12/31/2006 (581825)	CN600625925	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		

	TWC Chapter 26 26.121(a)(1)		
	TWC Chapter 26 26.121(a)(2)		
	TWC Chapter 26 26.121(a)(3)		
	TWC Chapter 26 26.121(b)		
	TWC Chapter 26 26.121(c)		
	TWC Chapter 26 26.121(d)		
	TWC Chapter 26 26.121(e)		
Description:	Failure to prevent unauthorized discharges from the wastewater treatment plant and the collections system.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.3		
Description:	Failure to properly secure the lift station from intruders.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to comply with effluent permit limitations.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to submit noncompliance notification for exceedences of permitted effluent limits.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to control I/I issues.		
Date:	08/31/2007	(673800)	CN600625925
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	09/30/2007	(621852)	CN600625925
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/29/2008	(692028)	CN600625925
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2008	(692029)	CN600625925
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/30/2008	(692030)	CN600625925
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2008	(713087)	CN600625925
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:	07/31/2008	(713088)	CN600625925
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:	08/31/2008	(713089)	CN600625925

Self Report? YES
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

Classification: Moderate

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 DUBLIN
RN101918308**

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§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-0164-MWD-E

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

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

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

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

I. FINDINGS OF FACT

1. The City owns and operates a domestic wastewater treatment facility located approximately 3/4 mile southwest of the intersection of Farm-to-Market Road 219 and Farm-to-Market Road 1702 and approximately one mile southeast of Dublin in Erath County, Texas (the "Facility").

2. The City has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. During an investigation on October 29, 2008, TCEQ staff documented the following:
 - a. The City failed to comply with permitted effluent limits as shown in the table below:

Permitted Effluent Limits	Parameters Monitored				
	pH Max. 9.0 SU	Ammonia Nitrogen Daily Avg. Loading 15 lbs/day	Ammonia Nitrogen Daily Avg. Concentration 4 mg/L	Ammonia Nitrogen Daily Max. Concentration 15 mg/L Single Grab	CBOD (5-day) Daily Avg. Concentration 30 mg/L
Feb. 2008	9.1	C	4.575	C	34.5
March 2008	C	37.69	17.46	31.0	C
April 2008	C	25.29	10.075	20.0	C
June 2008	9.71	C	C	C	C
July 2008	9.07	C	C	C	C
August 2008	9.27	C	C	C	C
Oct. 2008 *	9.6	NM	NM	NM	NM

SU = Standard Units	CBOD = Carbonaceous Biochemical Oxygen Demand (5-day)	C = Compliant	Avg. = Average
Max. = Maximum	mg/L = milligrams per liter	lbs/day = pounds per day	NM = Not Monitored

* Grab sample taken during the October 29, 2008 investigation.

- b. The City failed to prevent unauthorized discharges from the collection system as shown in the table below:

Date of Discharge	Location	Estimated Volume	Cause	Actions Taken
July 30, 2007	Manhole at Bryan and Ireland	1,000 Gallons	Grease in Collection Line	Cleaned and disinfected with HTH
August 20, 2007	Wastewater Treatment Plant	200 Gallons	Power Outage at Plant	Cleaned and disinfected with HTH
August 21, 2007	Manhole at Elm and Camden	500 Gallons	Towels and Other Debris	Cleaned and disinfected with HTH

HTH = calcium hypochlorite

- c. The City did not have an operator who held at least a "C" wastewater license operating the Facility;
 - d. The City did not submit the annual 2008 sludge report to the TCEQ;
 - e. The aerators were inoperable and a significant amount of sludge was observed in the first pond;
 - f. The City did not accurately report the effluent loading for CBOD, total suspended solids ("TSS"), and ammonia-nitrogen ("NH₃-N") on the Discharge Monitoring Reports ("DMRs") for September 2007 through August 2008; and
 - g. The City did not submit the noncompliance notifications for the months of March and April 2008 when the daily average NH₃-N effluent violations exceeded the permit limit by at least 40 percent.
4. The City received notice of the violations on January 31, 2009.
5. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
- a. On January 21, 2009, submitted the noncompliance notifications for the months of March and April 2008;
 - b. On February 12, 2009, submitted the revised DMRs with corrected loading information for the months of September 2007 through August 2008;
 - c. By October 29, 2008, the City had conducted a sanitary sewer survey and determined that the primary causes of inflow and infiltration ("I/I") was from several brick manholes and approximately one and one-half miles of clay collection lines;
 - d. By July 30, 2007, the City had removed grease from the collection line, and cleaned and disinfected the immediate area around the manhole at Bryan and Ireland with HTH;

- e. By August 20, 2007, the City had cleaned and disinfected the immediate area around the north-west corner of the wastewater treatment plant with HTH; and
- f. By August 21, 2007, the City had removed towels and other debris from the collection line, and cleaned and disinfected the immediate area around the manhole at Elm and Camden with HTH.

II. CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3.a., the City failed to comply with permitted effluent limits, 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. WQ0010405001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3.
3. As evidenced by Findings of Fact No. 3.b., the City failed to prevent unauthorized discharges from the collection system, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0010405001, Permit Conditions No. 2.g.
4. As evidenced by Findings of Fact No. 3.c., the City failed to have a certified operator operating the facility, in violation of 30 TEX. ADMIN. CODE §§ 30.331(b) and 30.350(d), and TPDES Permit No. WQ0010405001, Other Requirements No. 1.
5. As evidenced by Findings of Fact No. 3.d., the City failed to submit the annual sludge report to the TCEQ by September 1 of each year, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010405001, Sludge Provisions.
6. As evidenced by Findings of Fact No. 3.e., the City failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0010405001, Operational Requirements No. 1.
7. As evidenced by Findings of Fact No. 3.f., the City failed to accurately report the effluent loading for CBOD, TSS, and NH₃-N, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010405001, Definitions & Standard Permit Conditions No. 2(f).
8. As evidenced by Findings of Fact No. 3.g., the City failed to provide noncompliance notifications for exceedances of 40 % or more of the permitted effluent limits, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010405001, Monitoring and Reporting Requirements No. 7(c).

9. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of One Hundred Two Thousand Dollars (\$102,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

The City has paid Two Thousand Eight Hundred Forty-Five Dollars (\$2,845) of the administrative penalty. The remaining amount of Ninety-Nine Thousand One Hundred Fifty-Five Dollars (\$99,155) of the administrative penalty shall be payable in 35 monthly payments of Two Thousand Eight Hundred Thirty-Three Dollars (\$2,833) 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.

III. ORDERING PROVISIONS

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

1. The City is assessed an administrative penalty in the amount of One Hundred Two Thousand Dollars (\$102,000) as set forth in Section II, Paragraph 10 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Dublin, Docket No. 2009-0164-MWD-E" to:

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

2. The City shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:

- i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished including the timely submittal of annual sludge reports, the correct submittal of monthly DMRs, and the timely submittal of noncompliance notifications for exceedances of 40% or more of the permitted effluent limits, in accordance with TPDES Permit No. WQ0010405001, Sludge Provisions, Definitions & Standard Permit Conditions No. 2(f), and Monitoring and Reporting Requirements No. 7(c);
 - ii. Submit the annual sludge report for 2008, in accordance with TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010405001, Sludge Provisions;
 - iii. Employ a "C" licensed operator to perform regulated activities at the Facility, in accordance with TPDES Permit No. WQ0010405001, Other Requirements No. 1;
 - iv. Repair or replace the aerators in the wastewater system; and
 - v. Remove the excessive sludge from the first pond.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language in Ordering Provision No. 2.e. below;
 - c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance as stated below with the effluent limits of TPDES Permit No. WQ0010405001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language in Ordering Provision No. 2.e. below;
 - d. Within 500 days after the effective date of this Agreed Order, develop and implement a plan to address the I/I problems and the discharges from the collection system by refurbishing and/or replacing the brick manholes and replacing approximately one and one-half miles of clay collection lines; and
 - e. Within 515 days after the effective date of the Agreed Order, submit written certification of compliance as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language below:

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

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive

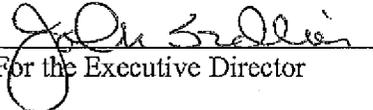
Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.

7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

5/26/10

Date

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

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

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

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

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



Signature

03/10/2010

Date

Jerry Guillory

Name (Printed or typed)
Authorized Representative of the
City of Dublin

City Manager

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.

