

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO. 2009-0907-MWD-E RN101919397

CASE NO. 37788

RESPONDENT NAME: CITY OF GODLEY

ORDER TYPE:		
<input checked="" type="checkbox"/> AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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

SITE WHERE VIOLATION(S) OCCURRED: adjacent to West Nolan Creek, approximately 600 feet south of the intersection of State Highway 171 and Farm-to-Market Road 917, Godley, Johnson County

TYPE OF OPERATION: wastewater treatment plant

SMALL BUSINESS: Yes No N/A

OTHER SIGNIFICANT MATTERS: There are no complaints related to this enforcement action. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired January 24, 2011. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Rudy Calderon, Litigation Division, MC 175, (512) 239-0205
Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Heather Brister, Waste Enforcement Section, MC R-9, (254) 761-3034

TCEQ Regional Contact: Sid Slocum, Dallas/Fort Worth Regional Office, MC R-4, (817) 588-5901

TCEQ SEP Coordinator: Sharon Blue, Litigation Division, MC 175, (512) 239-2223

Respondent: The Honorable David J. Wallis, Mayor, City of Godley, P.O. Box 27, Godley, Texas 76044

Respondent's Attorney: Cass Callaway, Law Office of Cass Callaway, 6060 North Central Expressway, Suite 315, Dallas, Texas 75206

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint: N/A</p> <p>Date of Investigation: April 9, 2009</p> <p>Date of NOE: May 19, 2009</p> <p>Background Facts: The EDRP was filed on November 24, 2009. Respondent filed an answer and the case was referred to SOAH. The Agreed Order was signed November 10, 2010.</p> <p>Current Compliance Status: Respondent has not yet submitted documentation to demonstrate compliance.</p> <p>MWD:</p> <ol style="list-style-type: none"> Failed to maintain compliance with the permit effluent limits [30 TEX. ADMIN. CODE § 305.125(1), TEX WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014887001, Interim Effluent Limitations and Monitoring Requirements No. 1]. Failed to monitor for each parameter at the frequency specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0014887001, Interim Effluent Limitations and Monitoring Requirements No. 1]. Failed to submit noncompliance notification reports for effluent violations that deviated from the permitted effluent limits by more than 40% [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014887001, Monitoring and Reporting Requirements No. 7.c.]. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, resulting in an unauthorized discharge of partially treated wastewater to water in the state [30 TEX. ADMIN. CODE § 305.125(5), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0014887001, Permit Condition No. 2.d.]. 	<p>Total Assessed: \$44,750</p> <p>Total Deferred: \$44,750 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$44,750</p> <p>Total Paid/Due to General Revenue: \$0/\$0</p> <p>Compliance History Classifications: <i>Person/CN</i> – Average <i>Site/RN</i> – Average</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that:</p> <ol style="list-style-type: none"> Respondent completed a new wastewater treatment facility in August 2009; Respondent obtained TPDES Permit No. WQ0014887001, which became effective on November 7, 2008; Respondent submitted DMRs for the months of December 2008, January 2009, and February 2009 in April 2009; Respondent is currently using the Net DMR software to allow for electronic submittal of DMRs; and No sludge was reported in the receiving stream during an investigation conducted by a TCEQ Dallas/Fort Worth Regional Office investigator on April 7, 2010. <p>Ordering Provisions:</p> <p>Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Implement and complete a SEP (RC&D – Household Hazardous Waste Collection/Water or Wastewater Assistance – <i>Brazos River Basin, preference for Johnson County</i>). Within 30 days: <ol style="list-style-type: none"> Update the Facility's operational guidance and conduct employee training to ensure the following: <ol style="list-style-type: none"> Each parameter specified in the permit is properly monitored; and Proper notification is given for effluent violations which deviate from the permitted effluent limitation by 40%; and Submit the summary submittal letter to the TCEQ Wastewater Permitting Section. Within 45 days, submit written certification of compliance with Ordering Provision No. 2.

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>5. Failed to timely provide monitoring results at intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.1 and TPDES Permit No. WQ0014887001, Monitoring and Reporting Requirements No. 1].</p> <p>6. Failed to submit a summary submittal letter within 60 days of the permit issuance [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014887001, Other Requirements No. 4].</p> <p>7. Failed to maintain authorization for the discharge of wastewater [30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2) and TEX WATER CODE § 26.121(a)].</p>		<p>4. Within 90 days:</p> <ul style="list-style-type: none"> a. Develop and implement a solids management plan that outlines a program of internal process control testing to monitor the efficiency of treatment and to maintain a proper level of solids at the Facility. The plan should include regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control; and b. Submit a written certification of compliance with the effluent limits of TPDES Permit No. WQ0014887001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. <p>5. Within 105 days, submit written certification of compliance with Ordering Provision No. 4.</p>

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Attachment A
Docket Number: 2009-0907-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Godley
Penalty Amount:	Forty-four Thousand Seven Hundred Fifty Dollars (\$44,750)
Project One SEP Offset Amount:	Eighteen Thousand Dollars (\$18,000)
Project One Type of SEP:	Pre-approved SEP
Project One Third-Party Recipient:	Texas Association of Resource Conservation & Development Areas, Inc. ("RC&D")
Project One Name:	<i>Household Hazardous Waste Collection</i>
Project One Location of SEP:	Brazos River Basin (preference for Johnson County)
Project Two SEP Offset Amount:	Twenty-six Thousand Seven Hundred Fifty Dollars (\$26,750)
Project Two Type of SEP:	Pre-approved SEP
Project Two Third-Party Recipient:	Texas Association of Resource Conservation & Development Areas, Inc. ("RC&D")
Project Two Name:	<i>Water or Wastewater Assistance</i>
Project Two Location of SEP:	Brazos River Basin (preference for Johnson County)

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 Amounts set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. 1. Project One Description

The Respondent shall contribute the SEP Offset Amount for Project One to the Third-Party Recipient named above. The SEP contribution will to the ***Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")*** to be used for the Household Hazardous Waste Collection program as set forth in an agreement between the Third-Party Recipient and the TCEQ. The Third-Party Recipient shall coordinate with city and county government officials and private entities to provide a day for local residents to bring in household hazardous waste (HHW) such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers for proper disposal. Where possible, the projects may also offer electronics collection and recycling. SEP Funds will be used solely for the direct costs of collection, recycling, and disposal of wastes. Citizens will not be charged disposal fees. The project will be

administered in accordance with TCEQ guidance on household hazardous waste and in compliance with federal, state, and local environmental laws and regulations. Any SEP Offset Amount remaining after completion of these projects may, upon approval of the Executive Director, be applied to another approved RC&D project.

a. 2. Project Two Description

The Respondent shall contribute the SEP Offset Amount for Project Two to the Third-Party Recipient named above. The contribution will be to **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** to be used for the Water or Wastewater Treatment Assistance project as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the SEP Offset Amount will pay for the labor and disposal costs associated with assistance to low-income residents with shallow, improperly designed, or contaminated drinking water wells or failing wastewater systems, or plugging of abandoned wells. The projects will be administered in accordance with federal, state, and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to make the contributions for Project One or Project Two and that the contributions are being made solely in an effort to settle this enforcement action.

b. 1. Project One Environmental Benefit

This SEP will provide a discernible environmental benefit by properly disposing of Household Hazardous Waste which might otherwise be disposed of in storm drains, the sewerage system, or other means detrimental to the environment and by providing for proper disposal of used electronics.

b. 2. Project Two Environmental Benefit

The wastewater portion of this SEP will provide a discernible environmental benefit by preventing the release of sewage into the environment. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as in lawns or streets, or waters used for recreation.
- Shellfish harvested from areas contaminated by raw sewage.
- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes

excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

The drinking water portion of this project will protect water sources for drinking, recreation and wildlife from contamination from the failing treatment systems, and protect public health from contaminated drinking water supplies.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amounts described above 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 Amounts to the Third-Party Recipient. The Respondent may make the contribution for both Project One and Project Two in one check to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Texas Association of Resource Conservation
and Development Areas, Inc. (RC&D)
Attention: SEP
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:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
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 Amounts 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:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
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

TCEQ

DATES	Assigned	26-May-2009	Screening	9-Jun-2009	EPA Due	
	PCW	3-Aug-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Godley
Reg. Ent. Ref. No.	RN101919397
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37788	No. of Violations	7
Docket No.	2009-0907-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Heather Brister
		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	\$20,800
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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	150.0% Enhancement	Subtotals 2, 3, & 7	\$31,200
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Notes

The City self-reported 20 monthly effluent violations, was issued five Notices of Violations ("NOVs") for violations that are same or similar, and received one Agreed Order without the denial of liability language.

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	\$2,250
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts *Capped at the Total EB \$ Amount
 Approx. Cost of Compliance

SUM OF SUBTOTALS 1-7	Final Subtotal	\$49,750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-10.1%	Adjustment	-\$5,000
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Recommended reduction so that paperwork violations do not overly impact the penalty amount.

Final Penalty Amount	\$44,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$44,750
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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

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$44,750
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Screening Date 9-Jun-2009

Docket No. 2009-0907-MWD-E

PCW

Respondent City of Godley

Policy Revision 2 (September 2002)

Case ID No. 37788

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101919397

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	25	125%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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 (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 150%

>> 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

The City self-reported 20 monthly effluent violations, was issued five Notices of Violations ("NOVs") for violations that are same or similar, and received one Agreed Order without the denial of liability language.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 150%

Screening Date 9-Jun-2009 **Docket No.** 2009-0907-MWD-E **PCW**
Respondent City of Godley *Policy Revision 2 (September 2002)*
Case ID No. 37788 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101919397
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014887001, Interim Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to maintain compliance with the permit effluent limits, as documented during an investigation conducted on April 9, 2009. Specifically, a grab sample was taken by the investigator at the time of the investigation and the results are as follows: 5-day carbonaceous biochemical oxygen demand ("CBOD") - 83.5 milligrams per liter ("mg/L") (permit limit - 35 mg/L), total ammonia nitrogen ("NH3-N") - 60.1 mg/L (permit limit - 15 mg/L), and total suspended solids ("TSS") - 914 mg/L (permit limit - 60 mg/L).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		25%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health and the environment has been exposed to significant amounts of pollutants which do not exceeds levels that are protective of human health and environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended, based on documentation of the violation during the April 9, 2009 investigation.

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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$134

Violation Final Penalty Total \$5,622

This violation Final Assessed Penalty (adjusted for limits) \$5,622

Economic Benefit Worksheet

Respondent City of Godley
Case ID No. 37788
Reg. Ent. Reference No. RN101919397
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,000	9-Apr-2009	28-Feb-2010	0.89	\$134	n/a	\$134

Notes for DELAYED costs

Estimated cost to evaluate the cause of non-compliance and to make necessary adjustments at the Facility to achieve compliance with the permitted effluent limitations. Date Required is the investigation date. Final Date is the anticipated 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

\$3,000

TOTAL

\$134

Screening Date 9-Jun-2009 **Docket No.** 2009-0907-MWD-E **PCW**
Respondent City of Godley *Policy Revision 2 (September 2002)*
Case ID No. 37788 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101919397
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0014887001, Interim Effluent Limitations and Monitoring Requirements No. 1
Violation Description Failed to monitor for each parameter at the frequency specified in the permit, as documented during an investigation conducted on April 9, 2009. Specifically, the Respondent did not collect and analyze samples for CBOD and NH3-N for the monitoring periods ending December 2008 through March 2009.
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 and 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 4 120 Number of violation days
 mark only one with an x
 daily
 weekly
 monthly
 quarterly
 semiannual
 annual
 single event x
Violation Base Penalty \$4,000

Four single events are recommended for the months of December 2008 through March 2009.

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 \$4,000

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$121 **Violation Final Penalty Total** \$8,995
This violation Final Assessed Penalty (adjusted for limits) \$8,995

Economic Benefit Worksheet

Respondent City of Godley
Case ID No. 37788
Reg. Ent. Reference No. RN101919397
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	31-Dec-2008	28-Feb-2010	1.16	\$15	n/a	\$15
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update operational guidance and conduct employee training to ensure that all required parameters are analyzed each month. Date Required is the date of the first non-compliant month. Final Date is the anticipated 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]	\$100	1-Dec-2008	31-Mar-2009	1.25	\$6	\$100	\$106
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost that was avoided by failure to analyze the required parameters at \$25 per month. Date required is the first day of the month the sampling was due. Final date is the last day of the month in which the March 2009 sampling was due.

Approx. Cost of Compliance

\$350

TOTAL

\$121

Screening Date 9-Jun-2009 **Docket No.** 2009-0907-MWD-E **PCW**
Respondent City of Godley *Policy Revision 2 (September 2002)*
Case ID No. 37788 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101919397
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014887001, Monitoring and Reporting Requirements No. 7.c
Violation Description Failed to submit noncompliance notification reports for effluent violations that deviated from the permitted effluent limits by more than 40%, as documented during an investigation conducted on April 9, 2009. Specifically, the biochemical oxygen demand and TSS values for the months of November and December 2007, and the TSS and flow values for the month of January 2008 exceeded the permitted limits by more than 40% and were not reported to TCEQ.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Major	Moderate	Minor	
Actual				Percent 0%
Potential				

>> Programmatic Matrix

	Major	Moderate	Minor	Percent 10%
Falsification	x			

Matrix Notes 100% of the permit requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 496 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$3,000

Three single events are 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 \$3,000

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$28 **Violation Final Penalty Total** \$6,746

This violation Final Assessed Penalty (adjusted for limits) \$6,746

Economic Benefit Worksheet

Respondent City of Godley
Case ID No. 37788
Reg. Ent. Reference No. RN101919397
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	30-Nov-2007	28-Feb-2010	2.25	\$28	n/a	\$28
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update operational guidance and conduct employee training to ensure that non-compliance notifications are submitted. Date Required is the date the first report was due. Final Date is the anticipated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$28

Screening Date 9-Jun-2009 **Docket No.** 2009-0907-MWD-E **PCW**
Respondent City of Godley *Policy Revision 2 (September 2002)*
Case ID No. 37788 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101919397
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(5), Tex. Water Code § 26.121(a), and TPDES Permit No. WQ0014887001, Permit Conditions No. 2.d

Violation Description

Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, resulting in an unauthorized discharge of partially treated wastewater to water in the state, as documented during an investigation conducted on April 9, 2009. Specifically, the investigator observed sludge from the clarifier flowing over the weirs into the chlorine contact chamber, through the outfall and into the receiving stream. In addition, algae was noted to be growing in and around the clarifier weirs, which caused the Facility to short circuit.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes

Human health and 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 61 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 date of the investigation (April 9, 2009) to the date of screening (June 9, 2009).

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 \$56

Violation Final Penalty Total \$2,249

This violation Final Assessed Penalty (adjusted for limits) \$2,249

Economic Benefit Worksheet

Respondent City of Godley
Case ID No. 37788
Reg. Ent. Reference No. RN101919397
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	9-Apr-2009	28-Feb-2010	0.89	\$11	n/a	\$11
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	9-Apr-2009	28-Feb-2010	0.89	\$45	n/a	\$45

Notes for DELAYED costs

Estimated cost to remove and properly dispose of sludge from the receiving stream, preventing the solids from occurring in the treatment system, and to update operational guidance and conduct employee training on solids management. Date Required is the date of the investigation. Final Date is the anticipated 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

\$1,250

TOTAL

\$56

Screening Date 9-Jun-2009 **Docket No.** 2009-0907-MWD-E **PCW**
Respondent City of Godley *Policy Revision 2 (September 2002)*
Case ID No. 37788 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101919397
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.1, and TPDES Permit No. WQ0014887001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to timely provide monitoring results at intervals specified in the permit, as documented during an investigation conducted on April 9, 2009. Specifically, the City did not submit the discharge monitoring reports ("DMR") for the months of December 2008, January 2009, and February 2009, by the 20th day of the following month.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	1%

Matrix Notes At least 75% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 3 140 Number of violation days

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

Violation Base Penalty \$300

Three single events are recommended (one for each missing 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 \$300

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$17 **Violation Final Penalty Total** \$675

This violation Final Assessed Penalty (adjusted for limits) \$675

Economic Benefit Worksheet

Respondent City of Godley
Case ID No. 37788
Reg. Ent. Reference No. RN101919397
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				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	20-Jan-2009	15-Sep-2009	0.65	\$3	n/a	\$3
Training/Sampling	\$250	20-Jan-2009	28-Feb-2010	1.11	\$14	n/a	\$14
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 missing DMRs, update operational guidance, and conduct employee training to ensure the DMRs are properly submitted by the 20th of the following month. Date Required is the date the first missing DMR was due. Final Dates are the date when the missing DMRs were submitted to the TCEQ and the estimated 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 \$350

TOTAL \$17

Screening Date 9-Jun-2009 **Docket No.** 2009-0907-MWD-E **PCW**
Respondent City of Godley *Policy Revision 2 (September 2002)*
Case ID No. 37788 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101919397
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014887001, Other Requirements No. 4
Violation Description Failed to submit a summary submittal letter within 60 days of the permit issuance, as documented during an investigation conducted on April 9, 2009. Specifically the City was issued TPDES Permit No. WQ0014887001 on November 7, 2008 and the letter was due by January 6, 2009.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%
100% of the permit requirement was not met.					
Adjustment					\$9,000

Adjustment \$9,000 **Subtotal** \$1,000

Violation Events

Number of Violation Events: 1 61 Number of violation days
 mark only one with an x
 daily:
 weekly:
 monthly:
 quarterly:
 semiannual:
 annual:
 single event:

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	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	(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 \$6 **Violation Final Penalty Total** \$2,249
This violation Final Assessed Penalty (adjusted for limits) \$2,249

Economic Benefit Worksheet

Respondent City of Godley
Case ID No. 37788
Reg. Ent. Reference No. RN101919397
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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	6-Jan-2009	28-Feb-2010	1.15	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to draft the summary submittal letter and submit to the TCEQ Wastewater Permitting Section.
Date Required is the date the letter was due. Final Date is the anticipated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$6

Screening Date 9-Jun-2009 **Docket No.** 2009-0907-MWD-E **PCW**
Respondent City of Godley *Policy Revision 2 (September 2002)*
Case ID No. 37788 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101919397
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Violation Number
Rule Cite(s)
Violation Description
Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of violation days
mark only one with an x
 daily
 weekly
 monthly
 quarterly
 semiannual
 annual
 single event
Violation Base Penalty

Nine monthly events are recommended from the date the permit expired (March 1, 2008) to the date the new permit was issued (November 7, 2008).

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Godley
Case ID No. 37788
Reg. Ent. Reference No. RN101919397
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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$4,000	3-Sep-2007	7-Nov-2008	1.18	\$236	n/a	\$236
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit the permit application. Date Required is the date the renewal application should have been submitted. Final Date is the date the City was issued the permit.

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

\$4,000

TOTAL

\$236

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600630495	City of Godley	Classification: AVERAGE	Rating: 2.95
Regulated Entity:	RN101919397	CITY OF GODLEY	Classification: AVERAGE	Site Rating: 2.90
ID Number(s):	WASTEWATER		PERMIT	WQ0010542001
	WASTEWATER		PERMIT	TPDES0104558
	WASTEWATER		PERMIT	TX0104558
	WASTEWATER		PERMIT	WQ0014887001
	WASTEWATER		PERMIT	TX0104558
	WASTEWATER		PERMIT	TX0104558
	WASTEWATER LICENSING		LICENSE	WQ0010542001
Location:	Located adjacent to West Nolan Creek, approximately 600 feet south of the intersection of State Highway 171 and Farm-to-Market Road 917, in Godley, Johnson County, Texas			

TCEQ Region: REGION 04 - DFW METROPLEX
 Date Compliance History Prepared: May 28, 2009
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: May 28, 2004 to May 28, 2009
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Heather Brister Phone: 254-761-3034

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: 9/1/2008 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: 08/29/2008

ADMINORDER 2008-0158-MWD-E

Classification: Moderate

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

Rqmt Prov: Permit Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: Self-reporting Requirements PERMIT

Description: Failure to submit monitoring results at the intervals specified in the permit as documented by a TCEQ record review.

- | | |
|---|-----|
| 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 | 06/04/2004 | (364281) |
| 2 | 07/28/2004 | (364282) |
| 3 | 07/28/2004 | (364283) |
| 4 | 09/02/2004 | (364284) |
| 5 | 10/22/2004 | (364285) |
| 6 | 10/22/2004 | (364286) |
| 7 | 12/13/2004 | (388668) |
| 8 | 03/02/2005 | (426223) |
| 9 | 03/22/2005 | (388667) |
| 10 | 04/07/2005 | (426224) |
| 11 | 04/07/2005 | (426227) |
| 12 | 04/07/2005 | (426228) |
| 13 | 05/03/2005 | (376405) |
| 14 | 05/09/2005 | (426225) |
| 15 | 06/03/2005 | (426226) |
| 16 | 07/15/2005 | (446597) |
| 17 | 08/04/2005 | (446598) |
| 18 | 10/03/2005 | (479370) |
| 19 | 10/03/2005 | (479371) |
| 20 | 11/17/2005 | (479372) |
| 21 | 01/09/2006 | (479373) |
| 22 | 01/09/2006 | (479374) |
| 23 | 01/27/2006 | (479375) |
| 24 | 03/15/2006 | (479369) |
| 25 | 04/24/2006 | (505130) |
| 26 | 05/12/2006 | (505131) |

27	05/31/2006	(505132)
28	06/19/2006	(505133)
29	07/27/2006	(527431)
30	08/24/2006	(510101)
31	08/28/2006	(527432)
32	09/27/2006	(531056)
33	10/11/2006	(551169)
34	11/10/2006	(551170)
35	12/15/2006	(551171)
36	01/10/2007	(551172)
37	01/10/2007	(587806)
38	02/22/2007	(553739)
39	03/26/2007	(587801)
40	03/26/2007	(587802)
41	05/07/2007	(587803)
42	06/20/2007	(587804)
43	06/22/2007	(587805)
44	07/24/2007	(563905)
45	08/10/2007	(605219)
46	09/21/2007	(605220)
47	10/25/2007	(628628)
48	10/25/2007	(628629)
49	01/18/2008	(613300)
50	01/28/2008	(676475)
51	01/28/2008	(676476)
52	01/28/2008	(676477)
53	02/15/2008	(676474)
54	06/11/2008	(694942)
55	06/11/2008	(694943)
56	06/11/2008	(694944)
57	06/11/2008	(716436)
58	07/31/2008	(731901)
59	08/15/2008	(716438)
60	08/29/2008	(716437)
61	08/31/2008	(731902)
62	09/30/2008	(731904)
63	10/09/2008	(731903)
64	10/09/2008	(731905)
65	12/22/2008	(731906)
66	12/22/2008	(731907)
67	05/18/2009	(740652)

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

1	Date:	06/30/2004	(364283)	
	Self Report?		YES	Classification: Moderate
	Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
	Description:		Failure to meet the limit for one or more permit parameter	
2	Date:	12/31/2004	(426228)	
	Self Report?		YES	Classification: Moderate
	Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
	Description:		Failure to meet the limit for one or more permit parameter	
3	Date:	02/28/2005	(388667)	
	Self Report?		YES	Classification: Moderate
	Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
	Description:		Failure to meet the limit for one or more permit parameter	
4	Date:	03/10/2005	(376405)	
	Self Report?		NO	Classification: Minor
	Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:		Failure to comply with the permit limit for Cl2 minimum.	
5	Date:	03/31/2005	(426225)	
	Self Report?		YES	Classification: Moderate
	Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
	Description:		Failure to meet the limit for one or more permit parameter	

6 Date:	04/27/2005	(376405)	
Self Report?		NO	Classification: Moderate
Citation:		30 TAC Chapter 317 317.4(a)(8) 30 TAC Chapter 317 317.7(i)	
Description:		Failure to provide an RPZ backflow prevention device on the main potable line to the WWTP and atmospheric vacuum breakers on the hose bibs. The backflow prevention device must be tested annually by a certified technician.	
Self Report?		NO	Classification: Minor
Citation:		30 TAC Chapter 319, SubChapter A 319.7(c)	
Description:		Failure to accurately complete the monthly discharge monitoring reports.	
Self Report?		NO	Classification: Minor
Citation:		30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C)	
Description:		Failure to submit the annual sludge reports, as required by the permit.	
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 provide an operable skimmer bar on the clarifier.	
7 Date:	09/27/2006	(531056)	
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	
8 Date:	12/31/2006	(587806)	
Self Report?		YES	Classification: Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:		Failure to meet the limit for one or more permit parameter	
9 Date:	01/31/2007	(587801)	
Self Report?		YES	Classification: Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:		Failure to meet the limit for one or more permit parameter	
10 Date:	02/22/2007	(553739)	
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	
11 Date:	03/31/2007	(587803)	
Self Report?		YES	Classification: Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:		Failure to meet the limit for one or more permit parameter	
12 Date:	04/30/2007	(587804)	
Self Report?		YES	Classification: Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:		Failure to meet the limit for one or more permit parameter	
13 Date:	05/31/2007	(587805)	
Self Report?		YES	Classification: Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:		Failure to meet the limit for one or more permit parameter	
14 Date:	06/30/2007	(605219)	
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	
15 Date:	07/25/2007	(563905)	
Self Report?		NO	Classification: Minor
Citation:		30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C)	
Description:		Failure to submit the annual sludge reports, as required by the permit.	
Self Report?		NO	Classification: Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)	
Description:		Sludge Provisions, Section III PERMIT Failure to submit the annual sludge report.	

16	Date:	07/31/2007	(605220)		
	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		
17	Date:	08/31/2007	(628628)		
	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		
18	Date:	11/30/2007	(676476)	CN600630495	
	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		
19	Date:	12/31/2007	(676477)		
	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		
20	Date:	02/29/2008	(694942)	CN600630495	
	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		
21	Date:	03/31/2008	(694943)		
	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		
22	Date:	04/30/2008	(694944)	CN600630495	
	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		
23	Date:	05/31/2008	(716436)	CN600630495	
	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		
24	Date:	06/30/2008	(716437)	CN600630495	
	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		
25	Date:	11/30/2008	(731907)		
	Self Report?		YES		Classification: Moderate
	Citation:		2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:		Failure to meet the limit for one or more permit parameter		
F.	Environmental audits.		N/A		
G.	Type of environmental management systems (EMSs).		N/A		
H.	Voluntary on-site compliance assessment dates.		N/A		
I.	Participation in a voluntary pollution reduction program.		N/A		
J.	Early compliance.		N/A		
	Sites Outside of Texas		N/A		

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF GODLEY;
RN101919397**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2009-0907-MWD-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding City of Godley ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Cass Callaway of the Law Office of Cass Callaway, appear before the Commission and together stipulate that:

1. Respondent owns and operates a wastewater treatment plant located adjacent to West Nolan Creek, approximately 600 feet south of the intersection of State Highway 171 and Farm-to-Market Road 917 in Godley, Johnson County, Texas (the "Facility"). Respondent has discharged waste from the Facility into or adjacent to any water in the state or committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.
3. The Commission and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of forty-four thousand seven hundred fifty dollars (\$44,750.00) is assessed by the Commission in settlement of the violations alleged in Section II. Pursuant to TEX. WATER CODE § 7.067, forty-four thousand seven hundred fifty dollars (\$44,750.00) of the administrative penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A" - incorporated herein by reference). Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed by this Agreed Order shall be discharged upon full compliance with all the terms and conditions of this Agreed Order, which includes timely and satisfactory completion of all provisions of the SEP Agreement as determined by the Executive Director.

If Respondent fails to timely and satisfactorily comply with any requirement contained in this Agreed Order, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the conditionally offset portion of the administrative penalty shall become immediately due and payable without demand or notice. The acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Agreed Order, and the Executive Director may require Respondent to pay all or part of the conditionally offset administrative penalty.

6. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and Respondent agree on a settlement of the matters addressed in this Agreed Order, subject to the approval of the Commission.
8. The Executive Director recognizes that:
 - a. Respondent completed a new wastewater treatment facility in August 2009;
 - b. Respondent obtained Texas Pollution Discharge Elimination System ("TPDES") Permit No. WQ0014887001, which became effective on November 7, 2008;
 - c. Respondent submitted Daily Monitoring Reports ("DMRs") for the months of December 2008, January 2009, and February 2009 in April 2009;
 - d. Respondent is currently using the Net DMR software to allow for electronic submittal of DMRs; and
 - e. No sludge was reported in the receiving stream during an investigation conducted by a TCEQ Dallas/Fort Worth Regional Office investigator on April 7, 2010.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

1. During an investigation conducted on April 9, 2009 a TCEQ Dallas/Fort Worth Regional Office investigator documented that Respondent violated:
 - a. 30 TEX. ADMIN. CODE § 305.125(1); TEX. WATER CODE § 26.121(a); and TPDES Permit No. WQ0014887001, Interim Effluent Limitations and Monitoring Requirements No.1, by failing to maintain compliance with the permit effluent limits. Specifically, a grab sample was taken by the investigator at the time of the investigation and the results were as follows: 5-day carbonaceous biochemical oxygen demand ("CBOD") – 83.5 milligrams per liter ("mg/L") (permit limit – 35 mg/L), total ammonia nitrogen ("NH3-N") – 60.1 mg/L (permit – 15 mg/L), and total suspended solids ("TSS") – 914 mg/L (permit limit – 60 mg/L);
 - b. 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0014887001, Interim Effluent Limitations and Monitoring Requirements No. 1, by failing to monitor for each parameter at the frequency specified in the permit. Specifically, Respondent did not collect and analyze samples for CBOD and NH3-N for the monitoring periods ending December 2008 through March 2009;
 - c. 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014887001, Monitoring and Reporting Requirements No. 7.c., by failing to submit noncompliance notification reports for effluent violations that deviated from the permitted effluent limits by more than 40%. Specifically, the BOD and TSS values for the months of November and December 2007, and the TSS and flow values for the month of January 2008 exceeded the permitted limits by more than 40% and were not reported to TCEQ;
 - d. 30 TEX. ADMIN. CODE § 305.125(5); TEX. WATER CODE § 26.121(a); and TPDES Permit No. WQ0014887001, Permit Condition No. 2.d., by failing to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, resulting in an unauthorized discharge of partially treated wastewater to water in the state. Specifically, the investigator observed sludge from the clarifier flowing over the weirs into the chlorine contact chamber, through the outfall and into the receiving stream. In addition, algae was noted to be growing in and around the clarifier weirs, which caused the Facility to short circuit;
 - e. 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.1 and TPDES Permit No. WQ0014887001, Monitoring and Reporting Requirements No. 1, by failing to timely provide monitoring results at intervals specified in the permit. Specifically, Respondent did not submit the DMRs for the months of December 2008, January 2009, and February 2009, by the 20th day of the following month;
 - f. 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014887001, Other Requirements No. 4, by failing to submit a summary submittal letter within 60 days of the permit issuance. Specifically, Respondent was issued

TPDES Permit No. WQ0014887001 on November 7, 2008 and the letter was due by January 6, 2009; and

- g. 30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2) and TEX. WATER CODE § 26.121(a), by failing to maintain authorization for the discharge of wastewater. Specifically, Respondent did not renew TPDES Permit No. 10542-001, which expired on March 1, 2008, and continued to discharge wastewater from the Facility without authorization.
2. Respondent received notice of the violations on or about May 24, 2009

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph 5, above. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: City of Godley, Docket No. 2009-0907-MWD-E" to:

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

2. Respondent shall implement and complete a SEP as set forth in Section I, Paragraph 5, above. The amount of forty-four thousand seven hundred fifty dollars (\$44,750.00) of the assessed administrative penalty is conditionally offset based on the condition that Respondent implement and complete a SEP pursuant to the terms and conditions contained in the SEP Agreement, as defined in Attachment A. Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon full, final, and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director. Administrative penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment. Checks shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: City of Godley, Docket No. 2009-0907-MWD-E" to:

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

3. Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Agreed Order, Respondent shall:
 - i. Update the Facility's operational guidance and conduct employee training to ensure the following:
 - 1. Each parameter specified in the permit is properly monitored, in accordance with TPDES Permit No. WQ0014887001, Interim Effluent Limitations and Monitoring Requirements No. 1;
 - 2. Proper notification is given for effluent violations which deviate from the permitted effluent limitation by 40%, in accordance with TPDES Permit No. WQ0014887001, Monitoring and Reporting Requirements No. 7.c.; and
 - ii. Submit the summary submittal letter to the TCEQ Wastewater Permitting Section to the following address:

Application Review and Processing Team
Water Quality Division, MC 148
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - b. Within 45 days after the effective date of this Agreed Order, Respondent shall submit a written certification of compliance with Ordering Provision Nos. 3.a.i. and 3.a.ii., in accordance with Ordering Provision No. 3.e. below;
 - c. Within 90 days after the effective date of this Agreed Order, Respondent shall:
 - i. Develop and implement a solids management plan that outlines a program of internal process control testing to monitor the efficiency of treatment and to maintain a proper level of solids at the Facility. The plan should include regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control, in accordance with TPDES Permit No. WQ0014887001, Operational Requirements No. 1; and
 - ii. Submit a written certification of compliance with the effluent limits of TPDES Permit No. WQ0014887001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, in accordance with Ordering Provision No. 3.e. below.

- d. Within 105 days after the effective date of this Agreed Order, Respondent shall submit a written certification of compliance with Ordering Provision No. 3.c.i., in accordance with Ordering Provision No. 3.e. below;
- e. The certifications required by Ordering Provision Nos. 3.b., 3.c.ii., and 3.d. shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certifications and supporting documentation 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:

Sid Slocum, Water Section Manager
Texas Commission on Environmental Quality
Dallas/Fort Worth Regional Office
2309 Gravel Drive
Fort Worth, Texas 76118-6951

4. All relief not expressly granted in this Agreed Order is denied.
5. The provisions of this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
6. If 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, Respondent's failure to comply is not a violation of this Agreed Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

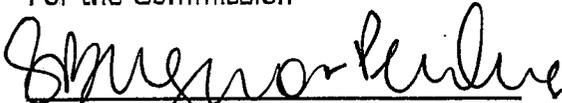
7. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
8. This Agreed Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

City of Godley
Docket No. 2009-0907-MWD-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

2/18/2011
Date

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

I also understand that failure to comply with the Ordering Provisions 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

Cass Robert Callaway
Signature

11-10-2010
Date

CASS ROBERT CALLAWAY
Name (Printed or typed)
Authorized representative of
City of Godley

CITY ATTORNEY
Title

Attachment A
Docket Number: 2009-0907-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Godley
Penalty Amount:	Forty-four Thousand Seven Hundred Fifty Dollars (\$44,750)
Project One SEP Offset Amount:	Eighteen Thousand Dollars (\$18,000)
Project One Type of SEP:	Pre-approved SEP
Project One Third-Party Recipient:	Texas Association of Resource Conservation & Development Areas, Inc. ("RC&D")
Project One Name:	<i>Household Hazardous Waste Collection</i>
Project One Location of SEP:	Brazos River Basin (preference for Johnson County)
Project Two SEP Offset Amount:	Twenty-six Thousand Seven Hundred Fifty Dollars (\$26,750)
Project Two Type of SEP:	Pre-approved SEP
Project Two Third-Party Recipient:	Texas Association of Resource Conservation & Development Areas, Inc. ("RC&D")
Project Two Name:	<i>Water or Wastewater Assistance</i>
Project Two Location of SEP:	Brazos River Basin (preference for Johnson County)

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 Amounts set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. 1. Project One Description

The Respondent shall contribute the SEP Offset Amount for Project One to the Third-Party Recipient named above. The SEP contribution will to the ***Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")*** to be used for the Household Hazardous Waste Collection program as set forth in an agreement between the Third-Party Recipient and the TCEQ. The Third-Party Recipient shall coordinate with city and county government officials and private entities to provide a day for local residents to bring in household hazardous waste (HHW) such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers for proper disposal. Where possible, the projects may also offer electronics collection and recycling. SEP Funds will be used solely for the direct costs of collection, recycling, and disposal of wastes. Citizens will not be charged disposal fees. The project will be

administered in accordance with TCEQ guidance on household hazardous waste and in compliance with federal, state, and local environmental laws and regulations. Any SEP Offset Amount remaining after completion of these projects may, upon approval of the Executive Director, be applied to another approved RC&D project.

a. 2. Project Two Description

The Respondent shall contribute the SEP Offset Amount for Project Two to the Third-Party Recipient named above. The contribution will be to **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** to be used for the Water or Wastewater Treatment Assistance project as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the SEP Offset Amount will pay for the labor and disposal costs associated with assistance to low-income residents with shallow, improperly designed, or contaminated drinking water wells or failing wastewater systems, or plugging of abandoned wells. The projects will be administered in accordance with federal, state, and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to make the contributions for Project One or Project Two and that the contributions are being made solely in an effort to settle this enforcement action.

b. 1. Project One Environmental Benefit

This SEP will provide a discernible environmental benefit by properly disposing of Household Hazardous Waste which might otherwise be disposed of in storm drains, the sewerage system, or other means detrimental to the environment and by providing for proper disposal of used electronics.

b. 2. Project Two Environmental Benefit

The wastewater portion of this SEP will provide a discernible environmental benefit by preventing the release of sewage into the environment. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as in lawns or streets, or waters used for recreation.
- Shellfish harvested from areas contaminated by raw sewage.
- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes

excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

The drinking water portion of this project will protect water sources for drinking, recreation and wildlife from contamination from the failing treatment systems, and protect public health from contaminated drinking water supplies.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amounts described above 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 Amounts to the Third-Party Recipient. The Respondent may make the contribution for both Project One and Project Two in one check to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Texas Association of Resource Conservation
and Development Areas, Inc. (RC&D)
Attention: SEP
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:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
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 Amounts 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:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
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

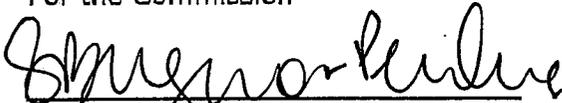
The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

2/18/2011
Date

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

I also understand that failure to comply with the Ordering Provisions 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

Cass Robert Callaway
Signature

11-10-2010
Date

CASS ROBERT CALLAWAY
Name (Printed or typed)
Authorized representative of
City of Godley

CITY ATTORNEY
Title