

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2010-0249-MWD-E **TCEQ ID:** RN102909124 **CASE NO.:** 39163
RESPONDENT NAME: Town of Little Elm

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: Town of Little Elm, located approximately 1,000 feet south of Farm-to-Market Road 720 and approximately 2,600 feet east of the intersection of Farm-to-Market Road 720 and Hart Road, Denton 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 February 28, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Mr. Jordan Jones, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-2569; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Ivan Langford, Town Manager, Town of Little Elm, 100 West Eldorado Parkway, Little Elm, Texas 75068 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: January 15, 2010</p> <p>Date of NOV/NOE Relating to this Case: February 12, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>WATER</p> <p>Failed to comply with permitted effluent limits for carbonaceous biochemical oxygen demand, ammonia-nitrogen, and total phosphorus [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011600001, Interim Effluent Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$12,225</p> <p>Total Deferred: \$2,445 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$9,780</p> <p>Total Paid to General Revenue: \$0</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011600001, 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.</p>

Additional ID No(s): WQ0011600001

Attachment A
Docket Number: 2010-0249-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Town of Little Elm
Penalty Amount:	Nine Thousand Seven Hundred Eight Dollars (\$9,780)
SEP Offset Amount:	Nine Thousand Seven Hundred Eight Dollars (\$9,780)
Type of SEP:	Custom
Location of SEP:	Denton County

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

1. Project Description

A. Project

The Respondent shall conduct two city-wide pharmaceutical collection events to provide city-wide collection and proper disposal of pharmaceuticals at no cost to the public. The events will include collection and proper disposal of pharmaceuticals, including those that may be considered to have endocrine disrupting effects, from citizens in the Town of Little Elm and surrounding communities.

Respondent shall ensure that the events:

- Occur on weekends during daylight hours;
- Offer to the public convenient drop-off location;
- Are advertised in flyers placed in utility bills or mail-outs, or advertised in at least one newspaper of large circulation in the community and contains the required TCEQ enforcement statement.
- Are conducted under supervision of local law enforcement agencies

Respondent shall collect the pharmaceuticals and shall contract with a licensed hauler to transport and properly dispose of the collected materials. Law enforcement will be present at all times during the collection and will escort the transport to the licensed medical waste incinerator located at WMHS Chambers County, 7505 SH 65, Anahauc, Texas. Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs. The SEP Offset Amount will be used for equipment such as collection containers, labor costs of employees, public announcements of the event, and transport and disposal fees. Respondent shall perform this project in accordance with all federal, state, and local laws and regulations.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing proper and safe disposal of harmful chemicals that can leach into the soil, water, and air. The events are designed to help alleviate the threat to wildlife posed by improperly disposed pharmaceuticals, which can cause endocrine disruption and affect other biological processes.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A. Respondent recognizes that additional funds over and above the SEP Offset Amount may be necessary to conduct the project.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall begin implementation of the SEP. The Respondent shall perform the SEP in accordance with the schedule shown in the Performance Schedule Deliverable table below and shall have completed the SEP in its entirety within one year following the effective date of this Agreed Order.

Days from Effective Order Date	Percentage of Project to be Completed	Performance Schedule Deliverables
30	Begin	Notice of Commencement describing actions taken to begin project.
90	1/4	Receive approval from TCEQ for advertisement and publish for collection event.
120	1/2	Provide notice of event date to TCEQ for first collection.
180	3/4	Provide notice of event date to TCEQ for second collection. Receive approval from TCEQ for advertisement and publish for collection event.
365	Completion	Final Completion of SEP with Final Report to be provided within 60 days of completion date, as described in Section 3.B., below.

3. Reporting

A. Progress Reports

The Respondent shall submit Progress Reports to the TCEQ SEP Coordinator according to the schedule provided in the Progress Report Deliverable table below.

Days from Effective Order Date	Progress Report Deliverable
30	Notice of Commencement describing actions being taken to begin project.
90	Second Progress Report to provide report of actions to implement project.
120	Third Progress Report to provide report of actions to implement project.
210	Fourth Progress Report to provide report of actions to implement project.
270	Fifth Progress Report to provide report of actions to implement project.
365	Notice of SEP Completion, with Final Report to follow within 60 days of completion of project.

B. Final Report

Within 60 days after completion of the project, the Respondent shall submit a Final Report to the TCEQ which will include:

1. A summary total of the amount of costs incurred per collection event;
2. An itemized list of expenditures and costs incurred per collection event;
3. Copies of paid receipts, invoices, and cleared checks per collection event;
4. Verification from Police and Sheriff's Department of participation, including assigned duties rosters per collection event.
5. If Respondent requests SEP credit for staff, official time sheets of all personnel utilized in the event(s) certified by the payroll supervisor will be required.
6. Manifests showing proper transport and disposal of collected pharmaceuticals per collection event;
7. The quantity of pharmaceuticals collected such as number of pounds and type of pharmaceuticals per collection event;
8. Photographs of the project, including all containers, personnel, transport and incineration per collection event. Video may be substituted for photographs of the collection events;
9. A statement of quantifiable environmental benefits; and
10. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

C. Address

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

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

4. Additional Information and Access

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

5. Failure to Fully Perform

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

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

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

6. Publicity

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

7. Clean Texas Program

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

8. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	16-Feb-2010	Screening	17-Feb-2010	EPA Due	5-Mar-2010
	PCW	25-Feb-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	Town of Little Elm		
Reg. Ent. Ref. No.	RN102909124		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	39163	No. of Violations	1
Docket No.	2010-0249-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jordan Jones
		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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement Subtotals 2, 3, & 7

Notes

Culpability Enhancement Subtotal 4

Notes

Good Faith Effort to Comply Total Adjustments Subtotal 5

Economic Benefit Enhancement* Subtotal 6

Total EB Amounts	\$1,000
Approx. Cost of Compliance	\$10,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes

PAYABLE PENALTY

Screening Date 17-Feb-2010

Docket No. 2010-0249-MWD-E

PCW

Respondent Town of Little Elm

Policy Revision 2 (September 2002)

Case ID No. 39163

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102909124

Media [Statute] Water Quality

Enf. Coordinator Jordan Jones

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	11	55%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of 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 ten self-reported effluent violations, one NOV with same or similar violations, and four NOVs with dissimilar violations.

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

Screening Date 17-Feb-2010

Docket No. 2010-0249-MWD-E

PCW

Respondent Town of Little Elm

Policy Revision 2 (September 2002)

Case ID No. 39163

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102909124

Media [Statute] Water Quality

Enf. Coordinator Jordan Jones

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. WQ0011600001, Interim Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented in a record review conducted on January 15, 2010. See attached Effluent Limit Violation Table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

A simplified model was used to evaluate carbonaceous biochemical oxygen demand 5-day ("CBOD5") and ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total phosphorus was 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 the environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3 Number of violation days 184

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

Three quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDP RP/Settlement
	Extraordinary	
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,000

Violation Final Penalty Total \$12,225

This violation Final Assessed Penalty (adjusted for limits) \$12,225

Economic Benefit Worksheet

Respondent Town of Little Elm
Case ID No. 39163
Reg. Ent. Reference No. RN102909124
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				0.00	\$0	n/a	\$0
Remediation/Disposal	\$10,000	31-Jan-2009	31-Jan-2011	2.00	\$1,000	n/a	\$1,000
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to evaluate the causes of the effluent violations and to implement necessary rehabilitation to the wastewater treatment system. Date required is the month the first non-compliant excursion was documented. 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

\$10,000

TOTAL

\$1,000

Effluent Limit Violation Table

Respondent: Town of Little Elm
 ID Number(s): TPDES Permit No. WQ0011600001; Case No. 39163
 Docket Number: 2010-0249-MWD-E
 Enf. Coordinator: Jordan Jones

Corresponds to Violation Number:

1

**EFFLUENT PARAMETER
Permit Limit**

Effluent Parameters	CBOD5 Daily Avg. Conc.	CBOD5 Daily Avg. Loading	Ammonia Nitrogen Daily Avg. Conc.	Ammonia Nitrogen Daily Avg. Loading	Total Phosphorus Daily Avg. Conc.	Total Phosphorus Daily Avg. Loading
<i>Month/Year</i>	Limit = 5 mg/L	Limit = 83 lb/day	Limit = 1.5 mg/L	Limit = 25 lb/day	Limit = 1 mg/L	Limit = 17 lb/day
1/31/2009	c	c	c	c	1.23	17.23
4/30/2009	5.6	84.6	c	c	c	c
5/31/2009	5.4	95.03	1.87	32.35	c	c
6/30/2009	5.3	c	c	c	c	c
7/31/2009	5.3	c	c	c	c	c
8/31/2009	5.2	c	c	c	c	c
	CBOD5 = carbonaceous biochemical oxygen demand (5-Day)			lb/day = pounds per day		
	conc. = concentration			c = compliant		
	avg. = average			mg/L = milligrams per liter		

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600247712	Town of Little Elm	Classification: AVERAGE	Rating: 0.76
Regulated Entity:	RN102909124	TOWN OF LITTLE ELM	Classification: AVERAGE	Site Rating: 0.76
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION		78180
	WASTEWATER	PERMIT		WQ001160001
	WASTEWATER	PERMIT		TPDES0053783
	WASTEWATER	PERMIT		TX0053783
	UTILITIES	REGISTRATION		11202
	WASTEWATER LICENSING	LICENSE		WQ001160001
Location:	LOCATED APPROXIMATELY 1,000 FEET SOUTH OF FARM-TO-MARKET ROAD 720 AND APPROXIMATELY 2,600 FEET EAST OF THE INTERSECTION OF FARM-TO-MARKET ROAD 720 AND HART ROAD IN DENTON COUNTY, TEXAS.			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	February 17, 2010			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 17, 2005 to February 17, 2010			

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

Name: Jordan Jones Phone: 512-239-2569

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 N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	02/21/2005	(384420)
2	03/04/2005	(384422)
3	03/10/2005	(372872)
4	03/17/2005	(384421)
5	04/22/2005	(422362)
6	05/23/2005	(422363)
7	06/23/2005	(422364)
8	07/01/2005	(430005)
9	08/09/2005	(443291)
10	09/08/2005	(443292)
11	09/19/2005	(443293)
12	10/19/2005	(473065)
13	10/26/2005	(473068)
14	11/23/2005	(473066)
15	12/27/2005	(473067)
16	02/23/2006	(473064)
17	03/27/2006	(501321)
18	04/24/2006	(501322)
19	05/22/2006	(501323)
20	06/30/2006	(501324)
21	08/07/2006	(523574)

22	08/07/2006	(523575)
23	09/19/2006	(531016)
24	09/28/2006	(514108)
25	09/28/2006	(523576)
26	09/29/2006	(523577)
27	11/03/2006	(548491)
28	11/27/2006	(548492)
29	01/08/2007	(548493)
30	01/22/2007	(548494)
31	03/01/2007	(581651)
32	03/30/2007	(581652)
33	06/08/2007	(581654)
34	07/02/2007	(581655)
35	07/10/2007	(593275)
36	07/20/2007	(581653)
37	08/01/2007	(570646)
38	09/13/2007	(608199)
39	10/01/2007	(621775)
40	11/05/2007	(621776)
41	12/12/2007	(621777)
42	01/08/2008	(673749)
43	01/08/2008	(673750)
44	02/01/2008	(615079)
45	03/05/2008	(673747)
46	03/05/2008	(673748)
47	03/19/2008	(639428)
48	05/02/2008	(691982)
49	06/02/2008	(691980)
50	06/23/2008	(691981)
51	08/28/2008	(701231)
52	08/28/2008	(713013)
53	09/15/2008	(713012)
54	09/25/2008	(713014)
55	09/25/2008	(720841)
56	10/23/2008	(729201)
57	10/27/2008	(729198)
58	11/24/2008	(729199)
59	12/22/2008	(729200)
60	02/20/2009	(752371)
61	03/13/2009	(738516)
62	03/20/2009	(752372)
63	04/30/2009	(770041)
64	02/12/2010	(788566)

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

Date:	07/01/2005	(430005)	CN600247712	
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:	08/31/2006	(523577)	CN600247712	
Self Report?	YES			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	09/19/2006	(531016)	CN600247712	
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: 10/31/2006 (548492) CN600247712
 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: 01/19/2007 (536152) CN600247712
 Self Report? NO Classification: Moderate
 Citation: TWC Chapter 26 26.121
 WQ0011600-001 PERMIT
 Description: Failure to prevent any discharge which has reasonable likelihood of adversely affecting human health or the environment.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ0011600-001 PERMIT
 Description: Failure to provide documentation of effluent sample composites.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter D 305.65
 WQ0011600-001 PERMIT
 Description: Failure to submit a permit amendment or renewal application of the existing permit at least 180 days prior to expiration.

Date: 05/31/2007 (581655) CN600247712
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/10/2007 (593275) CN600247712
 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: 07/31/2008 (713013) CN600247712
 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 (720841) CN600247712
 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: 01/31/2009 (752371) CN600247712
 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 CN600247712
 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: 05/31/2009 CN600247712
 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: 06/30/2009 CN600247712
 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: 07/31/2009 CN600247712
 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 CN600247712
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
- K. Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TOWN OF LITTLE ELM
RN102909124**

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

**AGREED ORDER
DOCKET NO. 2010-0249-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 Town of Little Elm ("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 1,000 feet south of Farm-to-Market Road 720 and approximately 2,600 feet east of the intersection of Farm-to-Market Road 720 and Hart Road in Denton 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 17, 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 Twelve Thousand Two Hundred Twenty-Five Dollars (\$12,225) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Two Thousand Four Hundred Forty-Five Dollars (\$2,445) 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. Nine Thousand Seven Hundred Eighty Dollars (\$9,780) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
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 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 ("TPDES") Permit No. WQ0011600001, Interim Effluent Limitations and Monitoring Requirements No. 1, as documented in a record review conducted on January 15, 2010 and shown in the table below.

Effluent Parameters	CBOD5 Daily Avg. Conc.	CBOD5 Daily Avg. Loading	Ammonia Nitrogen Daily Avg. Conc.	Ammonia Nitrogen Daily Avg. Loading	Total Phosphorus Daily Avg. Conc.	Total Phosphorus Daily Avg. Loading
Month/Year	Limit = 5 mg/L	Limit = 83 lbs/day	Limit = 1.5 mg/L	Limit = 25 lbs/day	Limit = 1 mg/L	Limit = 17 lbs/day
January 2009	C	C	C	C	1.23	17.23
April 2009	5.6	84.6	C	C	C	C
May 2009	5.4	95.03	1.87	32.35	C	C
June 2009	5.3	C	C	C	C	C
July 2009	5.3	C	C	C	C	C
August 2009	5.2	C	C	C	C	C
	CBOD5 = carbonaceous biochemical oxygen demand (5-Day)			lbs/day = pounds per day		
	Conc. = concentration			C = compliant		
	Avg. = average			mg/L = milligrams per liter		

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: Town of Little Elm, Docket No. 2010-0249-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 Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Nine Thousand Seven Hundred Eighty Dollars (\$9,780) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011600001, 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of 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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

4. The provisions of this Agreed Order shall apply to and be binding upon the 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.
5. 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.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the 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.
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. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 1/31/2011

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

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

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

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



Signature

Date 12-10-10

Ivan Langford
Name (Printed or typed)
Authorized Representative of
Town of Little Elm

Town Manager
Title

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

Attachment A
Docket Number: 2010-0249-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Town of Little Elm
Penalty Amount:	Nine Thousand Seven Hundred Eight Dollars (\$9,780)
SEP Offset Amount:	Nine Thousand Seven Hundred Eight Dollars (\$9,780)
Type of SEP:	Custom
Location of SEP:	Denton County

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

1. Project Description

A. Project

The Respondent shall conduct two city-wide pharmaceutical collection events to provide city-wide collection and proper disposal of pharmaceuticals at no cost to the public. The events will include collection and proper disposal of pharmaceuticals, including those that may be considered to have endocrine disrupting effects, from citizens in the Town of Little Elm and surrounding communities.

Respondent shall ensure that the events:

- Occur on weekends during daylight hours;
- Offer to the public convenient drop-off location;
- Are advertised in flyers placed in utility bills or mail-outs, or advertised in at least one newspaper of large circulation in the community and contains the required TCEQ enforcement statement.
- Are conducted under supervision of local law enforcement agencies

Respondent shall collect the pharmaceuticals and shall contract with a licensed hauler to transport and properly dispose of the collected materials. Law enforcement will be present at all times during the collection and will escort the transport to the licensed medical waste incinerator located at WMHS Chambers County, 7505 SH 65, Anahauc, Texas. Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs. The SEP Offset Amount will be used for equipment such as collection containers, labor costs of employees, public announcements of the event, and transport and disposal fees. Respondent shall perform this project in accordance with all federal, state, and local laws and regulations.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing proper and safe disposal of harmful chemicals that can leach into the soil, water, and air. The events are designed to help alleviate the threat to wildlife posed by improperly disposed pharmaceuticals, which can cause endocrine disruption and affect other biological processes.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A. Respondent recognizes that additional funds over and above the SEP Offset Amount may be necessary to conduct the project.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall begin implementation of the SEP. The Respondent shall perform the SEP in accordance with the schedule shown in the Performance Schedule Deliverable table below and shall have completed the SEP in its entirety within one year following the effective date of this Agreed Order.

Days from Effective Order Date	Percentage of Project to be Completed	Performance Schedule Deliverables
30	Begin	Notice of Commencement describing actions taken to begin project.
90	1/4	Receive approval from TCEQ for advertisement and publish for collection event.
120	1/2	Provide notice of event date to TCEQ for first collection.
180	3/4	Provide notice of event date to TCEQ for second collection. Receive approval from TCEQ for advertisement and publish for collection event.
365	Completion	Final Completion of SEP with Final Report to be provided within 60 days of completion date, as described in Section 3.B., below.

3. Reporting

A. Progress Reports

The Respondent shall submit Progress Reports to the TCEQ SEP Coordinator according to the schedule provided in the Progress Report Deliverable table below.

Days from Effective Order Date	Progress Report Deliverable
30	Notice of Commencement describing actions being taken to begin project.
90	Second Progress Report to provide report of actions to implement project.
120	Third Progress Report to provide report of actions to implement project.
210	Fourth Progress Report to provide report of actions to implement project.
270	Fifth Progress Report to provide report of actions to implement project.
365	Notice of SEP Completion, with Final Report to follow within 60 days of completion of project.

B. Final Report

Within 60 days after completion of the project, the Respondent shall submit a Final Report to the TCEQ which will include:

1. A summary total of the amount of costs incurred per collection event;
2. An itemized list of expenditures and costs incurred per collection event;
3. Copies of paid receipts, invoices, and cleared checks per collection event;
4. Verification from Police and Sheriff's Department of participation, including assigned duties rosters per collection event.
5. If Respondent requests SEP credit for staff, official time sheets of all personnel utilized in the event(s) certified by the payroll supervisor will be required.
6. Manifests showing proper transport and disposal of collected pharmaceuticals per collection event;
7. The quantity of pharmaceuticals collected such as number of pounds and type of pharmaceuticals per collection event;
8. Photographs of the project, including all containers, personnel, transport and incineration per collection event. Video may be substituted for photographs of the collection events;
9. A statement of quantifiable environmental benefits; and
10. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

C. Address

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

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

4. Additional Information and Access

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

5. Failure to Fully Perform

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

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

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

6. Publicity

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

7. Clean Texas Program

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

8. Other SEPs by TCEQ or Other Agencies

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