

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 Joaquin WWTP, located approximately 2,700 feet northeast of the intersection of Jackson Street and United States Highway 84, Joaquin, Shelby 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 December 13, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. JR Cao, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2543; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: The Honorable James Michael Wood, Mayor, City of Joaquin, P.O. Box 237, Joaquin, Texas 75954 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: July 6, 2010</p> <p>Date of NOV/NOE Relating to this Case: August 6, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>WATER</p> <p>Failed to comply with the permitted effluent limitations for flow, ammonia nitrogen, and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012718001, Effluent Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$3,280</p> <p>Total Deferred: \$656 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,624</p> <p>Compliance History Classification: 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>Ordering Provisions:</p> <p>The Order will require the Respondent to, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0012718001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limits. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>

Additional ID No(s): WQ0012718001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	9-Aug-2010			
	PCW	12-Aug-2010	Screening	12-Aug-2010	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	City of Joaquin				
Reg. Ent. Ref. No.	RN102095437				
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	40204	No. of Violations	1		
Docket No.	2010-1346-MWD-E	Order Type	1660		
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	\$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	69.0% Enhancement	Subtotals 2, 3, & 7	\$1,380
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Notes: An enhancement is recommended for seven months of self-reported effluent violations, two NOVs with same/similar violations, two NOVs with dissimilar violations, and one agreed order with denial of liability.

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	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$532
 Approx. Cost of Compliance: \$5,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,380
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-3.0%	Adjustment	-\$100
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Reduction in penalty to ensure that monthly self-reported violations do not overly impact the penalty amount.

Final Penalty Amount	\$3,280
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,280
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DEFERRAL	20.0% Reduction	Adjustment	-\$656
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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	\$2,624
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Screening Date 12-Aug-2010

Docket No. 2010-1346-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 2 (September 2002)

Case ID No. 40204

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095437

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	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

An enhancement is recommended for seven months of self-reported effluent violations, two NOVs with same/similar violations, two NOVs with dissimilar violations, and one agreed order with denial of liability.

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

Screening Date 12-Aug-2010

Docket No. 2010-1346-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 2 (September 2002)

Case ID No. 40204

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012718001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with the permitted effluent limitations, as documented in a record review on July 6, 2010, and as shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids and flow 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 2 182 Number of violation days

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

Violation Base Penalty \$2,000

Two quarterly events are recommended.

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 \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$532

Violation Final Penalty Total \$3,280

This violation Final Assessed Penalty (adjusted for limits) \$3,280

Economic Benefit Worksheet

Respondent City of Joaquin
Case ID No. 40204
Reg. Ent. Reference No. RN102095437
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)	\$5,000	31-Oct-2009	9-May-2011	1.52	\$25	\$507	\$532
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 costs to evaluate the cause of non-compliance and to implement corrective actions. Date required is the first date of non-compliance. 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

\$5,000

TOTAL

\$532

EFFLUENT VIOLATION TABLE

City of Joaquin
 TPDES Permit No. WQ0012718001
 Docket No. 2010-1346-MWD-E

	Months					
	10/31/2009	11/30/2009	12/31/2009	1/31/2010	2/28/2010	3/31/2010
Daily Avg. Flow Limit = .137 MGD	c	c	c	c	c	0.164
NH₃N Daily Avg. Loading Limit = 3.4 lbs/day	4.06	c	c	c	c	c
NH₃N Daily Avg. Conc. Limit = 3 mg/L	6.20	c	c	4.40	c	c
TSS Daily Avg. Loading Limit = 17 lbs/day	c	c	c	c	18.55	c
TSS Daily Avg. Conc. Limit = 15 mg/L	15.80	23.70	26.20	23.80	20.35	19.46

avg. = average

NH₃N = ammonia nitrogen

TSS = total suspended solids

conc. = concentration

lbs/day = pounds per day

MGD = million gallons per day

mg/L = milligrams per liter

c = compliant

Compliance History Report

Customer/Respondent/Owner-Operator: CN600667182 City of Joaquin Classification: AVERAGE Rating: 8.19
Regulated Entity: RN102095437 CITY OF JOAQUIN WWTP Classification: AVERAGE Site Rating: 8.19

ID Number(s): WASTEWATER PERMIT WQ0012718001
WASTEWATER EPA ID TX0069213
WASTEWATER LICENSING LICENSE WQ0012718001

Location: Approximately 2,700 feet northeast of the intersection of Jackson Street and United States Highway 84 in Joaquin in Shelby County, Texas

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 11, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 11, 2005 to August 11, 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: 9/1/2009 Repeat Violator: NO

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: 10/23/2008 ADMINORDER 2005-1747-MWD-E

Classification: Moderate

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

Rqmt Prov: PC 2g PERMIT

Description: Failure to prevent unauthorized discharges.

Classification: Minor

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

Rqmt Prov: M&RR 2 PERMIT

Description: Failure to properly install appropriate staff gauge.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(C)
30 TAC Chapter 319, SubChapter A 319.7(a)

Rqmt Prov: M&RR 3c PERMIT

Description: Failure to maintain complete records of monitoring activities.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.3(e)(4)(C)

Rqmt Prov: OpR I PERMIT

Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Classification: Minor

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

Rqmt Prov: OpR I PERMIT

Description: Failure to implement adequate process control testing.

Classification: Moderate

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

Rqmt Prov: OT 8g PERMIT

Description: Failure to install soil moisture monitoring sensors.

Classification: Moderate

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

Rqmt Prov: OpR I PERMIT

Description: Failure to properly address infiltration/inflow (I/I) into the collection system.

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.126(a)

Rqmt Prov: OpR 1 PERMIT

OpR 8a PERMIT

Description: Failure to obtain authorization to commence construction of necessary additional treatment and/or collection facilities upon reaching 90% of the permitted daily average flow for four consecutive months from 12/03 thru 03/04.

Classification: Minor

Citation: 30 TAC Chapter 317 317.4(a)(8)

30 TAC Chapter 317 317.7(i)

Rqmt Prov: OpR I PERMIT

Description: Failure to have an atmospheric vacuum breaker installed on the hose bibb in the wastewater treatment plant.

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: SP IIF PERMIT

Description: Failure to submit the annual sludge report to the Water Quality Compliance Monitoring Team (MC 224) in Austin and to the Region 10 office by September 1 of each year.

Classification: Minor

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

30 TAC Chapter 305, SubChapter F 305.125(11)(B)

Rqmt Prov: SP II E6 PERMIT

Description: Failure to maintain records of the agronomic loading rate.

Classification: Moderate

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

TWC Chapter 26 26.121(a)

Rqmt Prov: Int. Eff. Limits & Mon. Req. No. 4 PERMIT

OpR I PERMIT

Description: Failure to prevent the discharge and accumulation of sludge in the receiving water.

Classification: Minor

Citation: 30 TAC Chapter 317 317.3(b)(1)

30 TAC Chapter 317 317.3(e)(5)

Rqmt Prov: OpR I PERMIT

Description: Failure to ensure that all systems of collection, treatment, and disposal are operated and maintained. Specifically, the high level alarm was not working at the Wood Rd, E. Saddle St, Brookshire Brothers, Faulkville Rd, and on-site lift stations. The Faulkville Road and Brookshire Brothers lift stations both had only

Classification: Moderate

Citation: 30 TAC Chapter 30, SubChapter J 30.350(d)

Rqmt Prov: OpR 9 PERMIT

Description: Allowing an unlicensed person to operate the wastewater treatment facility.

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	08/23/2005	(444260)	6	01/24/2006	(622964)
2	09/26/2005	(444261)	7	02/27/2006	(622938)
3	10/24/2005	(622955)	8	04/24/2006	(622942)
4	11/28/2005	(622958)	9	05/02/2006	(622940)
5	12/27/2005	(622961)	10	05/02/2006	(622943)

11	05/23/2006	(622945)	35	04/17/2008	(674379)
12	06/16/2006	(622947)	36	05/16/2008	(692725)
13	07/13/2006	(622949)	37	06/14/2008	(682786)
14	08/21/2006	(622951)	38	06/19/2008	(692726)
15	09/22/2006	(622953)	39	07/16/2008	(692727)
16	10/25/2006	(622956)	40	08/28/2008	(713860)
17	11/14/2006	(519063)	41	09/19/2008	(713861)
18	11/21/2006	(622959)	42	10/20/2008	(713862)
19	12/27/2006	(622962)	43	11/19/2008	(729861)
20	01/22/2007	(622965)	44	12/19/2008	(729862)
21	02/26/2007	(622939)	45	01/16/2009	(729863)
22	03/16/2007	(622941)	46	02/20/2009	(753096)
23	04/16/2007	(622944)	47	03/06/2009	(753097)
24	05/21/2007	(622946)	48	04/16/2009	(753098)
25	06/12/2007	(622948)	49	05/20/2009	(770654)
26	07/12/2007	(622950)	50	06/14/2009	(770655)
27	09/04/2007	(622952)	51	07/29/2009	(760299)
28	09/19/2007	(622954)	52	11/10/2009	(778731)
29	10/17/2007	(622957)	53	01/25/2010	(811728)
30	11/20/2007	(622960)	54	03/16/2010	(794320)
31	12/12/2007	(622963)	55	05/12/2010	(796950)
32	01/18/2008	(622966)	56	08/06/2010	(829854)
33	02/16/2008	(674377)			
34	03/06/2008	(674378)			

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

Date: 08/31/2005 (444261) CN600667182
 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: 11/15/2006 (519063) CN600667182
 Self Report? NO Classification: Minor
 Citation: OpR1 PERMIT
 Description: Failure to maintain units of conveyance.
 Self Report? NO Classification: Minor
 Citation: OpR1 PERMIT
 Description: Failure to properly maintain the clarifiers.
 Self Report? NO Classification: Moderate
 Citation: PC2g PERMIT
 Description: Failure to prevent unauthorized discharges from the collection system.
 Self Report? NO Classification: Minor
 Citation: PC1a PERMIT
 Description: Failure to accurately complete the 08/2005 Discharge Monitoring Report.
 Self Report? NO Classification: Minor

Citation: OpR1 PERMIT
 Description: Failure to implement process control testing to properly manage the solids inventory within the wastewater treatment plant.

Date: 07/29/2009 (760299) CN600667182
 Self Report? NO Classification: Moderate
 Citation: OpR PERMIT
 Description: Failure by the City of Joaquin to properly operate and maintain units of treatment and collection.
 Self Report? NO Classification: Moderate
 Citation: OpR PERMIT
 Description: Failure by the City of Joaquin to properly operate and maintain units of treatment and collection.
 Self Report? NO Classification: Moderate
 Citation: OpR PERMIT
 Description: Failure to properly operate and maintain units of treatment and collections.

Self Report? NO Classification: Moderate
Citation: OpR PERMIT
Description: Failure by the City of Joaquin to properly operate and maintain units of treatment and collection.

Self Report? NO Classification: Minor
Citation: MRR PERMIT
Description: Failure by the City of Joaquin to use test procedures that comply with 30 TAC 319.11-319.12.

Self Report? NO Classification: Moderate
Citation: ELMR PERMIT
Description: Failure by the City of Joaquin to prevent the discharge of solids to the receiving stream.

Self Report? NO Classification: Minor
Citation: MRR PERMIT
Description: Failure by the City of Joaquin to maintain records of monitoring activities.

Self Report? NO Classification: Minor
Citation: PC PERMIT
Description: Failure by the City of Joaquin to properly maintain records of monitoring.

Self Report? NO Classification: Moderate
Citation: SP III PERMIT
Description: Failure by the City of Joaquin to submit the Toxicity Characteristic Leaching Procedure (TCLP) results to the TCEQ Enforcement Division and the TCEQ Regional Office.

Date: 10/31/2009 CN600667182
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: 11/10/2009 (778731) CN600667182
Self Report? NO Classification: Minor
Citation: OpR PERMIT
Description: Failure by the City of Joaquin to properly operate and maintain units of treatment and collection.

Date: 11/30/2009 CN600667182
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2009 (811728) CN600667182
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: 1/31/2010 CN600667182
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: 02/22/2010 (792090) CN600667182
Self Report? NO Classification: Moderate
Citation: MRR PERMIT
Description: Failure by the City of Joaquin to report unauthorized discharge of wastewater into or adjacent to water in the state.

Date: 02/28/2010 CN600667182
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: 03/31/2010

CN600667182

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 JOAQUIN
RN102095437**

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

AGREED ORDER DOCKET NO. 2010-1346-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 Joaquin ("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 2,700 feet northeast of the intersection of Jackson Street and United States Highway 84 in Joaquin, Shelby 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 August 11, 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 Three Thousand Two Hundred Eighty Dollars (\$3,280) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Six Hundred

Twenty-Four Dollars (\$2,624) of the administrative penalty and Six Hundred Fifty-Six Dollars (\$656) 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 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.
10. 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.
11. 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 the 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. WQ0012718001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on July 6, 2010 and shown in the following violation table:

EFFLUENT VIOLATION TABLE						
	Months					
	10/31/2009	11/30/2009	12/31/2009	1/31/2010	2/28/2010	3/31/2010
Daily Avg. Flow Limit = .137 MGD	c	c	c	c	c	0.164
NH₃N Daily Avg. Loading Limit = 3.4 lbs/day	4.06	c	c	c	c	c
NH₃N Daily Avg. Conc. Limit = 3 mg/L	6.20	c	c	4.40	c	c
TSS Daily Avg. Loading Limit = 17 lbs/day	c	c	c	c	18.55	c
TSS Daily Avg. Conc. Limit = 15 mg/L	15.80	23.70	26.20	23.80	20.35	19.46

avg. = average

NH₃N = ammonia nitrogen

TSS = total suspended solids

conc. = concentration

lbs/day = pounds per day

MGD = million gallons per day

mg/L = milligrams per liter

c = compliant

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 Joaquin, Docket No. 2010-1346-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. It is further ordered that, within 90 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0012718001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limits. The certification shall include detailed supporting documentation including photographs, receipts, and/or other

records to demonstrate compliance with this Ordering Provision. 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
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

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. 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.
7. 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.
8. 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

Jalen Zedler
For the Executive Director

12/16/2010
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.

James Michael Wood
Signature

September 29, 2010
Date

James Michael Wood
Name (Printed or typed)
Authorized Representative of
City of Joaquin

Mayor of Joaquin, Texas
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.