

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-0242-MWD-E **TCEQ ID:** RN101916302 **CASE NO.:** 39149
RESPONDENT NAME: City of Edgewood

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of Edgewood, located approximately 6,000 feet north of the intersection of Farm-to-Market Road 859 and United States Highway 80 and 2,200 feet east of Farm-to-Market Road 859, Van Zandt County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 3, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Samuel Short, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5363; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: The Honorable Charles Prater, Mayor, City of Edgewood, P. O. Box 377, Edgewood, Texas 75117 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: December 4, 2009</p> <p>Date of NOV/NOE Relating to this Case: February 4, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>WATER</p> <p>Failed to comply with permitted effluent limits for ammonia nitrogen, carbonaceous biochemical oxygen demand, and total suspended solids [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0014648001, Effluent Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$5,380</p> <p>Total Deferred: \$5,380 <input type="checkbox"/> Expedited Settlement <input checked="" type="checkbox"/> Financial Inability to Pay</p> <p>The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay the administrative penalty.</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$0</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. By April 30, 2009, had a contractor excavate and repair a blocked line at the Facility;</p> <p>b. By August 31, 2009, put the second set of aeration disks back into service; and</p> <p>c. By January 31, 2010, returned to compliance with the permitted effluent limits.</p>

Additional ID No(s): WQ0014648001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	8-Feb-2010	Screening	10-Feb-2010	EPA Due	
	PCW	19-Feb-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Edgewood
Reg. Ent. Ref. No.	RN101916302
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	39149	No. of Violations	1
Docket No.	2010-0242-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Samuel Short
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,000
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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	194.0% Enhancement	Subtotals 2, 3, & 7	\$3,880
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Notes: Enhancement recommended for having 29 NOVs for self-reported effluent violations, one NOV for the same or similar violations, two NOVs for non-similar violations, and two Agreed Orders with denial language within the last five years.

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	\$500
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Economic Benefit	0.0% Enhancement	Subtotal 6	\$0
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Total EB Amounts	\$355
Approx. Cost of Compliance	\$7,685

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,380
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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	\$5,380
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,380
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,076
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$4,304
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Screening Date: 10-Feb-2010

Docket No.: 2010-0242-MWD-E

PCW

Respondent: City of Edgewood

Policy Revision 2 (September 2002)

Case ID No.: 39149

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101916302

Media [Statute]: Water Quality

Enf. Coordinator: Samuel Short

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	30	150%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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) 194%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement recommended for having 29 NOVs for self-reported effluent violations, one NOV for the same or similar violations, two NOVs for non-similar violations, and two Agreed Orders with denial language within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 194%

Screening Date: 10-Feb-2010

Docket No.: 2010-0242-MWD-E

PCW

Respondent: City of Edgewood

Policy Revision 2 (September 2002)

Case ID No.: 39149

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101916302

Media [Statute]: Water Quality

Enf. Coordinator: Samuel Short

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 Permit No. WQ0014648001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on December 4, 2009 and shown in the attached table.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent: 10%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent: 0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen ("NH3-N") and carbonaceous biochemical oxygen demand 5-Day ("CBOD5") to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids ("TSS") were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment: \$9,000

\$1,000

Violation Events

Number of Violation Events: 2

Number of violation days: 120

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty: \$2,000

Two quarterly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$600

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

Notes: The Respondent returned to compliance by January 31, 2010.

Violation Subtotal: \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$355

Violation Final Penalty Total: \$5,380

This violation Final Assessed Penalty (adjusted for limits): \$5,380

Economic Benefit Worksheet

Respondent: City of Edgewood
Case ID No.: 39149
Reg. Ent. Reference No.: RN101916302
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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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)	\$7,685	28-Feb-2009	31-Jan-2010	0.92	\$355	n/a	\$355

Notes for DELAYED costs

The actual cost (\$6,685) to excavate and clear a blocked line and the estimated cost to ensure that both sets of aeration disks remain in operation. Date required is the first date of non-compliance. The final date is the date the Respondent returned to compliance with the permitted effluent limits.

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

\$7,685

TOTAL

\$355

Effluent Limit Violation Table

table rev.

Respondent	City of Edgewood
ID Number(s)	TPDES Permit No. WQ0014648001; Case No. 39149
Docket Number	2010-0242-MWD-E
Enf. Coordinator	Samuel Short
Corresponds to Violation Number	1

EFFLUENT PARAMETER

Permit Limit

Month/Year	Ammonia Nitrogen Daily Average Concentration	Ammonia Nitrogen Daily Average Loading	Ammonia Nitrogen Single Grab max.	CBOD5 Daily Average Concentration	CBOD5 Single Grab max.	TSS Daily Average Concentration						
	3 mg/L	5 lb/dy.	15 mg/L	10 mg/L	35 mg/L	15 mg/L						
2/28/2009	8	7.7	22.4	15.8	40.7	18.4						
3/31/2009	6.5	5.63	19.2	17.8	37.3	16.4						
4/30/2009	3.19	c	c	c	c	c						
8/31/2009	7.22	7.26	c	c	c	c						

Name	Abbreviation
milligrams per liter	mg/L
total suspended solids	TSS
carbonaceous biochemical oxygen demand 5-day maximum	CBOD5 max.
pounds per day	lb/dy

11	04/20/2007	(620410)
12	05/24/2007	(620411)
13	06/18/2007	(620412)
14	06/29/2007	(620418)
15	07/23/2007	(620413)
16	08/17/2007	(572427)
17	08/20/2007	(620414)
18	10/08/2007	(620415)
19	10/19/2007	(620417)
20	11/26/2007	(620419)
21	12/13/2007	(611957)
22	12/20/2007	(620421)
23	12/28/2007	(613088)
24	01/22/2008	(672701)
25	02/26/2008	(672700)
26	03/05/2008	(636953)
27	03/06/2008	(637200)
28	03/17/2008	(690716)
29	04/24/2008	(690717)
30	05/30/2008	(690718)
31	06/16/2008	(711566)
32	07/07/2008	(685215)
33	07/21/2008	(711567)
34	08/06/2008	(711568)
35	09/17/2008	(711569)
36	09/19/2008	(703082)
37	10/16/2008	(711570)
38	11/24/2008	(728079)
39	12/23/2008	(728080)
40	01/12/2009	(750991)
41	02/20/2009	(750990)
42	02/26/2009	(726634)
43	03/19/2009	(768913)
44	03/31/2009	(738710)
45	04/17/2009	(768914)
46	04/18/2009	(724065)
47	05/21/2009	(768915)
48	07/09/2009	(745501)
49	02/04/2010	(784689)

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

Date:	06/01/2005	(394454)		
Self Report?	NO		Classification:	Minor
Citation:	10560-001 PERMIT 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to maintain the clarifier weirs in good operating condition. The clarifier weirs were severely rusted and in need of repair.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 319, SubChapter A 319.11(c)			
Description:	Failure to measure the effluent flow at the correct location.			
Self Report?	NO		Classification:	Minor
Citation:	10560-001 PERMIT 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to report the correct flow from the 90 degree v-notch weir flow conversion chart.			
Self Report?	NO		Classification:	Moderate
Citation:	10560-001 PERMIT 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to submit the annual reporting requirements for sludge disposed at a municipal solid waste landfill.			
Date	07/31/2006	(521266)	CN600738512	
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	(521267)	CN600738512	

Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2007	(620421)	CN600738512
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2007	(672701)	CN600738512
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2008	(672700)	CN600738512
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	02/27/2008	(636953)	CN600738512
Self Report?	NO		Classification: Major
Citation:	2A TWC Chapter 7, SubChapter A 7.051(a)(1)(B) OP 2 ORDER		
Description:	Failed to comply with the Ordering Provision of Commission Order Docket No. 2007-0258-MWD-E.		
Date	02/29/2008	(690716)	CN600738512
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2008	(690717)	CN600738512
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/30/2008	(690716)	CN600738512
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/31/2008	(711566)	CN600738512
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/30/2008	(711567)	CN600738512
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/31/2008	(711568)	CN600738512
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	09/25/2008	(703082)	CN600738512
Self Report?	NO		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
Description:	Failure to properly prevent an unauthorized discharge as specified in the Texas Water Code §26.121(a).		
Date	09/30/2008	(711570)	CN600738512
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	02/28/2009	(768913)	CN600738512
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2009	(768914)	CN600738512
Self Report?	YES		Classification: Moderate

Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/30/2009	(768915)	CN600738512
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	08/31/2009		CN600738512
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 EDGEWOOD
RN101916302

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§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-0242-MWD-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a wastewater treatment facility located approximately 6,000 feet north of the intersection of Farm-to-Market Road 859 and United States Highway 80 and 2,200 feet east of Farm-to-Market Road 859 in Van Zandt County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 9, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Thousand Three Hundred Eighty Dollars (\$5,380) is assessed by the Commission in settlement of the violations alleged in

- Section II ("Allegations"). The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay the administrative penalty. Therefore, Five Thousand Three Hundred Eighty Dollars (\$5,380) of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By April 30, 2009, had a contractor excavate and repair a blocked line at the Facility;
 - b. By August 31, 2009, put the second set of aeration disks back into service; and
 - c. By January 31, 2010, returned to compliance with the permitted effluent limits.
 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0014648001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on December 4, 2009 and shown in the table below.

EFFLUENT PARAMETER

Permit Limit

<i>Month/Year</i>	Ammonia Nitrogen Daily Average Concentration	Ammonia Nitrogen Daily Average Loading	Ammonia Nitrogen Single Grab max.	CBOD5 Daily Average Concentration	CBOD5 Single Grab max.	TSS Daily Average Concentration
	3 mg/L	5 lb/dy	15 mg/L	10 mg/L	35 mg/L	15 mg/L
2/28/2009	8	7.7	22.4	15.8	40.7	18.4
3/31/2009	6.5	5.63	19.2	17.8	37.3	16.4
4/30/2009	3.19	c	c	c	c	c
8/31/2009	7.22	7.26	c	c	c	c

Name	Abbreviation
milligrams per liter	mg/L
total suspended solids	TSS
carbonaceous biochemical oxygen demand 5-day maximum	CBOD5 max.
pounds per day	lb/dy

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Edgewood, Docket No. 2010-0242-MWD-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in 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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Srdian

For the Executive Director

12/2/2010

Date

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

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

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

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

[Signature]

Signature

11-2-2010

Date

C. B. Preter, Mayor

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

Mayor

Title

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

