

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2008-1953-MWD-E **TCEQ ID:** RN102833845 **CASE NO.:** 36948

**RESPONDENT NAME:** City of Chico

<b>ORDER TYPE:</b>		
<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	
<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> Chico Wastewater Treatment Facility, located 0.25 mile south of Farm-to-Market Road 1810 and approximately one mile east of Chico, Wise County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment plant</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 July 19, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC R-9, (254) 761-3034;                      Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> The Honorable J.D. Clark, Mayor, City of Chico, 113 West Decatur Street, Chico, Texas 76431  <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 checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input 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> October 22, 2008 and July 23, 2008</p> <p><b>Date of NOE Relating to this Case:</b> August 27, 2008</p> <p><b>Background Facts:</b> This was a record review and routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to maintain compliance with the permit effluent limits [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010023001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, 3, and 6].</p> <p>2) Failure to obtain authorization for a major permit amendment prior to making modifications to the permitted Facility [30 TEX. ADMIN. CODE § 305.62, TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0010023001, Permit Conditions No. 4].</p> <p>3) Failure to document monitoring activities [30 TEX. ADMIN. CODE § 319.7(a) and TPDES Permit No. WQ0010023001, Permit Monitoring and Reporting Requirements No. 3.c.].</p> <p>4) Failure to equip the chlorine equipment / storage area with a detector and an alarm [30 TEX. ADMIN. CODE § 317.6(b)(1)(E) and TPDES Permit No. WQ0010023001, Operational Requirements No. 1].</p> <p>5) Failure to provide proper signage on non-potable water outlets located at the Facility [30 TEX. ADMIN. CODE § 317.7(d) and TPDES Permit No. WQ0010023001, Operational Requirements No. 1].</p>	<p><b>Total Assessed:</b> \$208,475</p> <p><b>Total Deferred:</b> \$0  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$208,475</p> <p><b>Total Paid to General Revenue:</b> \$0</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>Findings Orders Justification:</b> Human health or the environment has been exposed to pollutants which exceed levels that are protective.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that by August 1, 2008, the Respondent installed non-potable water signs on all appropriate outlets located through the Facility.</p> <p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, submit an administratively complete permit application for a major amendment;</p> <p>b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing;</p> <p>c. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that all monitoring activities are properly documented;</p> <p>d. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a and 2.c;</p> <p>e. Within 60 days after the effective date of this Agreed Order, install a chlorine detector and an alarm in the chlorine equipment/storage area;</p> <p>f. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.e;</p> <p>g. Within 180 days after the effective date of this Agreed Order, submit written</p>

		<p>certification of compliance that authorization to operate the new treatment units has been obtained;</p> <p>h. Within 240 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010023001, 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 limits.</p>
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Additional ID No(s): WQ0010023001; TX0023787



**Attachment A**  
**Docket Number: 2008-1953-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Chico
<b>Penalty Amount:</b>	Two Hundred Eight Thousand Four Hundred Seventy-Five Dollars (\$208,475)
<b>SEP No. 1 Offset Amount:</b>	Two Hundred Thousand Dollars (\$200,000)
<b>Type of SEP:</b>	Custom (with pre-approved concept)
<b>Location of SEP:</b>	Wise County
<b>SEP No. 2 Offset Amount:</b>	Eight Thousand Four Hundred Seventy-Five Dollars (\$8,475)
<b>Third-Party Recipient:</b>	Texas Association of Resource Conservation & Development Areas, Inc. ("RC&D") <i>Water or Wastewater Assistance</i>
<b>Type of SEP:</b>	Pre-approved
<b>Location of SEP:</b>	Wise County

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

**1. Project Description**

**A.1 Project Description No. 1**

The Respondent shall provide first-time wastewater service to approximately 12 or more low-income residences that comply with the parameters of this SEP, up to the SEP Offset Amount for SEP No. 1 that have failing or inadequately designed septic systems, at no cost to the residents. The SEP Offset Amount for Project No. 1 will be used to construct a new sanitary sewer main beginning at the City's existing sanitary sewer manhole located approximately 400 feet west of the intersection of Mockingbird Lane and Alvord Street in the City of Chico, Wise County, Texas and to install approximately 3,700 linear feet of sanitary sewer line and approximately 12 manholes, to connect to the residences. At each residence, the Respondent or its contractors shall properly install a service line, cleanout(s), connect the residence to central sewer service, and properly decommission each existing septic tank. The Respondent or its contractors shall perform this project in accordance with all federal, state and local environmental laws and regulations, including obtaining and complying with required construction permits.

At the Executive Director's discretion, the Respondent may receive SEP Offset Amount credit only for the direct cost of implementing the project. Specifically, the Respondent may receive SEP Offset Amount credit for costs of equipment, materials, and contract labor costs (including necessary engineering fees) in accordance with TCEQ expenditure restrictions on the use of SEP funds. Credit for the use of the SEP Offset Amount shall be limited to costs that are actual, documented, reasonable, and necessary to performance of the



SEP. The Respondent must competitively bid work for the project to ensure that costs are reasonable and customary. The Respondent may receive credit for the reasonable and customary costs of labor if its employees are used in implementing the SEP. The Respondent shall not receive credit for volunteer labor or equipment. No portion of the SEP Offset Amount shall be spent on the Respondent's administrative costs. The Respondent shall also not receive credit for gratuities and/or inducements (food, refreshments, or other gifts) for volunteers.

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

A.2 Project Description No. 2

The Respondent shall contribute the SEP Offset Amount for Project No. 2 to the **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** to be used for the *Water or Wastewater Assistance* project. Specifically, SEP monies will pay for the labor and disposal costs associated with assistance to low-income residents with shallow, improperly designed, or contaminated drinking water wells or failing wastewater systems, or for plugging of abandoned wells. The projects will be administered in accordance with federal, state, and local environmental laws and regulations.

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

B. Project No. 1 and Project No. 2 Environmental Benefit

The wastewater portion of this SEP will provide a discernible environmental benefit by preventing the release of sewage into the environment. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as in lawns or streets, or waters used for recreation.
- Shellfish harvested from areas contaminated by raw sewage.
- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

The drinking water portion of this project will protect water sources for drinking, recreation and wildlife from contamination from the failing treatment systems, and protect public health from contaminated drinking water supplies.



C. Minimum Expenditure

Project No. 1 Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount for Project No. 1 to complete the project described above and comply with all other provisions of this Attachment A. The Respondent understands that it may be required to spend more than the SEP Offset Amount in order to complete this SEP.

Project No. 2 Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount for Project No. 2 to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Project No. 1 Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall begin implementation of the Project No. 1 SEP. The Respondent shall perform the Project No. 1 SEP in accordance with the schedule shown in the Project No. 1 Performance Schedule Deliverable table below, and shall have completed the Project No. 1 SEP in its entirety within two years following the effective date of this Agreed Order.

Days from Effective Order Date	Percentage of Project to Be Completed	Project No. 1 Performance Schedule Deliverable
30	Begin	Notice of Commencement describing actions taken to begin project
120	1/8	Complete Construction Plans and Submit for Review
365	1/2	Receive Approval from TCEQ and Bid Project
545	3/4	Complete Construction
730	Completion	Final completion of project with Final Report within 60 days of completion date, as described in Section 3.B., below.

Project No. 2 Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the Project No. 2 SEP Offset Amount to the Third-Party Recipient. The Respondent shall make the check payable to “Texas Association of RC&D” and mail the contribution check with a copy of the Agreed Order, to:

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



**3. Reporting**

**A. Progress Reports**

**Project No. 1 Progress Report**

The Respondent shall submit Progress Reports to the TCEQ SEP Coordinator according to the schedule provided in the Project No. 1 Progress Report Deliverable table below.

Days from Effective Order Date	Project No. 1 Progress Report Deliverable
30	First Progress Report to include Notice of Commencement describing actions being taken to begin project
90	Second Progress Report to provide actions taken to implement project.
120	Third Progress Report to provide actions taken to implement project.
210	Fourth Progress Report to provide actions taken to implement project.
280	Fifth Progress Report to provide actions taken to implement project.
365	Sixth Progress Report to provide actions taken to implement project.
455	Seventh Progress Report to provide actions taken to implement project.
545	Eighth Progress Report to provide actions taken to implement project.
635	Ninth Progress Report to provide actions taken to implement project.
790	Final report documenting completion as described in Section 3.B., below.

**B. Final Report**

**Project No. 1 Final Report**

Within 30 days after completion of the No. 1 SEP, the Respondent shall submit a Final Report to the TCEQ which includes:

1. A summary total of the amount of costs incurred;
2. An itemized list of expenditures and costs incurred. Copies of receipts, checks, invoices, and other verifying documentation must be included with the Final Report;
3. Copies of publication of invitation for competitive bids for the project;
4. A statement of the quantifiable environmental benefits. The Respondent must quantify the environmental benefit of Project No. 1;
5. The total number of residences connected to central sewer as a result of Project No. 1;
6. Map showing specific locations of residences connected to central sewer as a result of Project No. 1;
7. Photographs of the project showing the Project No. 1 locations before, during, and after completion of the Project;
8. Any additional information the Respondent believes will demonstrate compliance with this Attachment A;
9. Any additional information requested by TCEQ to demonstrate compliance with this Attachment A.



Project No. 2 Final Report

Concurrent with the payment of the Project No. 2 SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the Project No. 2 SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

C. Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Additional Information and Access**

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

**5. Failure to Fully Perform**

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

In the event of incomplete performance of either Project No. 1 or Project No. 2, the Respondent shall submit a check for any amount due with a notation that the payment is for a "SEP Refund", and the docket number of the case. The Respondent shall make the check out to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087



**6. Publicity**

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

**7. Clean Texas Program**

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

**8. Other SEPs by TCEQ or Other Agencies**

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

<b>TCEQ</b> DATES	Assigned	20-Oct-2008	Screening	22-Oct-2008	EPA Due
	PCW	17-Nov-2008			

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	City of Chico		
Reg. Ent. Ref. No.	RN102893845		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	36948	No. of Violations	7
Docket No.	2008-1953-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Heather Bristor
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

<b>Penalty Calculation Section</b>			
<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<i>Subtotal 1</i>		<b>\$59,600</b>
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
<b>Compliance History</b>	285.0% Enhancement	<i>Subtotals 2, 3, &amp; 7</i>	<b>\$169,860</b>
Notes	The Respondent self-reported 56 months of effluent violations and was issued one Notice of Violation for violations that are considered same or similar.		
<b>Culpability</b>	No	0.0% Enhancement	<i>Subtotal 4</i> <b>\$0</b>
Notes	The Respondent does not meet the culpability criteria.		
<b>Good Faith Effort to Comply Total Adjustments</b>		<i>Subtotal 5</i>	<b>\$125</b>
<b>Economic Benefit</b>	0.0% Enhancement*	<i>Subtotal 6</i>	<b>\$0</b>
Total EB Amounts	\$7,470	<small>*Capped at the Total EB \$ Amount</small>	
Approx. Cost of Compliance	\$77,900		
<b>SUM OF SUBTOTALS 1-7</b>		<i>Final Subtotal</i>	<b>\$229,335</b>
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	-9.1%	<i>Adjustment</i>	<b>-\$20,860</b>
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			
Notes	Recommended reduction to prevent the self-reported violations from overly impacting the penalty.		
		<i>Final Penalty Amount</i>	<b>\$208,475</b>
<b>STATUTORY LIMIT ADJUSTMENT</b>		<i>Final Assessed Penalty</i>	<b>\$208,475</b>
<b>DEFERRAL</b>	0.0% Reduction	<i>Adjustment</i>	<b>\$0</b>
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			
Notes	No deferral is recommended for Findings Orders.		
<b>PAYABLE PENALTY</b>			<b>\$208,475</b>

Screening Date: 22-Oct-2008

Docket No. 2008-1953-MWD-E

PCW

Respondent: City of Chico

Policy Revision 2 (September 2002)

Case ID No. 36948

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102833845

Media [Statute]: Water Quality

Enf. Coordinator: Heather Brister

### 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)	57	285%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

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) 285%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent self-reported 56 months of effluent violations and was issued one Notice of Violation for violations that are considered same or similar.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 285%

<b>Screening Date</b>	22-Oct-2008	<b>Docket No.</b>	2008-1953-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Chico	Policy Revision 2 (September 2002)		
<b>Case ID No.</b>	36948	PCW Revision October 30, 2008		
<b>Reg. Ent. Reference No.</b>	RN102833845			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Heather Brister			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010023001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6			
<b>Violation Description</b>	Failed to maintain compliance with the permit effluent limits, as documented during a record review conducted on October 22, 2008, and as shown in the attached table.			
<b>Base Penalty</b>				\$10,000

**>> Environmental, Property and Human Health Matrix**

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual	x			
	Potential				
				50%	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes**

A site specific model was used to evaluate 5-day biochemical oxygen demand ("BOD<sub>5</sub>"), ammonia nitrogen ("NH<sub>3</sub>-N"), and flow to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total chlorine residual, dissolved oxygen, and total suspended solids were also considered. As a result of these discharges, human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors.

**Adjustment** \$5,000

\$5,000

**Violation Events**

<b>Number of Violation Events</b>	9	<b>Number of violation days</b>	276	<b>Violation Base Penalty</b>	\$46,000
mark only one with an x	daily				
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				

Nine monthly events are recommended for the months of December 2007 through August 2008.

**Good Faith Efforts to Comply**

		<b>0.0% Reduction</b>	<b>\$0</b>
		Before NOV	NOV to EDCRP/Settlement Offer
Extraordinary			
Ordinary			
N/A	x	(mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
<b>Violation Subtotal</b>			\$45,000

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$7,298	<b>Violation Final Penalty Total</b>	\$157,491
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$157,491

## Economic Benefit Worksheet

**Respondent:** City of Chico  
**Case ID No.:** 38948  
**Reg. Ent. Reference No.:** RN102833846  
**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	GB Amount
No commas or \$							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$76,000	30-Sep-2007	31-Aug-2009	1.92	\$7,298	n/a	\$7,298

**Notes for DELAYED costs:** Estimated cost for an engineering study to determine the cause of non-compliance, additional equipment, and to make necessary adjustments to achieve compliance with the permitted effluent limits. Date Required is the initial month of noncompliance. Final Date is the expected date of compliance.

### Avoided Costs

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

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	\$76,000	<b>TOTAL</b>	\$7,298
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<b>Screening Date</b> 22-Oct-2008	<b>Docket No.</b> 2008-1953-MWD-E	<b>PCW</b>	
<b>Respondent</b> City of Chico		<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 36948		<small>PCW Revision October 30, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN102833845			
<b>Media [Statute]</b> Water Quality			
<b>Enf. Coordinator</b> Heather Brister			
<b>Violation Number</b> 2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and TPDES Permit No. WQ0010023001, Effluent Limitations and Monitoring Requirements No. 1		
<b>Violation Description</b>	Failed to maintain compliance with the permit effluent limits, as documented during a record review conducted on October 22, 2008, and as shown in the attached table.		
	<b>Base Penalty</b>	\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
<b>OR</b>	<b>Release</b>	<b>Harm</b>	
		Major      Moderate      Minor	
	Actual	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<b>Percent</b> <input type="text" value="25%"/>
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major      Moderate      Minor	
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	<div style="border: 1px solid black; padding: 5px;">                 A site specific model was used to evaluate NH<sub>3</sub>-N, and flow to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids were also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.             </div>		
	<b>Adjustment</b>	\$7,500	
		\$2,500	
<b>Violation Events</b>			
	<b>Number of Violation Events</b>	<input type="text" value="1"/>	<b>Number of violation days</b>
		<input type="text" value="30"/>	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	<b>Violation Base Penalty</b> <input type="text" value="\$2,500"/>
	weekly	<input type="checkbox"/>	
	monthly	<input checked="" type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
	One monthly event is recommended for the month of November 2007.		
<b>Good Faith Efforts to Comply</b>		0.0% Reduction	<b>\$0</b>
		Before NOV      NOV to EDRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
	<b>Violation Subtotal</b>	\$2,500	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	<input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b>	\$8,750
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$8,750

## Economic Benefit Worksheet

**Respondent:** City of Chico  
**Case ID No.:** 38948  
**Reg. Ent. Reference No.:** RN102833845  
**Media:** Water Quality  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

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

Notes for DELAYED costs

See violation no. 1.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

**Screening Date** 22-Oct-2008 **Docket No.** 2008-1953-MWD-E **PCW**  
**Respondent** City of Chico *Policy Revision 2 (September 2002)*  
**Case ID No.** 36948 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN102833845  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Heather Brister  
**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and TPDES Permit No. WQ0010023001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 3  
**Violation Description** Failed to maintain compliance with the permit effluent limits, as documented during a record review conducted on October 22, 2008, and as shown in the 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**  
 A site specific model was used to evaluate NH<sub>3</sub>-N and flow to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total chlorine residual and pH were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

**Adjustment** \$9,000

\$1,000

**Violation Events**

Number of Violation Events: 1 Number of violation days: 61

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$1,000

One quarterly event is recommended for the months of September 2007 and October 2007

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$1,000

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$0 **Violation Final Penalty Total** \$3,500

**This violation Final Assessed Penalty (adjusted for limits)** \$3,500

## Economic Benefit Worksheet

**Respondent:** City of Chico  
**Case ID No.:** 36948  
**Reg. Ent. Reference No.:** RN102833845  
**Media:** Water Quality  
**Violation No.:** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See violation no. 1.

### 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

\$0

**TOTAL**

\$0

<b>Screening Date</b> 22-Oct-2008	<b>Docket No.</b> 2008-1953-MWD-E	<b>PCW</b>
<b>Respondent</b> City of Chico		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 36948		<small>PCW Revision October 30, 2008</small>
<b>Reg. Ent. Reference No.</b> RN102833845		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Heather Brister		
<b>Violation Number</b> 4		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.62, Tex. Water Code § 26.121(a), and TPDES Permit No. WQ0010023001, Permit Conditions No. 4	
<b>Violation Description</b>	Failed to obtain authorization for a major permit amendment prior to making modifications to the permitted Facility, as documented during an investigation conducted on July 23, 2008. Specifically, the investigator observed a new and different treatment system in operation at the Facility than what was reflected on the permit application.	
	<b>Base Penalty</b>	\$10,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
<b>OR</b>	<b>Harm</b>	
	Release    Major    Moderate    Minor	
Actual	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>
	<b>Percent</b>	0%
<b>&gt;&gt; Programmatic Matrix</b>		
	<b>Falsification</b> Major    Moderate    Minor	
	<input type="text"/>	<input checked="" type="checkbox"/>
	<b>Percent</b>	10%
<b>Matrix Notes</b>	100% of the rule requirement was not met.	
	<b>Adjustment</b>	\$9,000
		\$1,000
<b>Violation Events</b>		
<b>Number of Violation Events</b>	3	<b>Number of violation days</b> 91
<small>mark only one with an x</small>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>
	<b>Violation Base Penalty</b>	\$3,000
Three monthly events are recommended from the date of the investigation (July 23, 2008) to the date of screening (October 22, 2008).		
<b>Good Faith Efforts to Comply</b>		
	0.0% Reduction	\$0
	Before NOV    NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.	
	<b>Violation Subtotal</b>	\$3,000
<b>Economic Benefit (EB) for this violation</b>		
<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>	\$118	<b>Violation Final Penalty Total</b> \$10,499
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$10,499	

## Economic Benefit Worksheet

**Respondent:** City of Chico  
**Case ID No.:** 36948  
**Reg. Ent. Reference No.:** RN102833845  
**Media:** Water Quality  
**Violation No.:** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$800	15-Jan-2007	31-Dec-2009	2.96	\$118	n/a	\$118
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit an application for a major permit amendment. Date Required is the date construction of the new Facility began. Final Date is 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

Approx. Cost of Compliance

\$800

TOTAL

\$118

<b>Screening Date:</b> 22-Oct-2008	<b>Docket No.:</b> 2008-1953-MWD-E	<b>PCW</b>		
<b>Respondent:</b> City of Chico		<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.:</b> 36948		<i>PCW Revision October 30, 2008</i>		
<b>Reg. Ent. Reference No.:</b> RN102833845				
<b>Media [Statute]:</b> Water Quality				
<b>Enf. Coordinator:</b> Heather Brister				
<b>Violation Number:</b> 5				
<b>Rule Cite(s):</b>	30 Tex. Admin. Code § 319.7(a) and TPDES Permit No. WQ0010023001; Permit Monitoring and Reporting Requirement No. 3.c.			
<b>Violation Description:</b>	Failed to document monitoring activities, as documented during an investigation conducted on July 23, 2008. Specifically, the collection and sample analysis times for the total residual chlorine samples were not properly documented and the manganese-oxide correction was not being documented.			
	<b>Base Penalty:</b>	\$10,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Major	Moderate	Minor	
	Actual			<b>Percent:</b> 0%
	Potential			
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
				X
				<b>Percent:</b> 1%
<b>Matrix Notes</b>	At least 70% of the permit requirement was met.			
	<b>Adjustment:</b>	\$9,900		
		\$100		
<b>Violation Events</b>				
	<b>Number of Violation Events:</b>	1	<b>Number of violation days:</b>	82
		daily		
		weekly		
		monthly		
		quarterly		
		semiannual		
		annual		
		single event	X	
<i>mark only one with an x</i>				<b>Violation Base Penalty:</b> \$100
	One single event is recommended.			
<b>Good Faith Efforts to Comply</b>		0.0% Reduction	\$0	
		Before NOV	NOV to EDRP/Settlement Offer	
	Extraordinary			
	Ordinary			
	N/A	X	(mark with x)	
<b>Notes:</b>	The Respondent does not meet the good faith criteria for this violation.			
	<b>Violation Subtotal:</b>	\$100		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
	<b>Estimated EB Amount:</b>	\$14	<b>Violation Final Penalty Total:</b>	\$350
		<b>This violation Final Assessed Penalty (adjusted for limits):</b> \$350		

## Economic Benefit Worksheet

**Respondent:** City of Chico  
**Case ID No.:** 36948  
**Reg. Ent. Reference No.:** RN102833845  
**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
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	\$250	23-Jul-2008	31-Aug-2009	1.11	\$14	n/a	\$14
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 update operational guidance and conduct employee training to ensure that all monitoring activities are properly documented. Date Required is the date of the investigation. Final Date is 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

Approx. Cost of Compliance

\$250

TOTAL

\$14

<b>Screening Date:</b> 22-Oct-2008	<b>Docket No.:</b> 2008-1953-MWD-E	<b>PCW</b>
<b>Respondent:</b> City of Chico	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.:</b> 36948	<i>PCW Revision October 30, 2008</i>	
<b>Reg. Ent. Reference No.:</b> RN102633845		
<b>Media [Statute]:</b> Water Quality		
<b>Enf. Coordinator:</b> Heather Brister		
<b>Violation Number:</b> 6		
<b>Rule Cite(s):</b>	30 Tex. Admin. Code § 317.6(b)(1)(E) and TPDES Permit No. WQ0010023001, Operational Requirements No. 1	
<b>Violation Description:</b>	Failed to equip the chlorine equipment/storage area with a detector and an alarm, as documented during an investigation conducted on July 23, 2008.	
<b>Base Penalty</b>		\$10,000

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	<b>Actual</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>Potential</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<b>Percent</b> <input type="text" value="25%"/>

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> <input type="text" value="0%"/>

**Matrix Notes:** Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

*mark only one with an x*

daily	<input type="checkbox"/>
weekly	<input type="checkbox"/>
monthly	<input checked="" type="checkbox"/>
quarterly	<input type="checkbox"/>
semiannual	<input type="checkbox"/>
annual	<input type="checkbox"/>
single event	<input type="checkbox"/>

**Violation Base Penalty**

Three monthly events are recommended from the date of the investigation (July 23, 2008) to the date of screening (October 22, 2008).

**Good Faith Efforts to Comply**       Reduction     

	<b>Before NOV</b>	<b>NOV to EDRP/Settlement Offer</b>
<b>Extraordinary</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Ordinary</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>N/A</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/> (mark with x)

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation**      **Statutory Limit Test**

**Estimated EB Amount**       **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** City of Chico  
**Case ID No.** 36948  
**Reg. Ent. Reference No.** RN102833845  
**Media** Water Quality  
**Violation No.** 6

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	\$500	23-Jul-2008	31-Aug-2009	1.11	\$2	\$37	\$39
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 install an alarm in the chlorine equipment/storage room. Date Required is the date of the investigation. Final Date is the anticipated date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$39

<b>Screening Date</b> 22-Oct-2008	<b>Docket No.</b> 2008-1953-MWD-E	<b>PCW</b>			
<b>Respondent</b> City of Chico	<i>Policy Revision 2 (September 2002)</i>				
<b>Case ID No.</b> 36948	<i>PCW Revision October 30, 2008</i>				
<b>Reg. Ent. Reference No.</b> RN102833845					
<b>Media [Statute]</b> Water Quality					
<b>Enf. Coordinator</b> Heather Brister					
<b>Violation Number</b> 7					
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 317.7(d) and TPDES Permit No. WQ0010023001, Operational Requirements No. 1.				
<b>Violation Description</b>	Failed to provide proper signage on non-potable water outlets located at the Facility, as documented during an investigation conducted on July 23, 2008.				
<b>Base Penalty</b>		\$10,000			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Release</b>	<b>Harm</b>			
	Major    Moderate    Minor				
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<b>Percent</b>			5%		
<b>&gt;&gt; Programmatic Matrix</b>					
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b>
					0%
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.				
<b>Adjustment</b>					\$9,500
<b>Violation Events</b>					\$500
	<input type="checkbox"/>	<input type="checkbox"/>	Number of violation days		
	<input type="checkbox"/>	<input type="checkbox"/>	91		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>			
	weekly	<input type="checkbox"/>			
	monthly	<input type="checkbox"/>			
	quarterly	<input type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
	single event	<input checked="" type="checkbox"/>			
One single event is recommended based on documentation of the violation during the investigation on July 23, 2008.					<b>Violation Base Penalty</b>
					\$500
<b>Good Faith Efforts to Comply</b>		<b>25.0%</b>	<b>Reduction</b>		<b>\$125</b>
	Extraordinary	<input type="checkbox"/>	Before NOV	NOV to EDRP/Settlement Offer	
	Ordinary	<input checked="" type="checkbox"/>			
	N/A	<input type="checkbox"/>	(mark with x)		
<b>Notes</b>	The Respondent achieved compliance on August 1, 2008.				
<b>Violation Subtotal</b>					\$375
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		\$1	<b>Violation Final Penalty Total</b>		\$1,636
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					\$1,636

## Economic Benefit Worksheet

**Respondent** City of Chico  
**Case ID No.** 36948  
**Reg. Ent. Reference No.** RN102833845  
**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
No commas or \$							

### Delayed Costs

Equipment	\$350	23-Jul-2008	1-Aug-2008	0.02	\$0	\$1	\$1
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 install signs on all non-potable water outlets located at the Facility. Date Required is the date of the investigation. Final Date is the date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$350

**TOTAL**

\$1

## EFFLUENT VIOLATION TABLE

City of Chico  
 TPDES Permit No. WQ0010023001  
 Docket No. 2008-1953-MWD-E

Permitted Effluent Limits	Monitoring Period/End Date											
	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08
DO monthly min. 4.0 mg/L	c	c	c	c	c	c	c	c	c	c	2.30	3.30
TSS daily avg. loading 13 lbs/day	c	c	c	24.20	25.70	c	21.60	35.60	24.70	14.70	c	42.90
TSS daily avg. conc. 20 mg/L	c	c	23.80	35.70	46.60	21.50	36.50	48.00	42.30	27.00	c	52.80
TSS max. single grab 65 mg/L	c	c	c	c	66.00	c	c	72.00	c	c	c	150.00
NH3-N daily avg. loading 3.2 lbs/day	6.71	7.74	6.76	13.08	19.31	20.17	25.31	38.02	24.74	9.15	25.74	11.80
NH3-N daily avg. conc. 5 mg/L	12.00	14.00	13.25	19.67	34.40	40.00	42.75	51.00	42.00	21.98	43.92	18.53
NH3-N max. single grab 15 mg/L	c	17.00	16.00	21.00	47.00	42.00	63.00	61.00	60.00	72.00	61.00	60.00
CBOD5 daily avg. loading 13 lbs/day	c	c	c	24.60	45.00	18.30	33.70	122.70	58.10	14.10	29.30	37.30
CBOD5 daily avg. conc. 20 mg/L	c	c	c	37.00	80.20	36.30	55.80	164.00	99.90	33.80	49.00	54.20
CBOD5 max. single grab 65 mg/L	c	c	c	c	130.00	c	100.00	230.00	230.00	110.00	100.00	150.00
pH Max. 9.0 std.	c	10.20	c	c	c	c	c	c	c	c	c	c
Total Cl Residual Max. 4.0 mg/L	c	5.70	c	4.20	c	c	c	5.70	c	4.40	c	c
Total Cl Residual Min. 1.0 mg/L	0.04	0.00	c	c	0.70	c	c	0.60	c	c	0.20	0.70
Flow 0.076 MGD	c	c	c	c	c	c	c	c	c	c	c	0.087
**Total Cl Residual Min. Grab Sample 1.0 mg/L	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0.24	n/a
**NH3-N Grab Sample 15 mg/L	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	53.00	n/a

avg. = average

c = compliant

CBOD<sub>5</sub> = carbonaceous biochemical oxygen demand

Cl = chlorine

conc. = concentration

DO = dissolved oxygen

lbs/day = pounds per day

max. = maximum

mg/L = milligrams per liter

MGD = million gallons per day

min. = minimum

NH<sub>3</sub>-N = ammonia nitrogen

std. = standard

TSS = total suspended solids

\*\* Grab Samples conducted on July 23, 2008\*\*

n/a = not applicable



# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600624639	City of Chico	Classification: AVERAGE	Rating: 2.55
Regulated Entity:	RN102833845	CITY OF CHICO	Classification: AVERAGE	Site Rating: 2.55
ID Number(s):	WASTEWATER		PERMIT	WQ0010023001
	WASTEWATER		PERMIT	WQ0010023001
	WASTEWATER		PERMIT	TPDES0023787
	WASTEWATER		PERMIT	TX0023787
	WASTEWATER LICENSING		LICENSE	WQ0010023001

Location: Located 0.25 mile south of Farm-to-Market Road 1810 and approximately 1.0 mile east of Chico, Wise County, Texas Rating Date: 9/1/2008  
Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX  
 Date Compliance History Prepared: November 10, 2008  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: November 10, 2003 to November 10, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: Heather Brister Phone: 254/761-3034

## Site Compliance History Components

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

### Components (Multimedia) for the Site :

- |  |     |
|--|-----|
| A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. | N/A |
| B. Any criminal convictions of the state of Texas and the federal government.  | N/A |
| C. Chronic excessive emissions events.   | N/A |
| D. The approval dates of investigations. (CCEDS Inv. Track. No.)   |     |
- |    |            |          |
|----|------------|----------|
| 1  | 11/25/2003 | (299717) |
| 2  | 01/22/2004 | (299718) |
| 3  | 02/26/2004 | (299701) |
| 4  | 03/22/2004 | (299704) |
| 5  | 04/12/2004 | (267129) |
| 6  | 04/23/2004 | (299705) |
| 7  | 05/24/2004 | (299707) |
| 8  | 05/25/2004 | (273523) |
| 9  | 06/21/2004 | (353885) |
| 10 | 08/02/2004 | (353886) |
| 11 | 08/24/2004 | (353887) |
| 12 | 09/28/2004 | (353888) |
| 13 | 10/25/2004 | (353889) |
| 14 | 11/29/2004 | (353890) |
| 15 | 01/20/2005 | (382843) |
| 16 | 01/26/2005 | (382842) |
| 17 | 02/23/2005 | (382840) |
| 18 | 03/28/2005 | (382841) |
| 19 | 05/20/2005 | (577631) |
| 20 | 06/23/2005 | (577634) |
| 21 | 08/25/2005 | (577639) |
| 22 | 09/23/2005 | (577641) |
| 23 | 10/27/2005 | (577643) |
| 24 | 11/28/2005 | (577645) |
| 25 | 12/28/2005 | (577648) |
| 26 | 01/23/2006 | (577651) |
| 27 | 03/01/2006 | (577625) |

28 03/21/2006 (577627)  
 29 04/24/2006 (577629)  
 30 05/22/2006 (577632)  
 31 06/26/2006 (577635)  
 32 07/25/2006 (577637)  
 33 08/01/2006 (577638)  
 34 08/18/2006 (577640)  
 35 09/21/2006 (577642)  
 36 11/13/2006 (577644)  
 37 11/20/2006 (577646)  
 38 12/22/2006 (577649)  
 39 01/16/2007 (577650)  
 40 01/16/2007 (577652)  
 41 02/28/2007 (577626)  
 42 03/19/2007 (577628)  
 43 04/11/2007 (577647)  
 44 06/13/2007 (577633)  
 45 06/26/2007 (577630)  
 46 07/02/2007 (577636)  
 47 08/24/2007 (607816)  
 48 09/07/2007 (607815)  
 49 09/28/2007 (607817)  
 50 10/23/2007 (607818)  
 51 08/26/2008 (687674)

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

Date: **01/31/2004** (299701)

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: **02/29/2004** (299704)

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: **03/31/2004** (299705)

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: **04/09/2004** (267129)

Self Report? NO Classification: Minor

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

Description: Failure to adhere to NH3N limits as stipulated by permit

Self Report? NO Classification: Minor

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

Description: Failure to adhere to DO, TSS and NH3N effluent limitations as stipulated by permit.

Date: **04/30/2004** (299707)

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** (353885)

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 (353886)  
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 (353887)  
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 (353888)  
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 (353889)  
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: 10/31/2004 (353890)  
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 (382842)  
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: 12/31/2004 (382843)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2005 (382840)  
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 (382841)  
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:	<b>04/30/2005</b>	(577631)		
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:	<b>05/31/2005</b>	(577634)		
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:	<b>06/30/2005</b>	(577637)		
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:	<b>07/31/2005</b>	(577639)		
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:	<b>08/31/2005</b>	(577641)		
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:	<b>09/30/2005</b>	(577643)		
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:	<b>10/31/2005</b>	(577645)		
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:	<b>11/30/2005</b>	(577648)		
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:	<b>12/31/2005</b>	(577651)		
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:	<b>01/31/2006</b>	(577625)		
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 (577627)  
**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 (577629)  
**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:** 04/30/2006 (577632)  
**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 (577635)  
**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 (577638)  
**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 (577640)  
**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 (577642)  
**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 (577644)  
**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 (577646)  
**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 (577649)  
**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:	12/30/2006 (577650)		
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 (577652)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2007 (577626)		
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 (577628)		
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 (577630)		
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:	04/30/2007 (577633)		
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 (577636)		
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:	06/30/2007 (607815)		
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 (607816)		
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:** 08/31/2007 (607817)  
**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 (607818)  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
**Description:** Failure to meet the limit for one or more permit parameter

**Date:** 10/31/2007  
**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:** 11/30/2007  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
**Description:** Failure to meet the limit for one or more permit parameter

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

**Date:** 01/31/2008  
**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  
**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  
**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  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
**Description:** Failure to meet the limit for one or more permit parameter

**Date:** 05/31/2008  
**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

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

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

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

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

- F. Environmental audits. N/A
- G. Type of environmental management systems (EMSs). N/A
- H. Voluntary on-site compliance assessment dates. N/A
- I. Participation in a voluntary pollution reduction program. N/A
- J. Early compliance. N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF CHICO  
RN102833845

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

## AGREED ORDER DOCKET NO. 2008-1953-MWD-E

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

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

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

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

### I. FINDINGS OF FACT

1. The City owns and operates a wastewater treatment plant located 0.25 mile south of Farm-to-Market Road 1810 and approximately one mile east of Chico, Wise County, Texas (the "Facility").

2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review on October 22, 2008, TCEQ staff documented the following effluent values based on the self-reported discharge monitoring reports (“DMRs”):

EFFLUENT VIOLATION TABLE												
Permitted Effluent Limits	Monitoring Period End Date											
	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08
DO monthly min. 4.0 mg/L	c	c	c	c	c	c	c	c	c	c	2.30	3.30
TSS daily avg. loading 13 lbs/day	c	c	c	24.20	25.70	c	21.60	35.60	24.70	14.70	c	42.90
TSS daily avg. conc. 20 mg/L	c	c	23.80	35.70	46.60	21.50	36.50	48.00	42.30	27.00	c	52.80
TSS max. single grab 65 mg/L	c	c	c	c	66.00	c	c	72.00	c	c	c	150.00
NH <sub>3</sub> -N daily avg. loading 3.2 lbs/day	6.71	7.74	6.76	13.08	19.31	20.17	25.31	38.02	24.74	9.15	25.74	11.80
NH <sub>3</sub> -N daily avg. conc. 5 mg/L	12.00	14.00	13.25	19.67	34.40	40.00	42.75	51.00	42.00	21.98	43.92	18.53
NH <sub>3</sub> -N max. single grab 15 mg/L	c	17.00	16.00	21.00	47.00	42.00	63.00	61.00	60.00	72.00	61.00	60.00
CBOD <sub>5</sub> daily avg. loading 13 lbs/day	c	c	c	24.60	45.00	18.30	33.70	122.70	58.10	14.10	29.30	37.30
CBOD <sub>5</sub> daily avg. conc. 20 mg/L	c	c	c	37.00	80.20	36.30	55.80	164.00	99.90	33.80	49.00	54.20
CBOD <sub>5</sub> max. single grab 65 mg/L	c	c	c	c	130.00	c	100.00	230.00	230.00	110.00	100.00	150.00
pH Max. 9.0 std.	c	10.20	c	c	c	c	c	c	c	c	c	c
Total Cl Residual Max. 4.0 mg/L	c	5.70	c	4.20	c	c	c	5.70	c	4.40	c	c
Total Cl Residual Min. 1.0 mg/L	0.04	0.00	c	c	0.70	c	c	0.60	c	c	0.20	0.70
Flow 0.076 MGD	c	c	c	c	c	c	c	c	c	c	c	0.087
**Total Cl Residual Min. Grab Sample 1.0 mg/L	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0.24	n/a
**NH <sub>3</sub> -N Grab Sample 15 mg/L	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	53.00	n/a

avg. = average	lbs/day = pounds per day	** Grab Samples conducted on July 23, 2008**
CBOD <sub>5</sub> = carbonaceous biochemical oxygen demand	max. = maximum	n/a = not applicable
Cl = chlorine	mg/L = milligrams per liter	
conc. = concentration	MGD = million gallons per day	
DO = dissolved oxygen	min. = minimum	
	NH <sub>3</sub> -N = ammonia nitrogen	
	std. = standard	
	TSS = total suspended solids	

4. During an investigation on July 23, 2008, TCEQ staff observed a new and different treatment system in operation at the Facility than what was reflected on the permit application.
5. During an investigation on July 23, 2008, TCEQ staff documented that the operator was not properly documenting the collection and analysis time for the chlorine residual sample and the manganese oxide correction.
6. During an investigation on July 23, 2008, TCEQ staff documented that the chlorine equipment storage area did not have a detector or an alarm.
7. During an investigation on July 23, 2008, TCEQ staff documented that proper signage was not posted on all non-potable water outlets located at the Facility.
8. The City received notice of the violations on September 2, 2008.
9. The Executive Director recognizes that by August 1, 2008, the City installed non-potable water signs on all appropriate outlets located through the Facility.

## II. CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the City failed to maintain compliance with the permit 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. WQ0010023001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, 3, and 6.
3. As evidenced by Findings of Fact No. 4, the City failed to obtain authorization for a major permit amendment prior to making modifications to the permitted Facility, in violation of 30 TEX. ADMIN. CODE § 305.62, TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0010023001, Permit Conditions No. 4.
4. As evidenced by Findings of Fact No. 5, the City failed to document monitoring activities, in violation of 30 TEX. ADMIN. CODE § 319.7(a) and TPDES Permit No. WQ0010023001, Permit Monitoring and Reporting Requirements No. 3.c.

5. As evidenced by Findings of Fact No. 6, the City failed to equip the chlorine equipment/storage area with a detector and an alarm, in violation of 30 TEX. ADMIN. CODE § 317.6(b)(1)(E) and TPDES Permit No. WQ0010023001, Operational Requirements No. 1.
6. As evidenced by Findings of Fact No. 7, the City failed to provide proper signage on non-potable water outlets located at the Facility, in violation of 30 TEX. ADMIN. CODE § 317.7(d) and TPDES Permit No. WQ0010023001, Operational Requirements No. 1.
7. 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.
8. An administrative penalty in the amount of Two Hundred Eight Thousand Four Hundred Seventy-Five Dollars (\$208,475) 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. Two Hundred Eight Thousand Four Hundred Seventy-Five Dollars (\$208,475) shall be conditionally offset by the City's completion of the Supplemental Environmental Projects ("SEPs").

### 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 Two Hundred Eight Thousand Four Hundred Seventy-Five Dollars (\$208,475) as set forth in Section II, Paragraph 8 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 Chico, Docket No. 2008-1953-MWD-E" to:

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

2. The City shall implement and complete SEPs in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 8 above, Two Hundred Eight Thousand Four Hundred Seventy-Five Dollars (\$208,475) of the assessed administrative penalty shall be offset with the condition that the City implement the SEPs defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreements.

3. The City shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, submit an administratively complete permit application for a major amendment, in accordance with 30 TEX. ADMIN. CODE ch. 305 to:

Application Review and Processing Team  
Water Quality Division, MC 148  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing;
- c. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that all monitoring activities are properly documented;
- d. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 3.a and 3.c, in accordance with Ordering Provision No. 3.i below;
- e. Within 60 days after the effective date of this Agreed Order, install a chlorine detector and an alarm in the chlorine equipment/storage area;
- f. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.e, in accordance with Ordering Provision No. 3.i below;
- g. Within 180 days after the effective date of this Agreed Order, submit written certification of compliance that authorization to operate the new treatment units has been obtained, in accordance with Ordering Provision No. 3.i below;
- h. Within 240 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010023001, 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 limits, in accordance with Ordering Provision No. 3.i; and
- i. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine 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

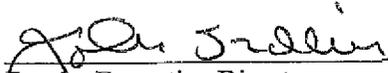
4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the City fails to comply with any of the Ordering 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.
6. 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.
7. 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.

8. 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.
9. 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.
10. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
11. 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

7/9/2010  
Date

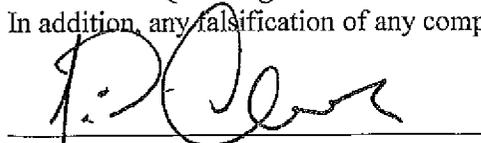
I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Chico. I am authorized to agree to the attached Agreed Order on behalf of the City of Chico, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment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

I understand that by entering into this Agreed Order, the City of Chico 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

May 18, 2010  
Date

J. D. Clark  
Name (Printed or typed)  
Authorized Representative of  
City of Chico

Mayor  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A

Docket Number: 2008-1953-MWD-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Chico
<b>Penalty Amount:</b>	Two Hundred Eight Thousand Four Hundred Seventy-Five Dollars (\$208,475)
<b>SEP No. 1 Offset Amount:</b>	Two Hundred Thousand Dollars (\$200,000)
<b>Type of SEP:</b>	Custom (with pre-approved concept)
<b>Location of SEP:</b>	Wise County
<b>SEP No. 2 Offset Amount:</b>	Eight Thousand Four Hundred Seventy-Five Dollars (\$8,475)
<b>Third-Party Recipient:</b>	Texas Association of Resource Conservation & Development Areas, Inc. ("RC&D") <i>Water or Wastewater Assistance</i>
<b>Type of SEP:</b>	Pre-approved
<b>Location of SEP:</b>	Wise County

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

**1. Project Description**

A.1 Project Description No. 1

The Respondent shall provide first-time wastewater service to approximately 12 or more low-income residences that comply with the parameters of this SEP, up to the SEP Offset Amount for SEP No. 1 that have failing or inadequately designed septic systems, at no cost to the residents. The SEP Offset Amount for Project No. 1 will be used to construct a new sanitary sewer main beginning at the City's existing sanitary sewer manhole located approximately 400 feet west of the intersection of Mockingbird Lane and Alvord Street in the City of Chico, Wise County, Texas and to install approximately 3,700 linear feet of sanitary sewer line and approximately 12 manholes, to connect to the residences. At each residence, the Respondent or its contractors shall properly install a service line, cleanout(s), connect the residence to central sewer service, and properly decommission each existing septic tank. The Respondent or its contractors shall perform this project in accordance with all federal, state and local environmental laws and regulations, including obtaining and complying with required construction permits.

At the Executive Director's discretion, the Respondent may receive SEP Offset Amount credit only for the direct cost of implementing the project. Specifically, the Respondent may receive SEP Offset Amount credit for costs of equipment, materials, and contract labor costs (including necessary engineering fees) in accordance with TCEQ expenditure restrictions on the use of SEP funds. Credit for the use of the SEP Offset Amount shall be limited to costs that are actual, documented, reasonable, and necessary to performance of the

SEP. The Respondent must competitively bid work for the project to ensure that costs are reasonable and customary. The Respondent may receive credit for the reasonable and customary costs of labor if its employees are used in implementing the SEP. The Respondent shall not receive credit for volunteer labor or equipment. No portion of the SEP Offset Amount shall be spent on the Respondent's administrative costs. The Respondent shall also not receive credit for gratuities and/or inducements (food, refreshments, or other gifts) for volunteers.

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

A.2 Project Description No. 2

The Respondent shall contribute the SEP Offset Amount for Project No. 2 to the **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** to be used for the *Water or Wastewater Assistance* project. Specifically, SEP monies will pay for the labor and disposal costs associated with assistance to low-income residents with shallow, improperly designed, or contaminated drinking water wells or failing wastewater systems, or for plugging of abandoned wells. The projects will be administered in accordance with federal, state, and local environmental laws and regulations.

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

B. Project No. 1 and Project No. 2 Environmental Benefit

The wastewater portion of this SEP will provide a discernible environmental benefit by preventing the release of sewage into the environment. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as in lawns or streets, or waters used for recreation.
- Shellfish harvested from areas contaminated by raw sewage.
- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

The drinking water portion of this project will protect water sources for drinking, recreation and wildlife from contamination from the failing treatment systems, and protect public health from contaminated drinking water supplies.

C. Minimum Expenditure

Project No. 1 Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount for Project No. 1 to complete the project described above and comply with all other provisions of this Attachment A. The Respondent understands that it may be required to spend more than the SEP Offset Amount in order to complete this SEP.

Project No. 2 Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount for Project No. 2 to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Project No. 1 Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall begin implementation of the Project No. 1 SEP. The Respondent shall perform the Project No. 1 SEP in accordance with the schedule shown in the Project No. 1 Performance Schedule Deliverable table below, and shall have completed the Project No. 1 SEP in its entirety within two years following the effective date of this Agreed Order.

Days from Effective Order Date	Percentage of Project to Be Completed	Project No. 1 Performance Schedule Deliverable
30	Begin	Notice of Commencement describing actions taken to begin project
120	1/8	Complete Construction Plans and Submit for Review
365	1/2	Receive Approval from TCEQ and Bid Project
545	3/4	Complete Construction
730	Completion	Final completion of project with Final Report within 60 days of completion date, as described in Section 3.B., below.

Project No. 2 Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the Project No. 2 SEP Offset Amount to the Third-Party Recipient. The Respondent shall make the check payable to "Texas Association of RC&D" and mail the contribution check with a copy of the Agreed Order, to:

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

**3. Reporting**

A. Progress Reports

Project No. 1 Progress Report

The Respondent shall submit Progress Reports to the TCEQ SEP Coordinator according to the schedule provided in the Project No. 1 Progress Report Deliverable table below.

Days from Effective Order Date	Project No. 1 Progress Report Deliverable
30	First Progress Report to include Notice of Commencement describing actions being taken to begin project
90	Second Progress Report to provide actions taken to implement project.
120	Third Progress Report to provide actions taken to implement project.
210	Fourth Progress Report to provide actions taken to implement project.
280	Fifth Progress Report to provide actions taken to implement project.
365	Sixth Progress Report to provide actions taken to implement project.
455	Seventh Progress Report to provide actions taken to implement project.
545	Eighth Progress Report to provide actions taken to implement project.
635	Ninth Progress Report to provide actions taken to implement project.
790	Final report documenting completion as described in Section 3.B., below.

B. Final Report

Project No. 1 Final Report

Within 30 days after completion of the No. 1 SEP, the Respondent shall submit a Final Report to the TCEQ which includes:

1. A summary total of the amount of costs incurred;
2. An itemized list of expenditures and costs incurred. Copies of receipts, checks, invoices, and other verifying documentation must be included with the Final Report;
3. Copies of publication of invitation for competitive bids for the project;
4. A statement of the quantifiable environmental benefits. The Respondent must quantify the environmental benefit of Project No. 1;
5. The total number of residences connected to central sewer as a result of Project No. 1;
6. Map showing specific locations of residences connected to central sewer as a result of Project No. 1;
7. Photographs of the project showing the Project No. 1 locations before, during, and after completion of the Project;
8. Any additional information the Respondent believes will demonstrate compliance with this Attachment A;
9. Any additional information requested by TCEQ to demonstrate compliance with this Attachment A.

Project No. 2 Final Report

Concurrent with the payment of the Project No. 2 SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the Project No. 2 SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

C. Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Additional Information and Access**

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

**5. Failure to Fully Perform**

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

In the event of incomplete performance of either Project No. 1 or Project No. 2, the Respondent shall submit a check for any amount due with a notation that the payment is for a "SEP Refund", and the docket number of the case. The Respondent shall make the check out to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**6. Publicity**

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

**7. Clean Texas Program**

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

**8. Other SEPs by TCEQ or Other Agencies**

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