

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2010-1110-MWD-E **TCEQ ID:** RN104606561 **CASE NO.:** 39995
RESPONDENT NAME: City of Blanket

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of Blanket WWTP, located approximately 160 feet west of County Road 620 and approximately 1,500 feet south of the intersection of County Road 620 and Farm-to-Market Road 1467, Brown County</p> <p>TYPE OF OPERATION: Wastewater treatment plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 15, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Marty Hott, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2587; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: The Honorable John H. Jones, Mayor, City of Blanket, P.O. Box 38, Blanket, Texas 76432 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 16, 2010</p> <p>Date of NOV/NOE Relating to this Case: June 11, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>WATER</p> <p>1) Failed to comply with permitted effluent limitations for chlorine residual, ammonia nitrogen, and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014618001 Effluent Limitations and Monitoring Requirements Nos. 1 and 2].</p> <p>2) Failed to timely submit effluent monitoring results at the intervals specified in the permit. Specifically, the discharge monitoring report ("DMR") was not submitted for the monitoring period ending September 30, 2009 by October 20, 2009 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0014618001, Monitoring and Reporting Requirements No. 1].</p>	<p>Total Assessed: \$2,314</p> <p>Total Deferred: \$462 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,852</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. During October 2009, January 2010, and February 2010, adjusted the wasting rate of the sludge;</p> <p>b. By March 31, 2010, returned to compliance with the permitted effluent limitations of TPDES Permit No. WQ0014618001; and</p> <p>c. On July 15, 2010, submitted the DMR for the monitoring period ending September 30, 2009.</p>

Additional ID No(s): WQ0014618001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned: 14-Jun-2010	Screening: 8-Jul-2010	EPA Due:
	PCW: 8-Jul-2010		

RESPONDENT/FACILITY INFORMATION	
Respondent: City of Blanket	
Reg. Ent. Ref. No.: RN1104606561	
Facility/Site Region: 3-Abilene	Major/Minor Source: Minor

CASE INFORMATION	
Enf./Case ID No.: 39995	No. of Violations: 2
Docket No.: 2010-1110-MWD-E	Order Type: 1660
Media Program(s): Water Quality	Government/Non-Profit: Yes
Multi-Media:	Enf. Coordinator: Marty Hott
	EC's Team: Enforcement Team 1
Admin. Penalty \$ Limit Minimum: \$0	Maximum: \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1: \$2,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 37.0% Enhancement Subtotals 2, 3, & 7: \$777

Notes: Enhancement for five monthly self-reported effluent violations, two NOVs with same/similar violations, and one NOV with dissimilar violations.

Culpability No 0.0% Enhancement Subtotal 4: \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5: \$500

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

Total EB Amounts	\$208	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$10,025	

SUM OF SUBTOTALS 1-7 Final Subtotal: \$2,377

OTHER FACTORS AS JUSTICE MAY REQUIRE -2.7% Adjustment -\$63

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction to prevent double enhancement for self-reported violations.

Final Penalty Amount \$2,314

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty: \$2,314

DEFERRAL 20.0% Reduction Adjustment -\$462

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY \$1,852

Screening Date 8-Jul-2010

Docket No. 2010-1110-MWD-E

PCW

Respondent City of Blanket

Policy Revision 2 (September 2002)

Case ID No. 39995

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104606561

Media [Statute] Water Quality

Enf. Coordinator Marty Hott

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	7	35%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of</i>	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 37%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for five monthly self-reported effluent violations, two NOVs with same/similar violations, and one NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 37%

Screening Date 8-Jul-2010

Docket No. 2010-1110-MWD-E

PCW

Respondent City of Blanket

Policy Revision 2 (September 2002)

Case ID No. 39995

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104606561

Media [Statute] Water Quality

Enf. Coordinator Marty Hott

Violation Number

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Adm. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014618001 Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on April 16, 2010 and 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 simplified model was used to evaluate ammonia-nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids and chlorine residual were also evaluated. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 Number of violation days 123

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$500

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

Notes

The Respondent achieved compliance by March 31, 2010.

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$207

Violation Final Penalty Total \$2,181

This violation Final Assessed Penalty (adjusted for limits) \$2,181

Economic Benefit Worksheet

Respondent: City of Blanket
Case ID No.: 39995
Reg. Ent. Reference No.: RN104606561
Media: Water Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No. columns 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)	\$10,000	31-Oct-2009	31-Mar-2010	0.41	\$207	n/a	\$207

Notes for DELAYED costs

Estimated cost to evaluate the Facility to determine the cause of the effluent violations and complete corrective actions, including adjusting the wasting rate of the sludge. Date required is the first month of noncompliance. Final date is the date compliance was achieved.

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

\$10,000

TOTAL:

\$207

Screening Date 8-Jul-2010
Respondent City of Blanket
Case ID No. 39995
Reg. Ent. Reference No. RN104606561
Media [Statute] Water Quality
Enf. Coordinator Marty Hott

Docket No. 2010-1110-MWD-E

PCW

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

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0014618001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit effluent monitoring results at the intervals specified in the permit, as documented during a record review conducted on April 16, 2010. Specifically, the discharge monitoring report ("DMR") was not submitted for the monitoring period ending September 30, 2009, by October 20, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					1%

More than 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<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"/>

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/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)

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$133

This violation Final Assessed Penalty (adjusted for limits) \$133

Economic Benefit Worksheet

Respondent: City of Blanket
Case ID No.: 39995
Reg. Ent. Reference No.: RN104606561
Media: Water Quality
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$25	20-Oct-2009	15-Jul-2010	0.73	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the DMR. Date required is the date the DMR was due. 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

\$25

TOTAL

\$1

City of Blanket
 TPDES Permit No. WQ0014618001
 Docket No. 2010-1110-MWD-E
 Case No. 39995

EFFLUENT VIOLATION TABLE					
Months	Chlorine Residual Monthly Min. Conc.	Ammonia Nitrogen Daily Ave. Conc.	Ammonia Nitrogen Single Grab	Ammonia Nitrogen Daily Ave. Loading	TSS Daily Ave. Conc.
	Limit = 1.0 mg/L	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 0.9 lbs/day	Limit = 15 mg/L
10/31/2009	c	5.89	c	c	c
11/30/2009	0.22	c	c	c	c
12/31/2009	c	c	c	c	19.8
01/31/2010	c	11.4	27	1.91	c

min. = minimum conc. = concentration lbs/day = pounds per day TSS = total suspended solids
 avc. = average c = compliant mg/L = milligrams per Liter

Compliance History Report

Customer/Respondent/Owner-Operator: CN600662423 City of Blanket Classification: AVERAGE Rating: 7.80
Regulated Entity: RN104606581 CITY OF BLANKET WWTP Classification: AVERAGE Site Rating: 7.80
ID Number(s): WASTEWATER PERMIT WQ0014618001
WASTEWATER EPA ID TX0127922
Location: APPROXIMATELY 160 FEET WEST OF COUNTY ROAD 620 AND APPROXIMATELY 1,500 FEET SOUTH OF THE INTERSECTION OF COUNTY ROAD 620 AND FARM-TO-MARKET ROAD 1467, BROWN COUNTY, TEXAS
TCEQ Region: REGION 03 - ABILENE
Date Compliance History Prepared: June 15, 2010
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: June 15, 2005 to June 15, 2010

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

Name: Marty Hott Phone: (512) 239-2587

Site Compliance History Components

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

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
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 03/27/2009 (740149)
 - 2 05/28/2009 (741330)
 - 3 06/30/2009 (759719)
 - 4 07/15/2009 (760969)
 - 5 09/15/2009 (775739)
 - 6 11/20/2009 (821804)
 - 7 12/03/2009 (783668)
 - 8 12/21/2009 (821805)
 - 9 01/19/2010 (821806)
 - 10 02/19/2010 (821803)
 - 11 05/14/2010 (800575)
 - 12 06/11/2010 (799570)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 03/27/2009 (740149) CN600662423
Self NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Operational Requirement 4, Page 10 PERMIT
Description: Failure to provide adequate safeguards in the event of an electrical power failure.

Date:	05/28/2009	(741330)	CN600662423	
Self Report?	NO			Classification: Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Other Requirements PERMIT			
Description:	Failure to utilize a wastewater operator			
Self Report?	NO			Classification: Major
Citation:	30 TAC Chapter 319, SubChapter A 319.5 Limitations and Monitoring PERMIT			
Description:	Failure to properly monitor the effluent discharge			
Self Report?	NO			Classification: Major
Citation:	30 TAC Chapter 319, SubChapter A 319.1 Monitoring and Reporting Requirements PERMIT			
Description:	Failure to submit monthly Discharge Monitoring Reports			
Self Report?	NO			Classification: Major
Citation:	30 TAC Chapter 319, SubChapter A 319.7 Monitoring and Reporting Requirements PERMIT			
Description:	Failure to maintain monitoring records			
Self Report?	NO			Classification: Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Monitoring and Reporting Requirements PERMIT			
Description:	Failure to properly maintain flow measuring device			
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Limitations and Monitoring PERMIT			
Description:	Failure to maintain permit effluent limitations			
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Sludge Requirements PERMIT			
Description:	Failure to maintain sludge records			
Self Report?	NO			Classification: Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Operational Requirements PERMIT			
Description:	Failure to provide a reduced pressure backflow assembly			
Date:	10/31/2009	(821804)	CN600662423	
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:	11/30/2009	(821805)	CN600662423	
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:	12/31/2009	(821806)	CN600662423	
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:	01/31/2010	(821803)	CN600662423	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	02/28/2010		CN600662423	
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: 05/14/2010 (800575) CN600662423

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Definitions and Permit Conditions PERMIT

Description: Failure to provide written noncompliance notification to the TCEQ.

Self Report? NO Classification: Moderate

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

Description: Failure to maintain the effluent permit limits for TSS and ammonia nitrogen.

Self Report? NO Classification: Minor

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

Description: Failure to submit a properly completed Annual Sludge Report.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
Monitoring and Reporting PERMIT

Description: Failure to properly calculate the total residual chlorine concentration.

Self Report? NO Classification: Moderate

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

Description: Failure to properly maintain the emergency power generator at the WWTP.

Self Report? NO Classification: Moderate

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

Description: Failure to maintain the effluent permit limits for residual chlorine.

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 BLANKET
RN104606561**

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

**AGREED ORDER
DOCKET NO. 2010-1110-MWD-E**

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a wastewater treatment plant located approximately 160 feet west of County Road 620 and approximately 1,500 feet south of the intersection of County Road 620 and Farm-to-Market Road 1467 in Brown County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 16, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand Three Hundred Fourteen Dollars (\$2,314) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid One Thousand Eight Hundred Fifty-Two Dollars (\$1,852) of the administrative penalty and Four Hundred Sixty-Two Dollars (\$462) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. During October 2009, January 2010, and February 2010, adjusted the wasting rate of the sludge;
 - b. By March 31, 2010, returned to compliance with the permitted effluent limitations of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014618001; and
 - c. On July 15, 2010, submitted the discharge monitoring report ("DMR") for the monitoring period ending September 30, 2009.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014618001 Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as documented during a record review conducted on April 16, 2010 and shown in the following table:

EFFLUENT VIOLATION TABLE					
Months	Chlorine Residual Monthly Min. Conc.	Ammonia Nitrogen Daily Ave. Conc.	Ammonia Nitrogen Single Grab	Ammonia Nitrogen Daily Ave. Loading	TSS Daily Ave. Conc.
	Limit = 1.0 mg/L	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 0.9 lbs/day	Limit = 15 mg/L
10/31/2009	c	5.89	c	c	c
11/30/2009	0.22	c	c	c	c
12/31/2009	c	c	c	c	19.8
01/31/2010	c	11.4	27	1.91	c

min. = minimum conc. = concentration lbs/day = pounds per day TSS = total suspended solids
 ave. = average c = compliant mg/L = milligrams per Liter

- Failed to timely submit effluent monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0014618001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on April 16, 2010. Specifically, the DMR was not submitted for the monitoring period ending September 30, 2009 by October 20, 2009.

III. DENIALS

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

IV. ORDERING PROVISIONS

- It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Blanket, Docket No. 2010-1110-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

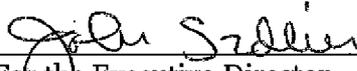
- The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 10/14/2010

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

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

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

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



Signature

Date 08-25-10

John H. Jones
Name (Printed or typed)
Authorized Representative of
City of Blanket

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.

