

Executive Summary – Enforcement Matter – Case No. 40729

City of Sonora

RN102806411

Docket No. 2010-1891-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Sonora Wastewater Treatment Facility, 1585 Private Road 3451, south of Sonora and south of Dry Devils River, approximately 6,000 feet south and 2,000 feet west of the intersection of United States ("U.S.") Highway 277 and U.S. Highway 290, Sutton County

Type of Operation:

Municipal wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 29, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$30,986

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$909

Total Due to General Revenue: \$30,077

Payment Plan: 34 payments of \$860 and one final payment of \$837

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 40729

City of Sonora

RN102806411

Docket No. 2010-1891-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 18, 2010 and October 15, 2010

Date(s) of NOE(s): October 25, 2010 and September 15, 2010

Violation Information

1. Failed to comply with permitted effluent limitations for carbonaceous biochemical oxygen demand and ammonia nitrogen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010545001, Effluent Limitations and Monitoring Requirements No. 1].
2. Failed to submit monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.1, and TPDES Permit No. WQ0010545001, Monitoring and Reporting Requirements No. 1].
3. Failed to submit a noncompliance notification to the TCEQ [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A), and TPDES Permit No. WQ0010545001, Monitoring and Reporting Requirements No. 7.a.].
4. Failed to maintain records of all liquid paint filter tests conducted on sewage sludge disposed of in municipal solid waste landfills [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010545001, Sludge Provisions, Section III.F.1].
5. Failed to submit the annual sludge report ("ASR") for the annual reporting period ending July 31, 2009 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010545001, Sludge Provisions].
6. Failed to provide containers with lids for the temporary storage of materials removed from the bar screen [30 TEX. ADMIN. CODE § 317.4(b)(4)].
7. Failed to calibrate the flow meter at least annually [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0010545001, Monitoring and Reporting Requirements No. 5].
8. Failed to analyze effluent according to specified test methods [30 TEX. ADMIN. CODE § 319.11(c) and TPDES Permit No. WQ0010545001 Monitoring and Reporting Requirements No. 2.a.].
9. Failed to comply with the preservation methods specified in 40 Code of Federal Regulations Part 136 [30 TEX. ADMIN. CODE § 319.11(b)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:

- a. By September 17, 2010, submitted revised discharge monitoring reports for the monitoring periods ending March 31, 2010, April 30, 2010, May 31, 2010, and June 30, 2010;
- b. By December 18, 2010:
 - i. Updated operational guidance and conducted employee training to ensure that noncompliance notifications are submitted as required and that the D.O. meter is calibrated each day prior to use;
 - ii. Established a recordkeeping system to ensure that records of liquid paint filter tests are maintained as required; and
 - iii. Provided containers with lids for the temporary storage of materials removed from the bar screen.
- c. By December 21, 2010, purchased, installed, and calibrated a new flow meter and chart recorder for the Facility;
- d. By January 3, 2011, submitted the ASR for the reporting period ending July 31, 2009; and
- e. By January 18, 2011, purchased and installed a National Institute of Standards and Technology thermometer for the sample storage refrigerator.

Technical Requirements:

The Order will require the Respondent to, within 90 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010545001.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 40729

City of Sonora

RN102806411

Docket No. 2010-1891-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: JR Cao, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2543; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Lemuel Lopez, Mayor, City of Sonora, 201 East Main Street, Sonora, Texas 76950

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	20-Sep-2010	Screening	21-Sep-2010	EPA Due	
	PCW	13-Dec-2010				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Sonora (PCW 1)				
Reg. Ent. Ref. No.	RN102806411				
Facility/Site Region	8-San Angelo	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	40729	No. of Violations	3
Docket No.	2010-1891-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	JR Cao
		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** \$6,400

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 224.0% Enhancement **Subtotals 2, 3, & 7** \$14,336

Notes: Enhancement for 20 months of self-reported effluent violations, nine NOV's with same/similar violations, two NOV's with dissimilar violations, two agreed orders without denial, and repeat violator status.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Total EB Amounts \$37,586
Approx. Cost of Compliance \$600,900
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$20,736

OTHER FACTORS AS JUSTICE MAY REQUIRE -0.9% **Adjustment** -\$192

Reduces or enhances the Final Subtotal by the indicated percentage.

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

Final Penalty Amount \$20,544

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$20,544

DEFERRAL 0.0% Reduction **Adjustment** \$0

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY \$20,544

Screening Date 21-Sep-2010

Docket No. 2010-1891-MWD-E

PCW

Respondent City of Sonora (PCW 1)

Policy Revision 2 (September 2002)

Case ID No. 40729

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102806411

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	29	145%
	Other written NOVs	2	4%
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	2	50%
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 counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 199%

>> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3) 25%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 20 months of self-reported effluent violations, nine NOVs with same/similar violations, two NOVs with dissimilar violations, two agreed orders without denial, and repeat violator status.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 224%

Screening Date 21-Sep-2010

Docket No. 2010-1891-MWD-E

PCW

Respondent City of Sonora (PCW 1)

Policy Revision 2 (September 2002)

Case ID No. 40729

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102806411

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010545001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented in a record review conducted on August 18, 2010. See attached Effluent Limit Violation Table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	X		
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen and carbonaceous biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. As a result of these discharges, human health or the environment has been exposed to pollutants which exceed protective levels.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

31 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

One monthly event is recommended for the month of May 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$37,562

Violation Final Penalty Total \$16,050

This violation Final Assessed Penalty (adjusted for limits) \$16,050

Economic Benefit Worksheet

Respondent City of Sonora (PCW 1)
Case ID No. 40729
Reg. Ent. Reference No. RN102806411
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$600,000	30-Apr-2010	31-Jul-2011	1.25	\$37,562	n/a	\$37,562
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility. Date required is the initial date 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

\$600,000

TOTAL

\$37,562

Screening Date 21-Sep-2010
Respondent City of Sonora (PCW 1)
Case ID No. 40729
Reg. Ent. Reference No. RN102806411
Media [Statute] Water Quality
Enf. Coordinator JR Cao

Docket No. 2010-1891-MWD-E

PCW

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

Violation Number

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010545001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented in a record review conducted on August 18, 2010. See attached Effluent Limit Violation Table.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen and carbonaceous biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed protective levels.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended for the quarter containing the months of April and June 2010.

Good Faith Efforts to Comply

Reduction

	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)

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 Sonora (PCW 1)
Case ID No. 40729
Reg. Ent. Reference No. RN102806411
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 economic benefit for 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 21-Sep-2010
Respondent City of Sonora (PCW 1)
Case ID No. 40729
Reg. Ent. Reference No. RN102806411
Media [Statute] Water Quality
Enf. Coordinator JR Cao

Docket No. 2010-1891-MWD-E

PCW

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

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.1, and TPDES Permit No. WQ0010545001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to submit monitoring results at the intervals specified in the permit, as documented during a record review conducted on August 18, 2010. Specifically, discharge monitoring reports ("DMRs") for the monitoring periods ending March 31, 2010, April 30, 2010, May 31, 2010, and June 30, 2010, did not include the daily average and daily maximum data for Escherichia coli.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				X	1%

Matrix Notes At least 70 percent of the rule requirement has been met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 4 122 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$400

Four single events are recommended, one for each report.

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 \$400

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$1,284

This violation Final Assessed Penalty (adjusted for limits) \$1,284

Economic Benefit Worksheet

Respondent City of Sonora (PCW 1)
Case ID No. 40729
Reg. Ent. Reference No. RN102806411
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$500	20-Apr-2010	18-Dec-2010	0.66	\$17	n/a	\$17
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$400	20-Apr-2010	17-Sep-2010	0.41	\$8	n/a	\$8

Notes for DELAYED costs

The estimated cost to conduct employee training and to submit and prepare revised DMRs. Date Required is the date the first report was due. Final Dates are the date employee training was conducted and the date the revised DMRs were submitted.

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 \$900

TOTAL \$25

City of Sonora
 TPDES Permit No. WQ0010545001
 2010-1891-MWD-E, Case No. 40729

Violation Month	CBOD Daily Avg. Concentration (Limit 10 mg/L)	NH ₃ -N Daily Avg. Concentration (Limit 3 mg/L)	NH ₃ -N Daily Max. Concentration (Limit 10 mg/L)	NH ₃ -N Daily Avg. Loading (Limit 22 lbs/day)
April 2010	13.62	7.82	c	23.14
May 2010	10.8	33	12	c
June 2010	c	28.99	12	c

CBOD=carbonaceous biochemical oxygen demand
 NH₃-N= ammonia nitrogen
 mg/L=milligrams per liter
 Max.=maximum

Avg.=average
 c=compliant
 lbs/day=pounds per day



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	1-Nov-2010	Screening	12-Nov-2010	EPA Due	
	PCW	29-Nov-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Sonora (PCW 2)
Reg. Ent. Ref. No.	RN102806411
Facility/Site Region	8-San Angelo
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	7
Enf./Case ID No.	40729	Order Type	Findings
Docket No.	2010-1891-MWD-E	Government/Non-Profit	Yes
Media Program(s)	Water Quality	Enf. Coordinator	JR Cao
Multi-Media		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	\$4,100
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	162.0% Enhancement	Subtotals 2, 3, & 7	\$6,642
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Notes: Enhancement for 20 months of self-reported effluent violations, nine NOV's with same/similar violations, one NOV with dissimilar violations, two orders without denial of liability, and repeat violator status.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$300
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$373
 Approx. Cost of Compliance \$4,948
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,442
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$10,442
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,442
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$10,442
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Screening Date 12-Nov-2010

Docket No. 2010-1891-MWD-E

PCW

Respondent City of Sonora (PCW 2)

Policy Revision 2 (September 2002)

Case ID No. 40729

PCW Revision October 30, 2006

Reg. Ent. Reference No. RN102806411

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	9	45%
	Other written NOVs	21	42%
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	2	50%
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 counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 137%

>> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3) 25%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 20 months of self-reported effluent violations, nine NOVs with same/similar violations, one NOV with dissimilar violations, two orders without denial of liability, and repeat violator status.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 162%

Screening Date 12-Nov-2010

Docket No. 2010-1891-MWD-E

PCW

Respondent City of Sonora (PCW 2)

Policy Revision 2 (September 2002)

Case ID No. 40729

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102806411

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (9)(A), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010545001, Monitoring and Reporting Requirements No. 7.a

Violation Description

Failed to submit a noncompliance notification to the TCEQ, as documented during a record review conducted on October 15, 2010. Specifically, a five-day written noncompliance notification was not submitted to the TCEQ for a discharge that occurred on July 9, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 5%

Matrix Notes

Between 30 and 70% of the notification requirement was met.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

463 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$101

Violation Final Penalty Total \$1,310

This violation Final Assessed Penalty (adjusted for limits) \$1,310

Economic Benefit Worksheet

Respondent City of Sonora (PCW 2)
Case ID No. 40729
Reg. Ent. Reference No. RN102806411
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

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	14-Jul-2009	18-Dec-2010	1.43	\$18	n/a	\$18
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 noncompliance notifications are submitted as required. Date required is the date the notification 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]	\$75	14-Jul-2009	15-Oct-2010	2.17	\$8	\$75	\$83
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost for failing to submit a written noncompliance notification for the discharge that occurred on July 9, 2009. Date required is the date the notification was due. Final date is the record review date.

Approx. Cost of Compliance

\$325

TOTAL

\$101

Screening Date 12-Nov-2010
Respondent City of Sonora (PCW 2)
Case ID No. 40729
Reg. Ent. Reference No. RN102806411
Media [Statute] Water Quality
Enf. Coordinator JR Cao

Docket No. 2010-1891-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 TPDES Permit No. WQ0010545001, Sludge Provisions, Section III.F.1

Violation Description

Failed to maintain records of all liquid paint filter tests conducted on sewage sludge disposed of in municipal solid waste landfills, as documented during a record review conducted on October 15, 2010. Specifically, records were not available at the Facility demonstrating that liquid paint filter tests were conducted.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes

100% of the permit requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 33 Number of violation days

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

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$100

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

Notes: The Respondent returned to compliance by December 18, 2010.

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$2,520

This violation Final Assessed Penalty (adjusted for limits) \$2,520

Economic Benefit Worksheet

Respondent City of Sonora (PCW 2)
Case ID No. 40729
Reg. Ent. Reference No. RN102806411
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

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	\$100	15-Oct-2010	18-Dec-2010	0.18	\$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 establish a recordkeeping system to ensure that all records of liquid paint filter tests are maintained as required. Date required is the record review date. Final date is the 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

\$100

TOTAL

\$1

Screening Date 12-Nov-2010
Respondent City of Sonora (PCW 2)
Case ID No. 40729
Reg. Ent. Reference No. RN102806411
Media [Statute] Water Quality
Enf. Coordinator JR Cao

Docket No. 2010-1891-MWD-E

PCW

Policy Revision 2 (September 2002)
 PCW Revision October 30, 2006

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0010545001, Sludge Provisions

Violation Description

Failed to timely submit the annual sludge report ("ASR") for the annual reporting period ending July 31, 2009, as documented during a record review conducted October 15, 2010.

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	
				X	1%
70% of the permit requirement was met.					

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events: 1 380 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty \$100

One annual event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOV	NOV to EDP RP/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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$262

This violation Final Assessed Penalty (adjusted for limits) \$262

Economic Benefit Worksheet

Respondent City of Sonora (PCW 2)
Case ID No. 40729
Reg. Ent. Reference No. RN102806411
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$250	31-Jul-2009	3-Jan-2011	1.43	\$18	n/a	\$18

Notes for DELAYED costs

Estimated cost to submit the ASR for the reporting period ending July 31, 2009. Date required is the date the ASR 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

\$250

TOTAL

\$18

Screening Date 12-Nov-2010
Respondent City of Sonora (PCW 2)
Case ID No. 40729
Reg. Ent. Reference No. RN102806411
Media [Statute] Water Quality
Enf. Coordinator JR Cao

Docket No. 2010-1891-MWD-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

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 Sonora (PCW 2)
Case ID No. 40729
Reg. Ent. Reference No. RN102806411
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				0.00	\$0	n/a	\$0
Other (as needed)	\$100	15-Oct-2010	18-Dec-2010	0.18	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to provide containers with lids for the temporary storage of screenings. Date required is the record review date. 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 \$100

TOTAL \$1

Screening Date 12-Nov-2010
Respondent City of Sonora (PCW 2)
Case ID No. 40729
Reg. Ent. Reference No. RN102806411
Media [Statute] Water Quality
Enf. Coordinator JR Cao

Docket No. 2010-1891-MWD-E

PCW

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

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0010545001, Monitoring and Reporting Requirements No. 5

Violation Description Failed to calibrate the flow meter at least annually, as documented during a record review conducted on October 15, 2010. Specifically, the automatic flow meter was not calibrated in 2009.

Base Penalty \$10,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5%
	Potential			X	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed protective levels as a result of this violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1 365 Number of violation days

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

Violation Base Penalty \$500

One annual event is recommended.

Good Faith Efforts to Comply

10.0% Reduction \$50

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

Notes The Respondent returned to compliance on December 21, 2010.

Violation Subtotal \$450

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$243

Violation Final Penalty Total \$1,260

This violation Final Assessed Penalty (adjusted for limits) \$1,260

Economic Benefit Worksheet

Respondent City of Sonora (PCW 2)
Case ID No. 40729
Reg. Ent. Reference No. RN102806411
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	\$3,375	15-Oct-2010	21-Dec-2010	0.18	\$2	\$41	\$43
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, as provided by the Respondent, to purchase, install and calibrate a new flow meter for the Facility. Date required is the record review date. 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]	\$200	31-Dec-2009	1-Jan-2010	0.00	\$0	\$200	\$200
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Avoided cost for calibrating the flow meter. Date required is December 31, 2009 and Final Date is January 1, 2010.

Approx. Cost of Compliance

\$3,575

TOTAL

\$243

Screening Date 12-Nov-2010
Respondent City of Sonora (PCW 2)
Case ID No. 40729
Reg. Ent. Reference No. RN102806411
Media [Statute] Water Quality
Enf. Coordinator JR Cao

Docket No. 2010-1891-MWD-E

PCW

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

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 319.11(c) and TPDES Permit No. WQ0010545001 Monitoring and Reporting Requirements No. 2.a.

Violation Description

Failed to analyze effluent according to specified test methods, as documented during a record review conducted on October 15, 2010. Specifically, the dissolved oxygen ("D.O.") meter used to measure D.O. in the final effluent was not calibrated prior to use each day.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				10%
	Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events: 1 33 Number of violation days

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 from the record review date (October 15, 2010) to the screening date (November 12, 2010).

Good Faith Efforts to Comply

10.0% Reduction \$100

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

Notes: The Respondent returned to compliance by December 18, 2010.

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$2,520

This violation Final Assessed Penalty (adjusted for limits) \$2,520

Economic Benefit Worksheet

Respondent City of Sonora (PCW 2)
Case ID No. 40729
Reg. Ent. Reference No. RN102806411
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

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	15-Oct-2010	18-Dec-2010	0.18	\$2	n/a	\$2
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 the D.O. meter is calibrated each day prior to use. Date required is the record review date. 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

\$250

TOTAL

\$2

Screening Date 12-Nov-2010
Respondent City of Sonora (PCW 2)
Case ID No. 40729
Reg. Ent. Reference No. RN102806411
Media [Statute] Water Quality
Enf. Coordinator JR Cao

Docket No. 2010-1891-MWD-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Failed to comply with the preservation methods specified in 40 Code of Federal Regulations Part 136, as documented during a record review conducted on October 15, 2010. Specifically, the sample storage refrigerator was not equipped with a National Institute of Standards and Technology ("NIST") thermometer, and the temperature of the refrigerator was not maintained at or below six degrees celsius.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> Programmatic Matrix

Matrix Notes	Harm			Percent
	Major	Moderate	Minor	
Human health or the environment will or could be exposed to insignificant amounts of pollutants as a result of this violation.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	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)

Notes

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 Sonora (PCW 2)
Case ID No. 40729
Reg. Ent. Reference No. RN102806411
Media Water Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$348	15-Oct-2010	18-Jan-2011	0.26	\$0	\$6	\$6
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

Total cost (provided by Respondent) to purchase a NIST thermometer for the sample storage refrigerator. Date required is the record review date. 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 \$348

TOTAL \$6

Compliance History Report (PCW 1)

Customer/Respondent/Owner-Operator: CN600247993 City of Sonora Classification: AVERAGE Rating: 4.47

Regulated Entity: RN102806411 CITY OF SONORA WWTP Classification: AVERAGE Site Rating: 14.76

ID Number(s): WASTEWATER PERMIT WQ0010545001
 WASTEWATER EPA ID TX0023191
 WASTEWATER LICENSING LICENSE WQ0010545001

Location: LOCATED AT 1585 PRIVATE ROAD 3451 SOUTH OF SONORA AND SOUTH OF DRY DEVILS RIVER, APPROXIMATELY 6,000 FEET SOUTH AND 2,000 FEET WEST OF THE INTERSECTION OF UNITED STATES HIGHWAY 277 AND 290 IN SUTTON COUNTY, TEXAS 76950

TCEQ Region: REGION 08 - SAN ANGELO

Date Compliance History Prepared: September 21, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 21, 2005 to September 21, 2010

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

Name: JR Cao Phone: (512) 239-2543

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: 9/1/2010 Repeat Violator: YES

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 08/15/2008 ADMINORDER 2007-1016-MWD-E
 Classification: Major
 Citation: 2D TWC Chapter 26, SubChapter A 26.121
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PPV.2.g PERMIT
 Description: failed to prevent the unauthorized discharge of raw and/or partially treated wastewater into water in the state. Specifically, on April 22, 2007, an unauthorized discharge of approximately 290,000 gallons of raw and/or partially treated wastewater was discharged into the Dry Devils River due to a mechanical power failure, resulting in a fish kill of appr of a tie rod on one of the oxidation ditch aerator rotor motors. The unauthorized discharge resulted in a fish kill of approximately 711 fish.

Effective Date: 07/09/2009 ADMINORDER 2008-1921-MWD-E
 Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: PPVI.4 PERMIT
 Description: Failure to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: PPVI.1 PERMIT
 Description: Failure to properly operate the chlorine contact chamber.

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(4)

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: PPV.2.d, PPV.2.g, PPVI.1 PERMIT

Description: Failure to properly operate the treatment plant resulting in a discharge of sludge to the receiving stream.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Oper Req No. 1 PERMIT

Oper Req No. 6 PERMIT

PPII.2 PERMIT

Description: Failure to meet the permit limit for minimum total chlorine residual in the final effluent, total suspended solids (TSS), and dissolved oxygen (DO) in the final effluent.

Classification: Minor

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

30 TAC Chapter 319, SubChapter A 319.11(c)

Rqmt Prov: M&RR No. 2 PERMIT

PPIV.3.a, PPIV.5 PERMIT

Description: Failure to properly set the scale for the flow chart recorder to include the authorized 2 hour peak limit.

Classification: Minor

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

30 TAC Chapter 319, SubChapter A 319.9(c)

Rqmt Prov: PPVI.1 PERMIT

Description: Failure to maintain records of process control activities conducted at the plant and quality assurance for total chlorine residual monitoring.

Classification: Minor

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

30 TAC Chapter 319, SubChapter A 319.7(e)

Rqmt Prov: PPIV.7.d PERMIT

Description: Failure to report the correct analytical results on discharge monitoring reports (DMR).

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	10/11/2005	(441564)
2	10/27/2005	(441565)
3	11/22/2005	(469899)
4	12/08/2005	(469898)
5	12/27/2005	(469900)
6	01/30/2006	(469901)
7	02/24/2006	(469896)
8	03/23/2006	(469897)
9	04/28/2006	(499106)
10	05/15/2006	(499107)
11	06/23/2006	(499108)
12	07/24/2006	(521151)
13	08/14/2006	(521152)
14	09/18/2006	(521153)
15	10/30/2006	(577367)
16	11/27/2006	(577368)
17	12/19/2006	(577369)
18	01/22/2007	(577370)
19	02/15/2007	(540169)
20	02/20/2007	(577362)
21	03/02/2007	(542866)

22 03/20/2007 (577363)
 23 04/18/2007 (577364)
 24 05/14/2007 (577365)
 25 06/19/2007 (577366)
 26 06/21/2007 (558473)
 27 07/19/2007 (602170)
 28 08/20/2007 (602171)
 29 08/31/2007 (602172)
 30 10/18/2007 (620287)
 31 11/20/2007 (620288)
 32 12/27/2007 (672638)
 33 01/07/2008 (635949)
 34 01/22/2008 (672639)
 35 02/07/2008 (617440)
 36 02/08/2008 (617302)
 37 02/25/2008 (672636)
 38 02/29/2008 (637430)
 39 03/10/2008 (672637)
 40 04/23/2008 (690626)
 41 05/27/2008 (690627)
 42 06/04/2008 (681988)
 43 06/10/2008 (682615)
 44 06/11/2008 (682843)
 45 07/13/2008 (711476)
 46 07/21/2008 (711477)
 47 08/20/2008 (711478)
 48 09/10/2008 (702499)
 49 09/23/2008 (711479)
 50 10/24/2008 (728013)
 51 11/26/2008 (704533)
 52 12/03/2008 (728014)
 53 12/17/2008 (735436)
 54 12/22/2008 (728015)
 55 02/02/2009 (725760)
 56 02/02/2009 (750920)
 57 02/23/2009 (750919)
 58 04/23/2009 (768862)
 59 04/23/2009 (768863)
 60 05/21/2009 (768864)
 61 06/09/2009 (748344)
 62 09/14/2009 (775520)
 63 02/26/2010 (790455)
 64 03/17/2010 (827807)
 65 04/26/2010 (831465)
 66 05/17/2010 (831466)
 67 06/17/2010 (826959)
 68 06/21/2010 (846454)
 69 07/21/2010 (845896)
 70 09/15/2010 (849532)

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

Date 09/30/2005 (441565) CN600247993
 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 10/03/2005 (404157) CN600247993
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
 30 TAC Chapter 305, SubChapter F 305.125(11)(C)
 PPVII.III.G PERMIT
 Description: Failure to submit an annual report of sewage sludge disposed in a Municipal Solid Waste Landfill to the TCEQ Region Office (MC Region 8) and Water Quality Management Information Systems Team (MC 224) of the Enforcement Division by September 1, 2004.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 PPVI.1 PERMIT
 Description: Failure to properly operate and maintain the chlorination system.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 PPII.4 PERMIT
 PPV.2.d. PERMIT
 PPVI.1 PERMIT
 TWC Chapter 26 26.121
 Description: Failure to prevent an unauthorized discharge of sludge into the receiving stream.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPII.2 PERMIT
 Description: Failure to meet final effluent minimum limitation for total chlorine residual for a grab sample collected during the investigation.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPII.2 PERMIT
 Description: Failure to meet final effluent maximum limitation for total chlorine residual.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
 PPII.2 PERMIT
 Description: Failure to monitor/record total chlorine residual at the required frequency.

Date 10/31/2005 (469899) CN600247993
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2005 (469900) CN600247993
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date 12/31/2005 (469901) CN600247993
 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 01/31/2006 (469896) CN600247993
 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 02/28/2006 (469897) CN600247993
 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 (499106) CN600247993
 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 (499107) CN600247993
 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 (499108) CN600247993
 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 (521151) CN600247993
 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 (521153) CN600247993
 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 (577362) CN600247993
 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 02/15/2007 (540169) CN600247993
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.4(a)(8)
 Description: Failure to have the potable water supply back flow prevention device checked annually.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPIV.5 PERMIT
 Description: Failure to have the flow meters calibrated at least annually.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPII.6 PERMIT
 Description: Failure to meet the minimum dissolved oxygen (DO) permit limit.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.5(a)
 PPII.5 PERMIT
 Description: Failure to collect all final effluent samples at the correct location.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPII.1 PERMIT
 Description: Failure to collect the correct sample type for ammonia-nitrogen (NH3-N) monitoring.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to maintain calibration records for effluent monitoring instrumentation.

Date 05/31/2007 (577366) CN600247993
 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 01/07/2008 (635949) CN600247993
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date 02/07/2008 (617440) CN600247993
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPII.4 PERMIT
 Description: Failure to prevent the discharge of floating solids and visible foam.

Date 06/04/2008 (681988)
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
 PPV.2.g PERMIT
 TWC Chapter 26 26.121
 Description: Failure to prevent a discharge of wastewater to the Dry Devils River.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(9)(A)
 PPIV.7.a PERMIT
 Description: Failure to provide noncompliance notification orally or by facsimile transmission (FAX) to the Region Office within 24 hours of becoming aware of the noncompliance.

Date 06/30/2008 (711477) CN600247993
 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 (711479) CN600247993
 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 09/30/2008 (728013) CN600247993
 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 11/30/2008 (728015) CN600247993
 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 12/17/2008 (735436) CN600247993
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date 04/17/2009 (741921) CN600247993
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(9)(A)
 PPVI.7.a PERMIT
 Description: Failure to provide verbal notification of an unauthorized discharge within 24 hrs.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(9)(A)
 PPVI.7.a PERMIT
 Description: Failure to provide written notification of an unauthorized discharge within five days.

Date 06/04/2009 (748097) CN600247993
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(9)
 PPVI.7.a PERMIT
 Description: Failure to provide verbal notification of an unauthorized discharge within 24 hrs.

Date 02/26/2010 (790455) CN600247993
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)
 PPIV.7.b PERMIT
 Description: Failure to submit written noncompliance notification within five working days for two unauthorized discharges.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPII.1 and PPIII. 1.e PERMIT
Description: Failure to operate the flow chart recorder to be able to accurately monitor the flow to ensure the average discharge during any two hour period (2-hour peak) does not exceed 1825 gallons per minute (gpm).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 317 317.4(a)(8)
Description: Failure to have the reduced-pressure principle backflow prevention assembly (RPBA) tested annually as evidenced by not providing records that show the test was conducted.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 330, SubChapter D 330.171(c)(7)
PPVII.III.E and F.1 PERMIT
Description: Failure to conduct paint filter liquids tests for sewage sludge as evidenced by not providing records that show the tests were conducted.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPVII.III.G PERMIT
Description: Failure to report sludge disposal information for sewage sludge disposed in a municipal solid waste landfill to the TCEQ Region Office annually by September 1.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.7(d)
PPIV.1 PERMIT
Description: Failure to complete and submit Discharge Monitoring Reports (DMR) for sewage sludge.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failure to provide suitable containers with lids for the temporary storage of materials removed from the bar screen.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)
Description: Failure to have a properly located staff gauge to measure the effluent head.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPIV.5 PERMIT
Description: Failure to calibrate the automatic flow measuring device at least annually as evidenced by not providing records that show the calibration was done.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPII.1 PERMIT
Description: Failure to use composite samples to monitor effluent.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPII.1 PERMIT
Description: Failure to meet the permitted daily average concentration limit for total suspended solids (TSS) in November 2008.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPIV.1 PERMIT
Description: Failure to submit the February 2009 Discharge Monitoring Report (DMR) by the 20th day of the month following the monitoring period.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPIII.2.f PERMIT
Description: Failure to properly calculate the daily average loading (lbs/day) for one or more effluent parameters.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to calibrate instrumentation used to monitor the final effluent, specifically, the dissolved oxygen (DO) meter.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
Description: Failure to document that the sample storage refrigerator is maintained at or below 6 °C.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PIIV.1 PERMIT
Description: Failure to submit the Discharge Monitoring Reports (DMR) for soil monitoring.
Date 03/17/2010 (827807) CN600247993
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Date 04/30/2010 (831466) CN600247993
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 05/31/2010 (846454) CN600247993
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 06/30/2010 CN600247993
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 07/21/2010 (845896) CN600247993
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

- 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
- K. Sites Outside of Texas
N/A

Compliance History Report (PCW 2)

Customer/Respondent/Owner-Operator:	CN600247993 City of Sonora	Classification: AVERAGE	Rating: 4.44
Regulated Entity:	RN102806411 CITY OF SONORA WWTP	Classification: AVERAGE	Site Rating: 14.56
ID Number(s):	WASTEWATER	PERMIT	WQ0010545001
	WASTEWATER	EPA ID	TX0023191
	WASTEWATER LICENSING	LICENSE	WQ0010545001
Location:	1585 PRIVATE ROAD 3451, south of Sonora and South of Dry Devils River, approx. 6,000 ft south and 2,000 ft west of intx. of US Hwy 277 and 290, Sutton Co., Tx		
TCEQ Region:	REGION 08 - SAN ANGELO		
Date Compliance History Prepared:	November 10, 2010		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	November 10, 2005 to November 10, 2010		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	JR Cao	Phone:	(512) 239 - 2543

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: 9/1/2010 Repeat Violator: YES

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 08/15/2008 ADMINORDER 2007-1016-MWD-E

Classification: Major

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

Rqmt Prov: PPV.2.g PERMIT

Description: failed to prevent the unauthorized discharge of raw and/or partially treated wastewater into water in the state. Specifically, on April 22, 2007, an unauthorized discharge of approximately 290,000 gallons of raw and/or partially treated wastewater was discharged into the Dry Devils River due to a mechanical power failure, resulting in a fish kill of appr of a tie rod on one of the oxidation ditch aerator rotor motors. The unauthorized discharge resulted in a fish kill of approximately 711 fish.

Effective Date: 07/09/2009 ADMINORDER 2008-1921-MWD-E

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: PPVI.4 PERMIT

Description: Failure to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: PPVI.1 PERMIT

Description: Failure to properly operate the chlorine contact chamber.

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: PPV.2.d, PPV.2.g, PPVI.1 PERMIT

Description: Failure to properly operate the treatment plant resulting in a discharge of sludge to the receiving stream.

Classification: Moderate

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

Rqmt Prov: Oper Req No. 1 PERMIT
Oper Req No. 6 PERMIT
PPII.2 PERMIT

Description: Failure to meet the permit limit for minimum total chlorine residual in the final effluent, total suspended solids (TSS), and dissolved oxygen (DO) in the final effluent.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11(c)

Rqmt Prov: M&RR No. 2 PERMIT
PPIV.3.a, PPIV.5 PERMIT

Description: Failure to properly set the scale for the flow chart recorder to include the authorized 2 hour peak limit.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.9(c)

Rqmt Prov: PPVI.1 PERMIT

Description: Failure to maintain records of process control activities conducted at the plant and quality assurance for total chlorine residual monitoring.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.7(e)

Rqmt Prov: PPIV.7.d PERMIT

Description: Failure to report the correct analytical results on discharge monitoring reports (DMR).

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	02/24/2006	(469896)
2	03/23/2006	(469897)
3	12/08/2005	(469898)
4	11/22/2005	(469899)
5	12/27/2005	(469900)
6	01/30/2006	(469901)
7	04/28/2006	(499106)
8	05/15/2006	(499107)
9	06/23/2006	(499108)

10	07/24/2006	(521151)
11	08/14/2006	(521152)
12	09/18/2006	(521153)
13	02/15/2007	(540169)
14	03/02/2007	(542866)
15	06/21/2007	(558473)
16	02/20/2007	(577362)
17	03/20/2007	(577363)
18	04/18/2007	(577364)
19	05/14/2007	(577365)
20	06/19/2007	(577366)
21	10/30/2006	(577367)
22	11/27/2006	(577368)
23	12/19/2006	(577369)
24	01/22/2007	(577370)
25	07/19/2007	(602170)
26	08/20/2007	(602171)
27	08/31/2007	(602172)
28	02/08/2008	(617302)
29	02/07/2008	(617440)
30	10/18/2007	(620287)
31	11/20/2007	(620288)
32	01/07/2008	(635949)
33	02/29/2008	(637430)
34	02/25/2008	(672636)
35	03/10/2008	(672637)
36	12/27/2007	(672638)
37	01/22/2008	(672639)
38	06/04/2008	(681988)
39	06/10/2008	(682615)

40	06/11/2008	(682843)
41	04/23/2008	(690626)
42	05/27/2008	(690627)
43	09/10/2008	(702499)
44	11/26/2008	(704533)
45	07/13/2008	(711476)
46	07/21/2008	(711477)
47	08/20/2008	(711478)
48	09/23/2008	(711479)
49	02/02/2009	(725760)
50	10/24/2008	(728013)
51	12/03/2008	(728014)
52	12/22/2008	(728015)
53	12/17/2008	(735436)
54	06/09/2009	(748344)
55	02/23/2009	(750919)
56	02/02/2009	(750920)
57	04/23/2009	(768862)
58	04/23/2009	(768863)
59	05/21/2009	(768864)
60	09/14/2009	(775520)
61	02/26/2010	(790455)
62	06/17/2010	(826959)
63	03/17/2010	(827807)
64	04/26/2010	(831465)
65	05/17/2010	(831466)
66	07/21/2010	(845896)
67	06/21/2010	(846454)
68	09/15/2010	(849532)
69	09/07/2010	(867047)

70 08/23/2010 (867048)

71 10/25/2010 (870726)

72 09/20/2010 (874093)

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

Date: 11/30/2005 (469900)CN600247993
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2005 (469901) CN600247993
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: 01/31/2006 (469896) CN600247993
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: 02/28/2006 (469897) CN600247993
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 (499106) CN600247993
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 (499107) CN600247993
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 (499108) CN600247993
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 (521151) CN600247993
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 (521153) CN600247993
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 (577362) CN600247993

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: 02/15/2007 (540169) CN600247993
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.4(a)(8)
 Description: Failure to have the potable water supply back flow prevention device checked annually.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPIV.5 PERMIT
 Description: Failure to have the flow meters calibrated at least annually.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPII.6 PERMIT
 Description: Failure to meet the minimum dissolved oxygen (DO) permit limit.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.5(a)
 PPII.5 PERMIT
 Description: Failure to collect all final effluent samples at the correct location.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPII.1 PERMIT
 Description: Failure to collect the correct sample type for ammonia-nitrogen (NH3-N) monitoring.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to maintain calibration records for effluent monitoring instrumentation.

Date: 05/31/2007 (577366) CN600247993
 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: 01/07/2008 (635949) CN600247993
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 02/07/2008 (617440) CN600247993
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPII.4 PERMIT
 Description: Failure to prevent the discharge of floating solids and visible foam.

Date: 06/04/2008 (681988) CN600247993
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
 PPV.2.g PERMIT
 TWC Chapter 26 26.121
 Description: Failure to prevent a discharge of wastewater to the Dry Devils River.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(9)(A)
 PPIV.7.a PERMIT
 Description: Failure to provide noncompliance notification orally or by facsimile transmission (FAX) to the Region Office within 24 hours of becoming aware of the noncompliance.

Date: 06/30/2008 (711477) CN600247993
 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 (711479) CN600247993
 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: 09/30/2008 (728013) CN600247993
 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: 11/30/2008 (728015) CN600247993
 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: 12/17/2008 (735436) CN600247993
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 04/17/2009 (741921) CN600247993
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(9)(A)
 PPVI.7.a PERMIT
 Description: Failure to provide verbal notification of an unauthorized discharge within 24 hrs.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(9)(A)
 PPVI.7.a PERMIT
 Description: Failure to provide written notification of an unauthorized discharge within five days.

Date: 06/04/2009 (748097) CN600247993
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(9)
 PPVI.7.a PERMIT
 Description: Failure to provide verbal notification of an unauthorized discharge within 24 hrs.

Date: 02/26/2010 (790455) CN600247993
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)

PPIV.7.b PERMIT

Description: Failure to submit written noncompliance notification within five working days for two unauthorized discharges.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPII.1 and PPIII. 1.e PERMIT

Description: Failure to operate the flow chart recorder to be able to accurately monitor the flow to ensure the average discharge during any two hour period (2-hour peak) does not exceed 1825 gallons per minute (gpm).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 317 317.4(a)(8)

Description: Failure to have the reduced-pressure principle backflow prevention assembly (RPBA) tested annually as evidenced by not providing records that show the test was conducted.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 330, SubChapter D 330.171(c)(7)
PPVII.III.E and F.1 PERMIT

Description: Failure to conduct paint filter liquids tests for sewage sludge as evidenced by not providing records that show the tests were conducted.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPVII.III.G PERMIT

Description: Failure to report sludge disposal information for sewage sludge disposed in a municipal solid waste landfill to the TCEQ Region Office annually by September 1.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.7(d)
PPIV.1 PERMIT

Description: Failure to complete and submit Discharge Monitoring Reports (DMR) for sewage sludge.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 217, SubChapter E 217.123(b)
30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to provide suitable containers with lids for the temporary storage of materials removed from the bar screen.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)

Description: Failure to have a properly located staff gauge to measure the effluent head.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPIV.5 PERMIT

Description: Failure to calibrate the automatic flow measuring device at least annually as evidenced by not providing records that show the calibration was done.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPII.1 PERMIT

Description: Failure to use composite samples to monitor effluent.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPII.1 PERMIT

Description: Failure to meet the permitted daily average concentration limit for total suspended solids (TSS) in November 2008.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPIV.1 PERMIT

Description: Failure to submit the February 2009 Discharge Monitoring Report (DMR) by the 20th day of the month following the monitoring period.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPIII.2.f PERMIT

Description: Failure to properly calculate the daily average loading (lbs/day) for one or more effluent parameters.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.11(c)
30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to calibrate instrumentation used to monitor the final effluent, specifically, the dissolved oxygen (DO) meter.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)

Description: Failure to document that the sample storage refrigerator is maintained at or below 6 °C.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPIV.1 PERMIT

Description: Failure to submit the Discharge Monitoring Reports (DMR) for soil monitoring.
 Date: 03/17/2010 (827807) CN600247993
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 04/30/2010 (831466) CN600247993
 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: 05/31/2010 (846454) CN600247993
 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: 06/30/2010 (867047) CN600247993
 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: 07/21/2010 (845896) CN600247993
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 07/31/2010 (867048) CN600247993
 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: 08/31/2010 (874093) CN600247993
 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 SONORA
RN102806411**

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

**AGREED ORDER
DOCKET NO. 2010-1891-MWD-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Sonora ("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 presented this agreement to the Commission.

The Respondent 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 Respondent 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 Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a municipal wastewater treatment facility located at 1585 Private Road 3451, south of Sonora and south of Dry Devils River, approximately 6,000 feet south and 2,000 feet west of the intersection of United States ("U.S.") Highway 277 and U.S. Highway 290 in Sutton 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. During a record review conducted on August 18, 2010, TCEQ staff documented the following from self-reported discharge monitoring reports (“DMRs”):

Violation Month	CBOD Daily Avg. Concentration (Limit 10 mg/L)	NH3-N Daily Avg. Concentration (Limit 3 mg/L)	NH3-N Daily Max. Concentration (Limit 10 mg/L)	NH3-N Daily Avg. Loading (Limit 22 lbs/day)
April 2010	13.62	7.82	c	23.14
May 2010	10.8	33	12	c
June 2010	c	28.99	12	c

CBOD=carbonaceous biochemical oxygen demand
 NH3-N= ammonia nitrogen
 mg/L=milligrams per liter
 Max.=maximum

Avg.=average
 c=compliant
 lbs/day=pounds per day

4. During a record review conducted on August 18, 2010, TCEQ staff documented that daily average and daily maximum data for *Escherichia coli* for the monitoring periods ending March 31, 2010, April 30, 2010, May 31, 2010, and June 30, 2010, were not submitted.
5. During a record review conducted on October 15, 2010, TCEQ staff documented that a five-day written noncompliance notification was not submitted to the TCEQ for a discharge that occurred on July 9, 2009.
6. During a record review conducted on October 15, 2010, TCEQ staff documented that records were not available demonstrating that liquid paint filter tests were conducted on sewage sludge disposed of in municipal solid waste (“MSW”) landfills.
7. During a record review conducted on October 15, 2010, TCEQ staff documented that the annual sludge report (“ASR”) for the reporting period ending July 31, 2009, was not submitted by September 30, 2009.
8. During a record review conducted on October 15, 2010, TCEQ staff documented that materials removed from the bar screen were being stored in open containers.
9. During a record review conducted on October 15, 2010, TCEQ staff documented that the automatic flow meter had not been calibrated in 2009.

10. During a record review conducted on October 15, 2010, TCEQ staff documented that the dissolved oxygen ("D.O.") meter used to measure D.O. in the final effluent was not calibrated each day prior to use.
11. During a record review conducted on October 15, 2010, TCEQ staff documented that the sample storage refrigerator was not equipped with a National Institute of Standards and Technology ("NIST") thermometer, and the temperature of the refrigerator was not maintained at or below six degrees celsius.
12. The Respondent received notices of the violations on September 20 and October 26, 2010.
13. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By September 17, 2010, submitted revised DMRs for the monitoring periods ending March 31, 2010, April 30, 2010, May 31, 2010, and June 30, 2010;
 - b. By December 18, 2010:
 - i. Updated operational guidance and conducted employee training to ensure that noncompliance notifications are submitted as required and that the D.O. meter is calibrated each day prior to use;
 - ii. Established a recordkeeping system to ensure that records of liquid paint filter tests are maintained as required; and
 - iii. Provided containers with lids for the temporary storage of materials removed from the bar screen.
 - c. By December 21, 2010, purchased, installed, and calibrated a new flow meter and chart recorder for the Facility;
 - d. By January 3, 2011, submitted the ASR for the reporting period ending July 31, 2009; and
 - e. By January 18, 2011, purchased and installed a NIST thermometer for the sample storage refrigerator.

II. CONCLUSIONS OF LAW

1. The Respondent 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 Respondent 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 Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010545001, Effluent Limitations and Monitoring Requirements No. 1.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.1, and TPDES Permit No. WQ0010545001, Monitoring and Reporting Requirements No. 1.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to submit a noncompliance notification to the TCEQ, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A), and TPDES Permit No. WQ0010545001, Monitoring and Reporting Requirements No. 7.a.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to maintain records of all liquid paint filter tests conducted on sewage sludge disposed of in MSW landfills, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010545001, Sludge Provisions, Section III.F.1.
6. As evidenced by Findings of Fact No. 7, the Respondent failed to submit the ASR for the annual reporting period ending July 31, 2009, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010545001, Sludge Provisions.
7. As evidenced by Findings of Fact No. 8, the Respondent failed to provide containers with lids for the temporary storage of materials removed from the bar screen, in violation of 30 TEX. ADMIN. CODE § 317.4(b)(4).
8. As evidenced by Findings of Fact No. 9, the Respondent failed to calibrate the flow meter at least annually, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0010545001, Monitoring and Reporting Requirements No. 5.
9. As evidenced by Findings of Fact No. 10, the Respondent failed to analyze effluent according to specified test methods, in violation of 30 TEX. ADMIN. CODE § 319.11(c) and TPDES Permit No. WQ0010545001 Monitoring and Reporting Requirements No. 2.a.
10. As evidenced by Findings of Fact No. 11, the Respondent failed to comply with the preservation methods specified in 40 Code of Federal Regulations Part 136, in violation of 30 TEX. ADMIN. CODE § 319.11(b).
11. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent 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.

12. An administrative penalty in the amount of Thirty Thousand Nine Hundred Eighty-Six Dollars (\$30,986) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Nine Hundred Nine Dollars (\$909) of the administrative penalty. The remaining amount of Thirty Thousand Seventy-Seven Dollars (\$30,077) of the administrative penalty shall be payable in 34 monthly payments of Eight Hundred Sixty Dollars (\$860) each and one final payment of Eight Hundred Thirty-Seven Dollars (\$837). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Thirty Thousand Nine Hundred Eighty-Six Dollars (\$30,986) as set forth in Section II, Paragraph 12 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent'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 Sonora, Docket No. 2010-1891-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. Within 90 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010545001 including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
San Angelo Regional Office
Texas Commission on Environmental Quality
622 South Oakes, Suite K
San Angelo, Texas 76903-7013

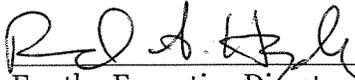
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any 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 Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the 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.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

9/22/11

Date

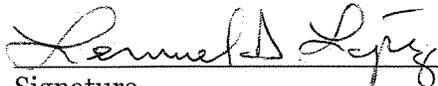
I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Sonora. I am authorized to agree to the attached Agreed Order on behalf of the City of Sonora, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment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

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

09/01/11

Date

Lemuel Lopez

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

Mayor

Title

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