

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-0417-MLM-E **TCEQ ID:** RN101920163; RN101198174 **CASE NO.:** 39312

RESPONDENT NAME: City of Robert Lee

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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 checked="" 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 Robert Lee WWTP, located at 101 West First Street on the east bank of the Colorado River, approximately 2,500 feet southwest of the Coke County Courthouse, Robert Lee, Coke County and City of Robert Lee Water System, located at 451 Highland Park Road, Robert Lee, Coke County</p> <p>TYPE OF OPERATION: Wastewater treatment facility and a water treatment plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on February 21, 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: Ms. Lanae Foard, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2554; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: The Honorable John R. Jacobs, Mayor, City of Robert Lee, P. O. Box 26, Robert Lee, Texas 76945 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 checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input 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 21, 2010, April 2, 2010, and August 9, 2010</p> <p>Date of NOV/NOE Relating to this Case: February 21, 2010 and May 15, 2010 (NOE)</p> <p>Background Facts: These were routine investigations and a records review.</p> <p>WATER</p> <p>Facility 1:</p> <p>1) Failed to conduct paint filter liquid tests for sewage sludge [30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013901001, Sludge Provisions, Section III.E and F(1)].</p> <p>2) Failed to timely submit the completed annual sludge report for the monitoring period ending July 31, 2009 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0013901001, Sludge Provisions].</p> <p>3) Failed to monitor the Facility's flow to ensure that the 2 hour peak does not exceed 336 gallons per minute [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013901001, Monitoring and Reporting Requirements No. 3.a and Operational Requirements No. 5].</p> <p>4) Failed to comply with permitted effluent limits for ammonia nitrogen and flow [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013901001, Effluent Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$32,540</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$32,540</p> <p>Total Paid to General Revenue: \$0</p> <p>Compliance History Classifications: Person/CN - Average Site/RN101920163 - Average Site/RN101198174 -- N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification:</p> <p>The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facilities:</p> <p>a. By January 25, 2010, began conducting paint liquid filter tests on sludge prior to disposal at Facility 1;</p> <p>b. By February 1, 2010, obtained a compressed air bottle for the SCBA, removed all trees and bushes from the inside of the holding pond embankment, and submitted revised DMRs for the monitoring periods ending May 31, 2009 and October 31, 2009 at Facility 1;</p> <p>c. By April 2, 2010, sealed an open polyvinyl chloride pipe to cease the unauthorized discharge at Facility 2, and cleaned and disinfected the affected area at Facility 2; and</p> <p>d. By April 17, 2010, installed a new flow chart recorder and installed a staff gauge for Facility 1.</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:</p> <p>a. Within 30 days of the effective date of this Agreed Order:</p> <p>i. Submit the completed annual sludge report to the TCEQ for Facility 1;</p> <p>ii. Update operational procedures to ensure that effluent is monitored as specified in the permit, all required records are maintained and made available for review upon request, and the gate to the holding pond is secured at all times at Facility 1;</p>

<p>5) Failed to monitor effluent as specified in the permit [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013901001, Monitoring and Reporting Requirements No. 3.c.i].</p> <p>6) Failed to maintain, provide or make records available for review [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(c) and TPDES Permit No. WQ0013901001, Monitoring and Reporting Requirements No. 3.b].</p> <p>7) Failed to submit complete and accurate discharge monitoring reports ("DMRs") for the monitoring periods ending May 31, 2009 and October 31, 2009 [30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013901001, Monitoring and Reporting Requirements No. 1 and Operational Requirements No. 2].</p> <p>8) Failed to maintain a properly functioning self-contained breathing apparatus ("SCBA") [30 TEX. ADMIN. CODE § 317.6(b)(1)(D)].</p> <p>9) Failed to properly maintain the embankments of the effluent holding pond [30 TEX. ADMIN. CODE §§ 305.125(1) and 317.4(j)(9) and TPDES Permit No. WQ0013901001, Operational Requirements No. 1].</p> <p>10) Failed to conduct annual soil monitoring for the irrigation site [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013901001, Other Requirements No. 7.a].</p> <p>11) Failed to properly secure the gate to the effluent holding pond [30 TEX. ADMIN. CODE § 317.7(e)].</p> <p>12) Failed to have a properly installed staff gauge [30 TEX. ADMIN. CODE § 319.11(d) and TPDES Permit No. WQ0013901001, Operational Requirements No. 5].</p> <p>Facility 2:</p> <p>1) Failed to prevent the unauthorized discharge of municipal wastewater into or adjacent to water in the state [TEX. WATER CODE § 26.121(a)(1)].</p> <p>2) Failed to obtain authorization for the discharge of wastewater [TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE § 305.42].</p>		<p>iii. Begin conducting annual soil monitoring at the Facility 1 irrigation site; and</p> <p>iv. Submit an administratively complete permit application for Facility 2.</p> <p>b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing;</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions a.i. through a.iv.;</p> <p>d. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013901001, including specific corrective actions that were implemented at Facility 1 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; and</p> <p>e. Within 180 days after the effective date of this Agreed Order, submit written certification of compliance that either authorization to operate has been obtained for Facility 2 or that operation has ceased until such time that appropriate authorization is obtained.</p>
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Additional ID No(s): WQ0013901001; PWS 0410002

Attachment A
Docket Number: 2010-0417-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

The Respondent: City of Robert Lee

Penalty Amount: Thirty Two Thousand Five Hundred Forty Dollars
(\$32,540)

SEP Offset Amount: Thirty Two Thousand Five Hundred Forty Dollars
(\$32,540)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation &
Development Areas, Inc. (“RC&D”) *Pulling
Underground Storage Tanks*

Location of SEP: Coke County; Colorado River Basin

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP offset amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The SEP contribution will be to the Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”) to be used for the pulling of underground storage tanks as set forth in an agreement between the Third-Party Recipient and the TCEQ.

The Third-Party Recipient shall coordinate with public or private entities to remove underground storage tanks. The project will provide tank removal at sites where there is no responsible party or the responsible party is financially unable to remove the tanks. The Third-Party Recipient shall work with TCEQ as well as other entities to identify the responsible party (or parties) and the reason the party is not able to remove the tanks. The Third-Party Recipient shall request TCEQ approval of these sites prior to any work at the site.

Once the site is approved by TCEQ, the Third-Party Recipient shall coordinate with authorized representatives to perform the tank removal in accordance with the applicable portions of TCEQ’s guidance that covers removal of underground storage tanks, specifically RG-411. This shall include:

1. Removal and proper disposal of any liquids found in the tanks;
2. Removal of tanks;
3. Soil sampling and notification of the TCEQ SEP Coordinator and the appropriate TCEQ Regional Office within 5 business days as to the results of the sampling and a determination as to whether the tanks have leaked;

4. Any necessary remediation;
5. Backfill; and
6. Compilation of a UST closure report for each UST system removed and submittal of the report to the TCEQ.

The project will be administered in accordance with TCEQ guidance and in compliance with federal, state, and local environmental laws and regulations. Any SEP offset amount remaining after completion of this project may, upon approval of the Executive Director, be applied to another approved RC&D project.

B. Environmental Benefit

The project will show discernible environmental benefit by reducing the potential threat of leaking underground storage tanks which could contaminate both the soil and the groundwater.

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.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP offset amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the SEP offset amount to the Third-Party Recipient. The Respondent shall make the contribution check payable to "Texas Association of RC&D" and mail the check with a copy of the Agreed Order, to:

Texas Association of Resource Conservation
and Development Areas, Inc. (RC&D)
1716 Briarcrest Drive Suite 507
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP offset amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP offset amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment 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 submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

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

5. 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.

6. Clean Texas Program

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

7. 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 Agreed Order 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

DATES	Assigned	1-Mar-2010	Screening	10-Mar-2010	EPA Due	
	PCW	30-Aug-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Robert Lee (Facility 1)		
Reg. Ent. Ref. No.	RN101920163		
Facility/Site Region	8-San Angelo	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	39312	No. of Violations	12
Docket No.	2010-0417-MLM-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Lanae Foard
		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	\$11,700
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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	145.0% Enhancement	Subtotals 2, 3, & 7	\$16,965
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Notes: Enhancement for 20 months of self-reported effluent violations, four Notices of Violation ("NOVs") with same/similar violations, and one final agreed order without a 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	\$1,275
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$936	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$7,550		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$27,390
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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	\$27,390
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$27,390
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$27,390
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Screening Date 10-Mar-2010

Docket No. 2010-0417-MLM-E

PCW

Respondent City of Robert Lee (Facility 1)

Policy Revision 2 (September 2002)

Case ID No. 39312

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101920163

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

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)	24	120%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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	1	25%
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%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 145%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 20 months of self-reported effluent violations, four Notices of Violation ("NOVs") with same/similar violations, and one final agreed order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 145%

Screening Date 10-Mar-2010

Docket No. 2010-0417-MLM-E

PCW

Respondent City of Robert Lee (Facility 1)

Policy Revision 2 (September 2002)

Case ID No. 39312

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101920163

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013901001, Sludge Provisions, Section III.E and F(1)

Violation Description

Failed to conduct paint filter liquid tests for sewage sludge, as documented during an investigation conducted on January 21, 2010. Specifically, records show that sludge was disposed of on September 22, 2008, September 23, 2008, and March 5, 2009, but the sludge was not tested prior to disposal.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 3

3 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$1,500

Three single events are recommended, one for each time sludge was disposed of without being tested.

Good Faith Efforts to Comply

25.0% Reduction

\$375

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

Notes The Respondent achieved compliance by January 25, 2010.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$107

Violation Final Penalty Total \$3,300

This violation Final Assessed Penalty (adjusted for limits) \$3,300

Economic Benefit Worksheet

Respondent: City of Robert Lee (Facility 1)
Case ID No.: 39312
Reg. Ent. Reference No.: RN101920163
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	22-Sep-2008	5-Mar-2009	1.37	\$7	\$100	\$107
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct paint filter liquid tests on three loads of sludge. Date required is the first date sludge was disposed of without being tested. Final date is the last date sludge was disposed of without being tested.

Approx. Cost of Compliance

\$100

TOTAL

\$107

Screening Date 10-Mar-2010

Docket No: 2010-0417-MLM-E

PCW

Respondent City of Robert Lee (Facility 1)

Policy Revision 2 (September 2002)

Case ID No. 39312

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101920163

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 306.126(1) and (17) and TPDES Permit No. WQ0013901001, Sludge Provisions

Violation Description

Failed to timely submit a completed annual sludge report for the monitoring period ending July 31, 2009, as documented during an investigation conducted on January 21, 2010. Specifically, four of the nine pages of the sludge discharge monitoring report ("DMR") were not completed correctly.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		X	

Percent 5%

Matrix Notes

30% to 70% of the permit requirement was met.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

190 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$1,225

This violation Final Assessed Penalty (adjusted for limits) \$1,225

Economic Benefit Worksheet

Respondent: City of Robert Lee (Facility 1)
Case ID No.: 39312
Reg. Ent. Reference No.: RN101920163
Media: Water Quality
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	1-Sep-2009	28-Mar-2011	1.57	\$8	n/a	\$8
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit a corrected annual sludge report to the TCEQ. Date required is the date the report was due. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$8

Screening Date 10-Mar-2010

Docket No. 2010-0417-MLM-E

PCW

Respondent City of Robert Lee (Facility 1)

Policy Revision 2 (September 2002)

Case ID No. 39312

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101920163

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0013901001, Monitoring and Reporting Requirements No. 3.a and Operational Requirements No. 5

Violation Description

Failed to monitor the Facility's flow to ensure that the average discharge during any two hour period ("2 hour peak") does not exceed 336 gallons per minute, as documented during an investigation conducted on January 21, 2010. Specifically, the flow chart recorder was not working and the operator was not using the average of multiple measurements of instantaneous maximum flow to calculate the 2 hour peak flow.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1 Number of violation days 48

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$50

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

Notes

The Respondent achieved compliance by April 17, 2010.

Violation Subtotal \$450

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$16

Violation Final Penalty Total \$1,175

This violation Final Assessed Penalty (adjusted for limits) \$1,175

Economic Benefit Worksheet

Respondent: City of Robert Lee (Facility 1)
Case ID No.: 39312
Reg. Ent. Reference No.: RN101920163
Media: Water Quality
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$1,000	21-Jan-2010	17-Apr-2010	0.24	\$1	\$16	\$16
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of a flow chart recorder. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [4] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$16

Screening Date 10-Mar-2010

Docket No. 2010-0417-MLM-E

PCW

Respondent City of Robert Lee (Facility 1)

Policy Revision 2 (September 2002)

Case ID No. 39312

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101920163

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 4

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013901001; Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during an investigation conducted on January 21, 2010, and as shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

92 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Good Faith Efforts to Comply

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 \$696

Violation Final Penalty Total \$4,900

This violation Final Assessed Penalty (adjusted for limits) \$4,900

Economic Benefit Worksheet

Respondent: City of Robert Lee (Facility 1)
Case ID No.: 39312
Reg. Ent. Reference No.: RN101920163
Media: Water Quality
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	31-May-2009	27-May-2011	1.99	\$33	\$663	\$696
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and implement corrective actions. Date required is the first month of noncompliance. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$696

Screening Date 10-Mar-2010

Docket No. 2010-0417-MLM-E

PCW

Respondent: City of Robert Lee (Facility 1)

Policy Revision 2 (September 2002)

Case ID No. 39312

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101820163

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0013901001, Monitoring and Reporting Requirements No. 3.c.i

Violation Description Failed to monitor effluent as specified in the permit, as documented during an investigation conducted on January 21, 2010. Specifically, the sample taken on July 1, 2009, was not analyzed for total dissolved solids or ammonia nitrogen.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

48 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$2,450

This violation Final Assessed Penalty (adjusted for limits) \$2,450

Economic Benefit Worksheet

Respondent: City of Robert Lee (Facility 1)

Case ID No.: 39312

Reg. Ent. Reference No.: RN101920163

Media: Water Quality

Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description: 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	\$25	21-Jan-2010	27-Mar-2011	1.18	\$1	n/a
Remediation/Disposal			0.00	\$0	\$0	\$0
Permit Costs			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for DELAYED costs

Estimated cost to update operational procedures to ensure that effluent is monitored as specified in the permit. Date required is the investigation date. 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

\$25

TOTAL

\$1

Screening Date 10-Mar-2010

Docket No. 2010-0417-MLM-E

PCW

Respondent City of Robert Lee (Facility 1)

Policy Revision 2 (September 2002)

Case ID No. 39312

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101920163

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.7(c) and TPDES Permit No. WQ0013901001, Monitoring and Reporting Requirements No. 3.b

Violation Description

Failed to maintain, provide or make records available for review, as documented during an investigation conducted on January 21, 2010. Specifically, the following records were not available for review: backflow prevention device test results, flow meter calibration records, sludge transport records, and the November 2009 effluent monitoring log.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
		X		5%

Matrix Notes

30% to 70% of permit requirement was met.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1 Number of violation days 48

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

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$1,225

This violation Final Assessed Penalty (adjusted for limits) \$1,225

Economic Benefit Worksheet

Respondent: City of Robert Lee (Facility 1)
Case ID No.: 39312
Reg. Ent. Reference No.: RN101920163
Media: Water Quality
Violation No.: 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling	\$25	21-Jan-2010	27-Mar-2011	1.18	\$1	\$1
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update operational procedures to ensure that records are maintained and available for review upon request. Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$1

Screening Date 10-Mar-2010

Docket No. 2010-0417-MLM-E

PCW

Respondent City of Robert Lee (Facility 1)

Policy Revision 2 (September 2002)

Case ID No. 39312

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101920163

Media (Statute) Water Quality

Enf. Coordinator Lanae Foard

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0013901001, Monitoring and Reporting Requirements No. 1 and Operational Requirements No. 2.

Violation Description

Failed to submit complete and accurate DMRs for the monitoring periods ending May 31, 2009 and October 31, 2009, as documented during an investigation conducted on January 21, 2010. Specifically, on the DMR for May 2009, flow was reported as 91.20 million gallons per day ("MGD") instead of 0.091 MGD, and on the DMR for October 2009, the minimum total chlorine residual was reported as 1.6 milligrams per liter ("mg/L") instead of 1.4 mg/L.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes

More than 70% of the permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

2 62 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$200

Two single events are recommended, one for each DMR.

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 \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$490

This violation Final Assessed Penalty (adjusted for limits) \$490

Economic Benefit Worksheet

Respondent: City of Robert Lee (Facility 1)
Case ID No.: 39312
Reg. Ent. Reference No.: RN101920163
Media: Water Quality
Violation No.: 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	20-Jun-2009	1-Feb-2010	0.62	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the corrected DMRs to the TCEQ. Date required is the date the first DMR was due. Final date is the date the DMRs were re-submitted.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$2

Screening Date: 10-Mar-2010

Docket No.: 2010-0417-MLM-E

PCW

Respondent: City of Robert Lee (Facility 1)

Policy Revision 2 (September 2002)

Case ID No.: 39312

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101920163

Media [Statute]: Water Quality

Enf. Coordinator: Lanae Foard

Violation Number: 8

Rule Cite(s)

30 Tex. Admin. Code § 317.6(b)(1)(D)

Violation Description

Failed to maintain a properly functioning self-contained breathing apparatus ("SCBA"), as documented during an investigation conducted on January 21, 2010. Specifically, the SCBA was located in the office at the Facility; however, the compressed air bottle was missing.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

1

11 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One monthly event is recommended from the investigation date (January 21, 2010) to the date of compliance (February 1, 2010).

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes

The Respondent achieved compliance on February 1, 2010.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$5,500

This violation Final Assessed Penalty (adjusted for limits) \$5,500

Economic Benefit Worksheet

Respondent: City of Robert Lee (Facility 1)
Case ID No.: 39312
Reg. Ent. Reference No.: RN101920163
Media: Water Quality
Violation No.: 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$1,000	21-Jan-2010	1-Feb-2010	0.03	\$0	\$2	\$2
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of a compressed air bottle for the SCBA. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$2

Screening Date 10-Mar-2010

Docket No. 2010-0417-MLM-E

PCW

Respondent City of Robert Lee (Facility 1)

Policy Revision 2 (September 2002)

Case ID No. 39312

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101920163

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 9

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 317.4(j)(9) and TPDES Permit No. WQ0013901001, Operational Requirements No. 1.

Violation Description

Failed to properly maintain the embankments of the effluent holding pond, as documented during an investigation conducted on January 21, 2010. Specifically, there were several small mesquite trees and other woody stemmed bushes on the inside face of the effluent holding pond embankment.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

48 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$125

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

Notes The Respondent achieved compliance on February 1, 2010.

Violation Subtotal \$375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Economic Benefit Worksheet

Respondent: City of Robert Lee (Facility 1)
Case ID No: 39312
Reg. Ent. Reference No: RN101920163
Media: Water Quality
Violation No.: 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	21-Jan-2010	1-Feb-2010	0.03	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to remove the trees and bushes from the embankments of the holding pond. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$100
TOTAL \$0

Screening Date: 10-Mar-2010

Docket No.: 2010-0417-MLM-E

PGW

Respondent: City of Robert Lee (Facility 1)

Policy Revision 2 (September 2002)

Case ID No.: 39312

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101920163

Media [Statute]: Water Quality

Enf. Coordinator: Lanae Foard

Violation Number: 10

Rule Cite(s): 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0013901001, Other Requirements No. 7.a

Violation Description: Failed to conduct annual soil monitoring for the irrigation site, for the monitoring period ending July 31, 2009, as documented during an investigation conducted on January 21, 2010.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent: 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent: 0%

Matrix Notes

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

Adjustment: \$9,000

\$1,000

Violation Events

Number of Violation Events: 1

48 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty: \$1,000

One quarterly event is recommended from the investigation date (January 21, 2010) to the screening date (March 10, 2010).

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: \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$100

Violation Final Penalty Total: \$2,450

This violation Final Assessed Penalty (adjusted for limits): \$2,450

Economic Benefit Worksheet

Respondent: City of Robert Lee (Facility 1)
Case ID No.: 39312
Reg. Ent. Reference No.: RN101920163
Media: Water Quality
Violation No.: 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	1-Aug-2009	1-Aug-2009	0.00	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to conduct annual soil monitoring. Date required is the date the soil monitoring was due. Final date is the day after the soil monitoring was due.

Approx. Cost of Compliance

\$100

TOTAL

\$100

Screening Date 10-Mar-2010

Docket No. 2010-0417-MLM-E

PCW

Respondent City of Robert Lee (Facility 1)

Policy Revision 2 (September 2002)

Case ID No. 39312

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101920163

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 11

Rule Cite(s)

30 Tex. Admin. Code § 317.7(e)

Violation Description

Failed to properly secure the gate to the effluent holding pond, as documented during an investigation conducted on January 21, 2010. Specifically, the gate used to secure access to the holding pond was open.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

48 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$1,225

This violation Final Assessed Penalty (adjusted for limits) \$1,225

Economic Benefit Worksheet

Respondent: City of Robert Lee (Facility 1)
Case ID No.: 39312
Reg. Ent. Reference No.: RN101920163
Media: Water Quality
Violation No.: 11

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$25	21-Jan-2010	27-Mar-2011	1.18	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update operational procedures to ensure that the gate to the holding pond is secured at all times. Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$1

Screening Date: 10-Mar-2010

Docket No.: 2010-0417-MLM-E

PCW

Respondent: City of Robert Lee (Facility 1)

Policy Revision 2 (September 2002)

Case ID No.: 39312

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101920163

Media [Statute]: Water Quality

Enf. Coordinator: Lanae Foard

V12: 12

Rule Cite(s): 30 Tex. Admin. Code § 319.11(d) and TPDES Permit No. WQ0013901001, Operational Requirements No. 5

Violation Description:

Failed to have a properly installed staff gauge, as documented during an investigation conducted on January 21, 2010. Specifically, the staff gauge was a yardstick bolted to the weir, was located too close to where the water passes over the weir, and the markings on the yardstick could not be read from the top of the chlorine contact basin.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

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

Adjustment: \$9,000

\$1,000

Violation Events

Number of Violation Events: 1 Number of violation days: 48

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

Violation Base Penalty: \$1,000

One quarterly event is recommended from the investigation date (January 21, 2010) to the screening date (March 10, 2010).

Good Faith Efforts to Comply

10.0% Reduction

\$100

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

Notes

The Respondent achieved compliance by April 17, 2010.

Violation Subtotal: \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$0

Violation Final Penalty Total: \$2,350

This violation Final Assessed Penalty (adjusted for limits): \$2,350

Economic Benefit Worksheet

Respondent City of Robert Lee (Facility 1)
Case ID No. 39312
Reg. Ent. Reference No. RN101920163
Media Water Quality
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$25	21-Jan-2010	17-Apr-2010	0.24	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install a staff guage. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$0

EFFLUENT VIOLATION TABLE			
City of Robert Lee			
FPDES Permit No. WQ0013901001			
Docket No. 2010-0417-MLM-E			
Permitted Effluent Limits	Monitoring Period End Date		
	5/31/09	6/30/09	10/31/09
NH ₃ -N Daily Avg. Loading Limit = 3 lbs/day	3.050	c	c
NH ₃ -N Daily Avg. Conc. Limit = 3 mg/L	3.820	c	c
Flow Daily Avg. Limit = 0.121 MGD	c	0.161	0.635

NH₃-N = ammonia nitrogen
 Conc. = concentration
 c = compliant
 lbs/day = pounds per day

mg/L = milligrams per liter
 MGD = millions of gallons per day
 Avg. = average

Compliance History Report (Facility 1)

Customer/Respondent/Owner-Operator:	CN600643407	City Of Robert Lee	Classification: AVERAGE	Rating: 9.60
Regulated Entity:	RN101920163	CITY OF ROBERT LEE WWTP	Classification: AVERAGE	Site Rating: 2.49
ID Number(s):	WASTEWATER	PERMIT	WQ0013901001	
	WASTEWATER	EPA ID	TX0022942	
Location:	located at 101 West First Street on the east bank of the Colorado River, approximately 2,500 feet southwest of the Coke County Court House, in Robert Lee, Coke County, Texas			
TCEQ Region:	REGION 08 - SAN ANGELO			
Date Compliance History Prepared:	August 30, 2010			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 26, 2005 to August 26, 2010			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Lanae Foard	Phona:	(512) 239-2554	

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: | 10/24/2009 | ADMINORDER 2009-0625-MLM-E |
| Classification: | Moderate | |
| Citation: | 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | |
| Rqmt Prov: | Effluent Limits PERMIT | |
| Description: | Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data. | |
- 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 | 09/16/2005 | (441512) |
| 2 | 09/19/2005 | (441511) |
| 3 | 11/14/2005 | (469794) |
| 4 | 12/09/2005 | (436956) |
| 5 | 09/15/2006 | (512886) |
| 6 | 10/12/2006 | (515968) |
| 7 | 10/26/2006 | (620214) |
| 8 | 10/26/2006 | (620215) |
| 9 | 10/26/2006 | (620216) |
| 10 | 10/26/2006 | (620217) |
| 11 | 10/26/2006 | (620218) |
| 12 | 10/26/2006 | (620219) |
| 13 | 10/26/2006 | (620222) |
| 14 | 10/26/2006 | (620223) |
| 15 | 10/26/2006 | (620225) |
| 16 | 11/29/2006 | (515596) |
| 17 | 06/07/2007 | (563490) |
| 18 | 06/21/2007 | (565107) |
| 19 | 06/21/2007 | (620220) |
| 20 | 06/21/2007 | (620221) |
| 21 | 11/13/2007 | (601291) |
| 22 | 12/17/2007 | (620224) |
| 23 | 01/07/2008 | (620226) |
| 24 | 01/22/2008 | (635948) |
| 25 | 02/11/2008 | (672590) |
| 26 | 03/13/2008 | (690550) |

27	04/14/2008	(690552)
28	05/05/2008	(690554)
29	06/06/2008	(690548)
30	06/06/2008	(690549)
31	06/06/2008	(690551)
32	06/06/2008	(690553)
33	06/06/2008	(690555)
34	06/06/2008	(690556)
35	06/06/2008	(690557)
36	06/06/2008	(690558)
37	06/06/2008	(690559)
38	06/06/2008	(690560)
39	06/06/2008	(690561)
40	06/06/2008	(690562)
41	06/06/2008	(690563)
42	06/09/2008	(711408)
43	07/03/2008	(711409)
44	07/23/2008	(687038)
45	08/07/2008	(711410)
46	09/05/2008	(711411)
47	10/20/2008	(711412)
48	11/10/2008	(727960)
49	11/14/2008	(704532)
50	12/17/2008	(727961)
51	01/20/2009	(750871)
52	02/20/2009	(750870)
53	03/20/2009	(768826)
54	04/03/2009	(726891)
55	04/09/2009	(741452)
56	04/09/2009	(768827)
57	05/18/2009	(768828)
58	06/22/2009	(806200)
59	07/22/2009	(806201)
60	10/16/2009	(779293)
61	11/19/2009	(806204)
62	11/30/2009	(806205)
63	01/04/2010	(806206)
64	02/01/2010	(806207)
65	02/19/2010	(791975)
66	02/24/2010	(806199)
67	02/25/2010	(790451)
68	03/25/2010	(806202)
69	03/25/2010	(806203)

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

	Date:	12/09/2005 (436956)	CN600643407	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 319, SubChapter A 319.11(d)		
	Description:	Failure to provide a properly configured readily accessible sampling point by which effluent flow measurement accuracy may be checked.		
Self Report?	NO	Classification:	Moderate	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) PPVII.III.F.1 PERMIT			
Description:	Failure to conduct and record results of Liquid Paint Filter tests.			
Self Report?	NO	Classification:	Minor	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)(B) PPVII.III.G PERMIT			
Description:	Failure to compile and submit annual sludge report.			
Self Report?	NO	Classification:	Moderate	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) PPVII.1 PERMIT			
Description:	Failure to properly operate the final clarifier to prevent the accumulation of excessive solids.			
Self Report?	NO	Classification:	Minor	
Citation:	30 TAC Chapter 317 317.6(b)(1)			
Description:	Failure to properly maintain the chlorine regulator.			
Self Report?	NO	Classification:	Moderate	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) PPII.1 PERMIT			
Description:	Failure to meet the permit limitation for flow.			
Self Report?	NO	Classification:	Moderate	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) PPII.1, 2, and 3 PERMIT			

Description: Failure to meet the permit limitation for total suspended solids (TSS), total chlorine residual maximum, and pH maximum.
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 -PPIV.7.c PERMIT

Description: Failure to submit noncompliance notifications when effluent noncompliance are greater than 40 % above the effluent limitation.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
 30 TAC Chapter 319, SubChapter A 319.7(c)
 PPIV.3.b and c. PERMIT

Description: Failure to document the calibration of the dissolved oxygen meter in a log book.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPVIII.7.a PERMIT

Description: Failure to submit the annual soil results to the Region Office by September 1.
Date: 12/31/2005 (620225) **CN600643407**
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: 01/31/2006 (620214) **CN600643407**
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: 10/31/2006 (690560) **CN600643407**
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: 11/29/2006 (515595) **CN600643407**
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 317 317.4(a)(5)

Description: Failure to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures.
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)(B)
 PPIV.1 PERMIT

Description: Failure to complete and submit Discharge Monitoring Report (DMR) forms for sludge production and use.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 PPVI.1 PERMIT

Description: Failure to properly operate the final clarifier to prevent the accumulation of excessive solids.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPII.2 PERMIT

Description: Failure to meet the permitted minimum limit for total chlorine residual in the final effluent.
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPII.1 PERMIT

Description: Failure to meet the permit limitation for five-day carbonaceous biochemical oxygen demand (CBOD5), total suspended solids (TSS), and ammonia nitrogen (NH3-N).
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPVIII.7.e PERMIT

Description: Failure to maintain adequate records of effluent used for irrigation.
Date: 11/30/2005 (690562) **CN600643407**
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: 12/31/2006 (690563) **CN600643407**
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: 01/31/2007 (690548) **CN600643407**
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:	02/28/2007	(690549)	CN600643407	
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:	03/31/2007	(690551)	CN600643407	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	11/30/2007	(620224)	CN600643407	
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:	01/22/2008	(635948)	CN600643407	
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
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:	01/31/2008	(672590)	CN600643407	
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:	02/29/2008	(690550)	CN600643407	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			

Description:	Failure to meet the limit for one or more permit parameter	
Date:	09/30/2008 (711412)	CN600643407
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:	10/31/2008 (727960)	CN600643407
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:	11/14/2008 (704532)	CN600643407
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 317 317.4(a)(8)	
Description:	Failure to have the backflow prevention device tested annually.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) PPVII.III.D PERMIT	
Description:	Failure to test sludge for the required parameters.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(b)(4)	
Description:	Failure to provide a cover for the container where screenings are temporarily stored prior to final disposal.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(d)	
Description:	Failure to properly operate the final clarifier.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) PPII.2 PERMIT	
Description:	Failure to meet the required minimum total chlorine residual in the final effluent.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) PPII.1, PPIV.5 PERMIT	
Description:	Failure to properly monitor flow.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
Description:	Failure to meet the permitted effluent limitation for one or more parameters.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.5(b) PPII.1 PERMIT	
Description:	Failure to monitor effluent at the required frequency.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) PPIV.7.c PERMIT	
Description:	Failure to submit noncompliance notification for effluent noncompliances that deviated from the permitted effluent limit by more than 40%.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) PPIV.5 PERMIT	
Description:	Failure to have the flow meter (totalizing meter) that is used to monitor the amount of effluent applied as irrigation water calibrated at least annually.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) PPVIII.7.a PERMIT	
Description:	Failure to conduct an annual analysis of a representative soil sample taken from the root zone of the irrigated site.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) PPVIII.7.j PERMIT	
Description:	Failure to re-chlorinate effluent prior to delivery to the irrigation system.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) PPVIII.7.h PERMIT	
Description:	Failure to have signs at the effluent storage pond that state "DO NOT DRINK THE WATER" in English and Spanish in addition to the international symbol.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 317 317.7(e)	
Description:	Failure to completely fence the effluent storage pond.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) PPVIII.7.d PERMIT	
Description:	Failure to furnish a certification by a Texas Licensed Professional Engineer that the effluent storage pond lining meets the appropriate design criteria.	
Self Report?	NO	Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPVIII.7e. PERMIT

Description: Failure to maintain records of the volume of effluent applied as irrigation water.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PPII.2 PERMIT

Description: Failure to meet the required maximum total chlorine residual in the effluent.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(a)(5)

Description: Failure to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures.

Date: 11/30/2008 (727961) CN600643407

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: 01/31/2009 (750870) CN600643407

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 (806200) CN600643407

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 (806201) CN600643407

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2009 (806204) CN600643407

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: 10/31/2009 (806205) CN600643407

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2010 (806199) CN600643407

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	24-May-2010	Screening	4-Jun-2010	EPA Due	
	PCW	30-Aug-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Robert Lee (Facility 2)
Reg. Ent. Ref. No.	RN101198174
Facility/Site Region	8-San Angelo
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	39912	No. of Violations	1
Docket No.	2010-0417-MLM-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Lanae Foard
		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	\$1,000
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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	80.0% Enhancement	Subtotals 2, 3, & 7	\$800
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Notes: Enhancement for one Notice of Violation ("NOV") with violations same/similar to those in this order; 15 dissimilar NOVs, one final agreed order without a denial of liability, and one final agreed order containing a 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	\$250
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$6
 Approx. Cost of Compliance \$3,399
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,550
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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 \$1,550

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,550
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$1,550
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Screening Date 4-Jun-2010

Docket No. 2010-0417-MLM-E

PCW

Respondent City of Robert Lee (Facility 2)

Policy Revision 2 (September 2002)

Case ID No. 39312

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101198174

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

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)	1	5%
	Other written NOVs	15	30%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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	1	25%
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) 80%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one Notice of Violation ("NOV") with violations same/similar to those in this order, 15 dissimilar NOVs, one final agreed order without a denial of liability, and one final agreed order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 80%

Screening Date 4-Jun-2010

Docket No. 2010-0417-MLM-E

PCW

Respondent City of Robert Lee (Facility 2)

Policy Revision 2 (September 2002)

Case ID No. 39312

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101198174

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1)

Violation Description

Failed to prevent the unauthorized discharge of municipal waste into or adjacent to water in the state, as documented during an investigation conducted on April 2, 2010. Specifically, the filter backwash wastewater pond was overflowing into Mountain Creek.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

	Harm		
	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from the date of the discharge (March 24, 2010) to the date of compliance (April 2, 2010).

Good Faith Efforts to Comply

25.0% Reduction

\$250

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

Notes The Respondent returned to compliance on April 2, 2010.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$1,550

This violation Final Assessed Penalty (adjusted for limits) \$1,550

Economic Benefit Worksheet

Respondent: City of Robert Lee (Facility 2)
Case ID No.: 39312
Reg. Ent. Reference No.: RN101198174
Media: Water Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$3,374	24-Mar-2010	2-Apr-2010	0.02	\$0	\$6	\$6
Engineering/construction	\$25	24-Mar-2010	2-Apr-2010	0.02	\$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: Actual cost to clean and disinfect the affected area; the estimated cost to seal the open PVC pipe. Date required is the date of the discharge. Final date is the date the discharge ceased and the affected area was cleaned.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$3,399	TOTAL	\$6
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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	22-Sep-2010			
	PCW	22-Sep-2010	Screening	22-Sep-2010	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	City of Robert Lee (Facility 2)				
Reg. Ent. Ref. No.	RN101198174				
Facility/Site Region	8-San Angelo	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	39312	No. of Violations	1		
Docket No.	2010-0417-MLM-E	Order Type	Findings		
Media Program(s)	Water Quality	Government/Non-Profit	Yes		
Multi-Media		Enf. Coordinator	Lanae Foard		
		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	80.0% Enhancement	Subtotals 2, 3, & 7	\$1,600
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Notes: Enhancement for one Notice of Violation ("NOV") with violations same/similar to those in this order, 15-dissimilar NOV's, one final agreed order without a denial of liability, and one final agreed order containing a 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: \$542
 Approx. Cost of Compliance: \$10,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,600
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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	\$3,600
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,600
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$3,600
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Screening Date 22-Sep-2010

Docket No. 2010-0417-MLM-E

PCW

Respondent City of Robert Lee (Facility 2)

Policy Revision 2 (September 2002)

Case ID No. 39312

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101198174

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

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)	1	5%
	Other written NOVs	15	30%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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	1	25%
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%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 80%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one Notice of Violation ("NOV") with violations same/similar to those in this order, 15 dissimilar NOVs, one final agreed order without a denial of liability, and one final agreed order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 80%

Screening Date 22-Sep-2010

Docket No: 2010-0417-MLM-E

PCW

Respondent: City of Robert Lee (Facility 2)

Policy Revision 2 (September 2002)

Case ID No. 39312

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101198174

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1) and 30 Tex. Admin. Code § 305.42

Violation Description

Failed to obtain authorization for the discharge of wastewater, as documented during a record review conducted on August 9, 2010. Specifically, the Facility discharges filter backwash into a holding pond without authorization.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

44 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,000

Two monthly events are recommended from the record review date (August 9, 2010) to the screening date (September 22, 2010).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement
	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 \$542

Violation Final Penalty Total \$3,600

This violation Final Assessed Penalty (adjusted for limits) \$3,600

Economic Benefit Worksheet

Respondent: City of Robert Lee (Facility 2)

Case ID No.: 39312

Reg. Ent. Reference No.: RN101198174

Media: Water Quality

Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$10,000	9-Aug-2010	9-Sep-2011	1.08	\$542	n/a	\$542
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain authorization to discharge filter backwash. Date required is the record review date. 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

\$542

Compliance History Report (Facility 2)

Customer/Respondent/Owner-Operator:	CN6D0643407	City Of Robert Lee	Classification: AVERAGE	Rating: 9.60
Regulated Entity:	RN101198174	CITY OF ROBERT LEE WATER SYSTEM	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		0410002
	WATER LICENSING	LICENSE		0410002
Location:	451 HIGHLAND PARK ROAD, ROBERT LEE, COKE COUNTY, TEXAS			
TCEQ Region:	REGION 08 - SAN ANGELO			
Date Compliance History Prepared:	August 26, 2010			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 26, 2005 to August 26, 2010			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Lanae Foard	Phone:	(512) 239-2554	

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.

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: 02/20/2006 ADMINORDER 2005-0625-PWS-E
 Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
 5A THC Chapter 341, SubChapter A 341.0315(c)
 Description: Violated the MCL for HAA5 in the 1st, 2nd and 3rd Quarters of 2004.
 Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
 5A THC Chapter 341, SubChapter A 341.0315(c)
 Description: Violated the MCL for HAA5 in the 4th Quarter of 2004.
 Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 5A THC Chapter 341, SubChapter A 341.0315(c)
 Description: Violated the MCL for TTHM in the 2nd Quarter of 2005
 Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 5A THC Chapter 341, SubChapter A 341.031(c)
 Description: Violated the MCL for TTHM in the 3rd Quarter of 2005
 Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 5A THC Chapter 341, SubChapter A 341.0315(c)
 Description: Violated the MCL for TTHM in the 4th Quarter of 2004
 Effective Date: 10/24/2009 ADMINORDER 2009-0625-MLM-E
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2006.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2006.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2006.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2008.

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	09/27/2005	(432778)
	2	11/07/2005	(419060)
	3	01/04/2006	(451087)
	4	05/08/2006	(464944)
	5	07/20/2006	(739419)
	6	11/10/2006	(739979)
	7	01/30/2007	(739995)
	8	02/23/2007	(541032)
	9	03/23/2007	(554744)
	10	05/18/2007	(739990)
	11	07/02/2007	(645149)
	12	08/01/2007	(645383)
	13	08/10/2007	(739995)
	14	08/15/2007	(645552)
	15	11/15/2007	(739998)
	16	02/08/2008	(740002)
	17	03/25/2008	(543478)
	18	07/30/2008	(740013)
	19	10/10/2008	(704423)
	20	01/13/2009	(723365)
	21	01/16/2009	(740015)
22		02/11/2009	(726543)
23		04/02/2009	(740208)
24		06/15/2009	(742916)
25		02/02/2010	(787817)
26		04/19/2010	(798294)
27		05/19/2010	(801436)
28		06/01/2010	(824827)
29		07/02/2010	(827018)

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

Date: 11/07/2005 (419060) CN600643407
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(1)(B)
TWC Chapter 26 26.121(a)
Description: Failure to prevent an unauthorized discharge of wastes.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)
Description: Failure to provide a marked, restricted zone of 200 feet radius from the raw water intakes at Spence Reservoir and Mountain Creek Lake.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)
Description: Failure to control a leak of caustic.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failure to provide a fence that meets the definition of an intruder resistant fence for a ground storage tank.

Date: 07/20/2006 (739419) CN600643407
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2006.

Date: 11/10/2006 (739979) CN600643407
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2006.

Date: 01/30/2007 (739985) CN600643407
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2006.

Date: 02/23/2007 (541032) CN600643407
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
Description: Failure to maintain a liquid level indicator.

Date: 05/18/2007 (739990) CN600643407
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2007.

Date: 07/02/2007 (645149) CN600643407
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(2)
Description: BACT - NONACUTE MCL (5% OR >1)

Date: 08/01/2007 (645383) CN600643407
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)
Description: PUBLIC NOTICE
Date: 08/10/2007 (739995) CN600643407

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2007.

Date: 08/15/2007 (645552) CN600643407
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)
Description: BACT - MONITORING/REPORTING VIOLATIONS
Date: 11/15/2007 (739998) CN600643407

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2007.

Date: 02/08/2008 (740002) CN600643407
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.

Date: 07/30/2008 (740013) CN600643407
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Date: 10/10/2008 (704423) CN600643407

Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)			
Description:	Failure to provide secondary containment for liquid chemical storage tanks.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(2)			
Description:	Failure to maintain an up-to-date map of the distribution.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)			
Description:	Failure to calibrate the 2100N benchtop turbidimeter at least once every 90 days.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)			
Description:	Failure to update the Monitoring Plan.			
Self Report?	NO		Classification:	Major
Citation:	TWC Chapter 26 26.121			
Description:	Failure to prevent a discharge of caustic soda (sodium hydroxide).			
Date	01/16/2009	(740015)	CN600643407	
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4) 5A THSC Chapter 341, SubChapter A 341.0315(c)			
Description:	Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2008.			
Date	02/02/2010	(787817)	CN600643407	
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(f)(2)			
Description:	Failure to apply a chemical in such a manner that will maximize reliability, facilitate maintenance, and ensure optimal finished water quality.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)			
Description:	Failure to provide a thorough plant operations manual.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(2)			
Description:	Failure to secure a hatch on a potable water storage tank.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)			
Description:	Failure to calibrate the on-line turbidimeters with primary standards every 90 days.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)			
Description:	Failure to check the calibration of the on-line turbidimeters weekly.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)			
Description:	Failure to maintain a copy of the Monitoring Plan at the Surface Water Treatment Plant.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.39(l)(4)			
Description:	Failure to record the results of the free ammonia samples collected in the distribution when a bacteria sample is collected.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(ii)			
Description:	Failure to check the calibration of the benchtop turbidimeter each day it is used (daily).			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)			
Description:	Failure to calibrate the CL17 on-line chlorine monitor at least once every 90 days.			

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 § **BEFORE THE**
ENFORCEMENT ACTION §
CONCERNING § **TEXAS COMMISSION ON**
CITY OF ROBERT LEE §
RN101920163 AND RN101198174 § **ENVIRONMENTAL QUALITY**

AGREED ORDER **DOCKET NO. 2010-0417-MLM-E**

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

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates facilities at the following locations (the "Facilities");
 - a. A wastewater treatment facility located at 101 West First Street on the east bank of the Colorado River, approximately 2,500 feet southwest of the Coke County Courthouse in Robert Lee, Coke County, Texas ("Facility 1"); and

- b. A water treatment plant located at 451 Highland Park Road, Robert Lee, Coke County, Texas ("Facility 2").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
 3. During an investigation at Facility 1, on January 21, 2010, TCEQ staff documented that sludge was disposed of on September 22, 2008, September 23, 2008, and March 5, 2009, but the sludge was not tested in accordance with Environmental Protection Agency Method 9095B prior to disposal.
 4. During an investigation at Facility 1, on January 21, 2010, TCEQ staff documented that four of the nine pages of the sludge discharge monitoring report ("DMR") for the monitoring period ending July 31, 2009, were not completed correctly.
 5. During an investigation at Facility 1, on January 21, 2010, TCEQ staff documented that the flow chart recorder was not working and the operator was not using the average of multiple measurements of instantaneous maximum flow to calculate the average discharge during any two hour period ("2 hour peak").
 6. During an investigation at Facility 1, on January 21, 2010, TCEQ staff documented the following from the self-reported monthly DMRs:

EFFLUENT VIOLATION TABLE			
Permitted Effluent Limits	Monitoring Period End Date		
	5/31/09	6/30/09	10/31/09
NH₃-N Daily Avg. Loading Limit = 3 lbs/day	3.050	c	c
NH₃-N Daily Avg. Conc. Limit = 3 mg/L	3.820	c	c
Flow Daily Avg. Limit = 0.121 MGD	c	0.161	0.635
NH ₃ -N = ammonia nitrogen		mg/L = milligrams per liter	
MGD = millions gallons per day		Conc. = concentration	
c = compliant		Avg. = average	
lbs/day = pounds per day			

7. During an investigation at Facility 1, on January 21, 2010, TCEQ staff documented that the sample taken on July 1, 2009, was not analyzed for total dissolved solids or total ammonia nitrogen.
8. During an investigation at Facility 1, on January 21, 2010, TCEQ staff documented that the following records were not available upon request: backflow prevention device test

- results, flow meter calibration records, sludge transport records, and the November 2009 effluent monitoring log.
9. During an investigation at Facility 1, on January 21, 2010, TCEQ staff documented that on the DMR for May 2009, flow was reported as 91.20 MGD instead of 0.091 MGD, and on the DMR for October 2009, the minimum total chlorine residual was reported as 1.6 mg/L instead of 1.4 mg/L.
 10. During an investigation at Facility 1, on January 21, 2010, TCEQ staff observed that the self-contained breathing apparatus ("SCBA") was located in the office at the Facility; however, the compressed air bottle was missing.
 11. During an investigation at Facility 1, on January 21, 2010, TCEQ staff observed several small mesquite trees and other woody stemmed bushes on the inside face of the effluent holding pond embankment.
 12. During an investigation at Facility 1, on January 21, 2010, TCEQ staff documented that annual soil monitoring for the irrigation site for the monitoring period ending July 31, 2009, was not conducted.
 13. During an investigation at Facility 1, on January 21, 2010, TCEQ staff observed that the gate used to secure access to the holding pond was open.
 14. During an investigation at Facility 1, on January 21, 2010, TCEQ staff documented that the staff gauge was a yardstick bolted to the weir, was located too close to where the water passes over the weir, and the markings on the yardstick could not be read from the top of the chlorine contact basin.
 15. During an investigation at Facility 2, on April 2, 2010, TCEQ staff documented that the filter backwash pond was overflowing into Mountain Creek.
 16. During record review for Facility 2, on August 9, 2010, TCEQ staff documented that filter backwash was being discharged into a holding pond without authorization.
 17. The Respondent received notice of the violations on February 26, 2010 and May 20, 2010.
 18. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facilities:
 - a. By January 25, 2010, began conducting paint liquid filter tests at Facility 1 on sludge prior to disposal;
 - b. By February 1, 2010, obtained a compressed air bottle for the SCBA, removed all trees and bushes from the inside of the holding pond embankment, and

submitted revised DMRs for the monitoring periods ending May 31, 2009 and October 31, 2009 for Facility 1;

- c. By April 2, 2010, sealed an open PVC pipe to cease the unauthorized discharge and cleaned and disinfected the affected area at Facility 2; and
- d. By April 17, 2010, installed a new flow chart recorder and installed a staff gauge at Facility 1.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to conduct paint filter liquid tests for sewage sludge, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013901001, Sludge Provisions, Section III.E and F(1).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to timely submit the completed annual sludge report for the monitoring period ending July 31, 2009, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0013901001, Sludge Provisions.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to monitor the Facility's flow to ensure that the 2 hour peak does not exceed 336 gallons per minute, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013901001, Monitoring and Reporting Requirements No. 3.a and Operational Requirements No. 5.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013901001, Effluent Limitations and Monitoring Requirements No. 1.
6. As evidenced by Findings of Fact No. 7, the Respondent failed monitor effluent as specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013901001, Monitoring and Reporting Requirements No. 3.c.i.
7. As evidenced by Findings of Fact No. 8, the Respondent failed to maintain, provide or make records available for review, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(c) and TPDES Permit No. WQ0013901001, Monitoring and Reporting Requirements No. 3.b.
8. As evidenced by Findings of Fact No. 9, the Respondent failed to submit complete and accurate DMRs for the monitoring periods ending May 31, 2009 and October 31, 2009,

- in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013901001, Monitoring and Reporting Requirements No. 1 and Operational Requirements No. 2.
9. As evidenced by Findings of Fact No. 10, the Respondent failed to maintain a properly functioning SCBA, in violation of 30 TEX. ADMIN. CODE § 317.6(b)(1)(D).
 10. As evidenced by Findings of Fact No. 11, the Respondent failed to properly maintain the embankments of the effluent holding pond, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 317.4(j)(9) and TPDES Permit No. WQ0013901001, Operational Requirements No. 1.
 11. As evidenced by Findings of Fact No. 12, the Respondent failed to conduct annual soil monitoring for the irrigation site, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013901001, Other Requirements No. 7.a.
 12. As evidenced by Findings of Fact No. 13, the Respondent failed to properly secure the gate to the effluent holding pond, in violation of 30 TEX. ADMIN. CODE § 317.7(e).
 13. As evidenced by Findings of Fact No. 14, the Respondent failed to have a properly installed staff gauge, in violation of 30 TEX. ADMIN. CODE § 319.11(d) and TPDES Permit No. WQ0013901001, Operational Requirements No. 5.
 14. As evidenced by Findings of Fact No. 15, the Respondent failed to prevent the unauthorized discharge of municipal wastewater into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1).
 15. As evidenced by Findings of Fact No. 16, the Respondent failed to obtain authorization for the discharge of wastewater, in violation of TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE § 305.42.
 16. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
 17. An administrative penalty in the amount of Thirty-Two Thousand Five Hundred Forty Dollars (\$32,540) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Thirty-Two Thousand Five Hundred Forty Dollars (\$32,540) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Thirty-Two Thousand Five Hundred Forty Dollars (\$32,540) as set forth in Section II, Paragraph 17 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Robert Lee, Docket No. 2010-0417-MLM-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 II, Paragraph 17 above, Thirty-Two Thousand Five Hundred Forty Dollars (\$32,540) of the assessed administrative penalty shall be offset with the condition that 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. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days of the effective date of this Agreed Order:
 - i. Submit the completed annual sludge report to the TCEQ for Facility 1, in accordance with TPDES Permit No. WQ0013901001, Sludge Provisions;
 - ii. Update operational procedures to ensure that effluent is monitored as specified in the permit, all required records are maintained and made available for review upon request, and the gate to the holding pond is secured at all times at Facility 1, in accordance with 30 TEX. ADMIN. CODE §§ 317.7(e), and 319.7(c), and TPDES Permit No. WQ0013901001, Monitoring and Reporting Requirements Nos. 3.b and 3.c.i; and

- iii. Begin conducting annual soil monitoring at the Facility 1 irrigation site, in accordance with TPDES Permit No. WQ0013901001, Other Requirements No. 7.a.
- iv. Submit an administratively complete permit application for Facility 2 in accordance with 30 TEX. ADMIN CODE ch. 305 to:

Application Review and Processing Team
Water Quality Division, MC 148
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing;
- c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 3.a.i through 3.a.iv, in accordance with Ordering Provision No. 3.f below.
- d. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013901001, including specific corrective actions that were implemented at Facility 1 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, in accordance with Ordering Provision No. 3.f below.
- e. Within 180 days after the effective date of this Agreed Order, submit written certification of compliance that either authorization to operate has been obtained for Facility 2 or that operation has ceased until such time that appropriate authorization is obtained, in accordance with Ordering Provision No. 3.f below;
- f. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

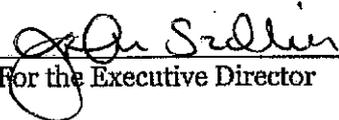
4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facilities operations referenced in this Agreed Order.
5. If the Respondent fails to comply with 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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.

9. 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.
10. 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.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 2/24/2011

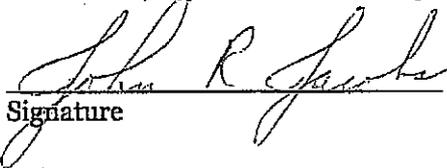
I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Robert Lee. I am authorized to agree to the attached Agreed Order on behalf of the City of Robert Lee, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting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

I understand that by entering into this Agreed Order, the City of Robert Lee waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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



Signature

Date 12-8-2010

Name (Printed or typed)
Authorized Representative of
City of Robert Lee

Title
Mayor

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

Attachment A
Docket Number: 2010-0417-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

The Respondent: City of Robert Lee

Penalty Amount: Thirty Two Thousand Five Hundred Forty Dollars
(\$32,540)

SEP Offset Amount: Thirty Two Thousand Five Hundred Forty Dollars
(\$32,540)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation &
Development Areas, Inc. ("RC&D") *Pulling
Underground Storage Tanks*

Location of SEP: Coke County; Colorado River Basin

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The SEP contribution will be to the Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D") to be used for the pulling of underground storage tanks as set forth in an agreement between the Third-Party Recipient and the TCEQ.

The Third-Party Recipient shall coordinate with public or private entities to remove underground storage tanks. The project will provide tank removal at sites where there is no responsible party or the responsible party is financially unable to remove the tanks. The Third-Party Recipient shall work with TCEQ as well as other entities to identify the responsible party (or parties) and the reason the party is not able to remove the tanks. The Third-Party Recipient shall request TCEQ approval of these sites prior to any work at the site.

Once the site is approved by TCEQ, the Third-Party Recipient shall coordinate with authorized representatives to perform the tank removal in accordance with the applicable portions of TCEQ's guidance that covers removal of underground storage tanks, specifically RG-411. This shall include:

1. Removal and proper disposal of any liquids found in the tanks;
2. Removal of tanks;
3. Soil sampling and notification of the TCEQ SEP Coordinator and the appropriate TCEQ Regional Office within 5 business days as to the results of the sampling and a determination as to whether the tanks have leaked;

4. Any necessary remediation;
5. Backfill; and
6. Compilation of a UST closure report for each UST system removed and submittal of the report to the TCEQ.

The project will be administered in accordance with TCEQ guidance and in compliance with federal, state, and local environmental laws and regulations. Any SEP offset amount remaining after completion of this project may, upon approval of the Executive Director, be applied to another approved RC&D project.

B. Environmental Benefit

The project will show discernible environmental benefit by reducing the potential threat of leaking underground storage tanks which could contaminate both the soil and the groundwater.

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.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP offset amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the SEP offset amount to the Third-Party Recipient. The Respondent shall make the contribution check payable to "Texas Association of RC&D" and mail the check with a copy of the Agreed Order, to:

Texas Association of Resource Conservation
and Development Areas, Inc. (RC&D)
1716 Briarcrest Drive Suite 507
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP offset amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP offset amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment 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 submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

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

5. 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.

6. Clean Texas Program

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

7. 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 Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

