

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1920-MWD-E **TCEQ ID:** RN101917565 **CASE NO.:** 40780
RESPONDENT NAME: City of Quinlan

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of Quinlan WWTP, located approximately 2,100 feet southwest of the intersection of State Highway 276 and State Business Highway 34, Hunt County</p> <p>TYPE OF OPERATION: Wastewater 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 April 4, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Thomas Jecha, P.G., Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2576; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: The Honorable R. W. Oliver, Mayor, City of Quinlan, P. O. Box 2740, Quinlan, Texas 75474-2740 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 29, 2010</p> <p>Date of NOV/NOE Relating to this Case: November 8, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>WATER</p> <p>1) Failed to submit the annual sludge report for the monitoring period ending July 31, 2008 by the September 1, 2008 due date [30 TEX. ADMIN. CODE § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013725001, Sludge Provisions].</p> <p>2) Failed to accurately complete monthly effluent reports. Specifically, some of the data reported on the discharge monitoring reports ("DMR") for February 2009 through January 2010 (excluding September 2009) do not match the daily logs and lab results for the effluent parameters chlorine, dissolved oxygen, pH, ammonia nitrogen, total suspended solids, and biochemical oxygen demand [30 TEX. ADMIN. CODE §§ 305.125(1), 319.1, and 319.7(a)(5) and TPDES Permit No. WQ0013725001, Monitoring and Reporting Requirements No. 1].</p>	<p>Total Assessed: \$13,130</p> <p>Total Deferred: \$2,626 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$10,504</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Update the Facility's operational guidance and conduct employee training to ensure that:</p> <p>1. Annual sludge reports are timely submitted to the TCEQ; and</p> <p>2. All data submitted in the DMRs are accurate.</p> <p>ii. Submit the annual sludge reports for the monitoring period ending July 31, 2008; and</p> <p>iii. Submit revised monthly DMRs for the period of February 2009 through January 2010 that have been corrected for accuracy.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): WQ0013725001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned 15-Nov-2010	Screening 1-Dec-2010	EPA Due <input type="text"/>
	PCW 2-Dec-2010		

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Quinlan		
Reg. Ent. Ref. No.	RN101917565		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	40780	No. of Violations	2
Docket No.	2010-1920-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media	<input type="text"/>	Enf. Coordinator	Thomas Jecha, P.G.
		EC's Team	Enforcement Team 3
Admin. Penalty \$	Limit Minimum <input type="text" value="\$0"/>	Maximum	<input type="text" value="\$10,000"/>

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes Enhancement for one NOV with same/similar violations, eleven NOVs with dissimilar violations including 10 months of self-reported effluent violations, two orders without a denial of liability, and for repeat violator status.

Culpability **0.0%** Enhancement **Subtotal 4**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit **0.0%** Enhancement* **Subtotal 6**

Total EB Amounts
 Approx. Cost of Compliance
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 1-Dec-2010

Docket No. 2010-1920-MWD-E

PCW

Respondent City of Quinlan

Policy Revision 2 (September 2002)

Case ID No. 40780

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101917565

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha, P.G.

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	11	22%
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	2	50%
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) 77%

>> **Repeat Violator (Subtotal 3)**

Yes

Adjustment Percentage (Subtotal 3) 25%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one NOV with same/similar violations, eleven NOVs with dissimilar violations including 10 months of self-reported effluent violations, two orders without a denial of liability, and for repeat violator status.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 102%

Screening Date 1-Dec-2010

Docket No. 2010-1920-MWD-E

PCW

Respondent City of Quinlan

Policy Revision 2 (September 2002)

Case ID No. 40780

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101917565

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha, P.G.

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0013725001, Sludge Provisions

Violation Description Failed to submit the annual sludge report for the monitoring period ending July 31, 2008 by the September 1, 2008 due date.

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 rule requirement was not met.				

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 365

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 \$41

Violation Final Penalty Total \$2,020

This violation Final Assessed Penalty (adjusted for limits) \$2,020

Economic Benefit Worksheet

Respondent City of Quinlan
Case ID No. 40780
Reg. Ent. Reference No. RN101917565
Media Water Quality
Violation No. 1

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	\$300	1-Sep-2008	1-Jun-2011	2.75	\$41	n/a	\$41
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 prepare and submit the annual sludge report and update the Facility's operational guidance and conduct employee training to ensure that all reports are submitted timely. The date required is the date the report was due and the 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

\$300

TOTAL

\$41

Screening Date 1-Dec-2010

Docket No. 2010-1920-MWD-E

PCW

Respondent City of Quinlan

Policy Revision 2 (September 2002)

Case ID No. 40780

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101917565

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha, P.G.

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1), 319.1, and 319.7(a)(5) and TPDES Permit No. WQ0013725001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to accurately complete monthly effluent reports. Specifically, some of the data reported on the discharge monitoring reports ("DMR") for February 2009 through and including January 2010 (excluding September 2009) do not match the daily logs and lab results for the effluent parameters as shown in the attached table.

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 rule requirement was not met.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 11

335 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$5,500

Eleven single 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 \$5,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$11,110

This violation Final Assessed Penalty (adjusted for limits) \$11,110

Economic Benefit Worksheet

Respondent City of Quinlan
Case ID No. 40780
Reg. Ent. Reference No. RN101917565
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				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)	\$250	20-Mar-2009	1-Jun-2011	2.20	\$28	n/a	\$28

Notes for DELAYED costs

Estimated cost to correct and resubmit 11 DMRs and update the Facility's operational guidance and conduct employee training to ensure that the data submitted in future DMRs are accurate. The date required is the date the February 2009 DMR was due and the 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

\$250

TOTAL

\$28

30 TAC Chapter 319, SubChapter A 319.6
30 TAC Chapter 319, SubChapter A 319.7(a)
30 TAC Chapter 319, SubChapter A 319.9

Rqmt Prov: MONITORING AND REPORTING REQUIREMENTS PERMIT
Description: Failed to conduct tests and maintain associated records.

Classification: Moderate

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

30 TAC Chapter 317 317.3
30 TAC Chapter 317 317.4(a)(5)
30 TAC Chapter 317 317.4(d)

Rqmt Prov: OPERATIONAL REQUIREMENTS PERMIT
Description: Failed to ensure that the facility and all of its systems of collection, treatment, and disposal were properly operated and maintained at all times.

Classification: Moderate

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

Rqmt Prov: OTHER REQUIREMENTS PERMIT

Description: Failed to employ an operator with the proper certification level to operate the facility.

Classification: Moderate

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

Rqmt Prov: Effluent limitations and monitoring PERMIT
Description: Failed to comply with the permitted effluent limits for BOD and TSS.

Classification: Moderate

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

Rqmt Prov: EFFLUENT LIMITATIONS AND MONITORING REQ PERMIT
Description: Failed to comply with the minimum DO permitted effluent limitation.

Classification: Moderate

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

Rqmt Prov: WQ0013725-001 PERMIT
Description: Failed to comply with the TCR permitted effluent limitation.

Classification: Major

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

Rqmt Prov: PERMIT CONDITIONS PERMIT

Description: Failed to provide an adequate backflow prevention device and the annual device test report.

Classification: Moderate

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

Rqmt Prov: WQ0013725-001 PERMIT

Description: Failed to ensure that liquid paint filter tests for sludge disposed of in a municipal landfill were recorded.

Effective Date: 02/25/2008

ADMINORDER 2007-1283-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: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits.

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.)

		(469436)
1	2/24/2006	
2	3/22/2006	(469437)
3	12/21/05	(469440)
4	1/24/2006	(469441)
5	4/28/2006	(498888)
6	5/23/2006	(498889)
7	6/22/2006	(498890)
8	8/1/2006	(520903)
9	9/21/2006	(520904)
10	8/1/2007	(568154)
11	4/24/2008	(607450)
12	2/22/07	(620026)
13	3/26/07	(620027)
14	4/23/07	(620028)
15	6/11/07	(620029)
16	7/24/06	(620030)
17	7/16/07	(620031)
18	8/20/07	(620032)
19	9/24/07	(620033)
20	10/24/06	(620034)
21	10/26/07	(620035)
22	11/22/06	(620036)
23	11/16/07	(620037)
24	12/15/06	(620038)
25	12/13/07	(620039)
26	1/24/07	(620040)
27	4/9/08	(641437)
28	11/7/08	(646445)
29	4/16/08	(672478)
30	5/22/07	(672479)
31	1/18/08	(672480)
32	5/22/08	(679943)
33	2/29/08	(690421)
34	3/21/08	(690422)
35	5/13/08	(690423)
36	6/18/08	(690424)
37	7/15/08	(690425)
38	8/12/08	(711258)
39	9/19/08	(711259)
40	10/20/08	(711260)
41	2/11/09	(726695)
42	11/18/08	(727854)
43	1/19/09	(727855)
44	2/17/09	(750753)
45	3/16/09	(750754)

46	4/7/09	(750755)
47	12/18/08	(750756)
48	5/13/09	(768692)
49	6/15/09	(768693)
50	4/28/10	(799423)
51	5/12/10	(805886)
52	5/11/10	(805887)
53	5/11/10	(805888)
54	5/11/10	(805889)
55	10/16/09	(805890)
56	11/16/09	(805891)
57	12/15/09	(805892)
58	1/20/10	(805893)
59	10/1/10	(866090)
60	11/8/10	(872455)

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

Date:	01/31/2006	(469436)	CN600644587
Self	YES		Classification Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2006	(620030)	CN600644587
Self	YES		Classification Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/31/2006	(520903)	CN600644587
Self	YES		Classification Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/31/2006	(520904)	CN600644587
Self	YES		Classification Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	11/30/2006	(620038)	CN600644587
Self	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	(620027)	CN600644587
Self	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	(620028)	CN600644587
Self	YES		Classification Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/30/2007	(672479)	CN600644587

Self	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:	05/31/2007 (620029)	CN600644587	
Self	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/16/2008 (607450)	CN600644587	
Self	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to maintain a minimum total chlorine residual of > 1.0 mg/L. During the investigation, the total chlorine residual tested at 0.67 mg/L. The operator immediately increased the flow of chlorine.		
Self	NO	Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to maintain complete sludge records. During the investigation it was noted that the sludge transporter, Duncan Disposal was not recording their sludge transported number on the sludge manifests. It was also noted that records of the paint filter tests performed were not being adequately documented.		
Self	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to maintain compliance with the permitted effluent limits for BOD. During the period of review, three BOD effluent excursions were identified for April and May 2007, which were not included in Enforcement Case #34397. Both BOD single grab and daily average limits were exceeded.		
Date	08/31/2009 (805889)	CN600644587	
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/30/2010 (799423)	CN600644587	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C) WQ0013725-001 PERMIT		
Description:	Failure to submit the annual sludge reports by September 1 as required.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) WQ0013725-001 PERMIT		
Description:	Failure to properly maintain the clarifier unit.		
Self Report?	NO	Classification	Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(20)(C) 30 TAC Chapter 319, SubChapter A 319.7(e) WQ0013725-001 PERMIT		
Description:	Failure to accurately report data on DMRs.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c) WQ0013725-001 PERMIT		
Description:	Failure to submit complete Discharge Monitoring Reports, as required, by the 20th of the following month.		
Self Report?	NO	Classification	Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0013725-001 PERMIT		
Description:	Failure to prevent pass-through of potential pollutants into the receiving stream.		

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 QUINLAN
RN101917565

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-1920-MWD-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a wastewater treatment plant located approximately 2,100 feet southwest of the intersection of State Highway 276 and State Business Highway 34 in Hunt County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 13, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Thirteen Thousand One Hundred Thirty Dollars (\$13,130) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Ten Thousand Five Hundred Four Dollars (\$10,504) of the administrative penalty and Two Thousand Six Hundred Twenty-Six Dollars (\$2,626) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to submit the annual sludge report for the monitoring period ending July 31, 2008 by the September 1, 2008 due date, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013725001, Sludge Provisions, as documented during a record review conducted on October 29, 2010.
2. Failed to accurately complete monthly effluent reports, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 319.1, and 319.7(a)(5) and TPDES Permit No. WQ0013725001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on October 29, 2010. Specifically, some of the data reported on the discharge monitoring reports ("DMR") for February 2009 through January 2010 (excluding September 2009) do not match the daily logs and lab results for the effluent parameters as shown in the following table:

Month/Year	Chlorine		Dissolved Oxygen	pH		Ammonia Nitrogen			Total Suspended Solids			Biochemical Oxygen Demand (5-day)		
	min	max	min	min	max	DAVC	DAVL	SGMC	DAVC	DAVL	SGMC	DAVC	DAVL	SGMC
February 2009			X					X						
March 2009			X											X
April 2009					X		X							
May 2009			X		X									
June 2009	X											X	X	X
July 2009			X	X	X	X	X		X		X	X	X	X
August 2009				X										
October 2009	X													
November 2009			X		X							X	X	
December 2009			X				X	X					X	
January 2010			X						X	X	X			

X = data reported on DMR does not match daily log or lab data, DAVC = daily average concentration, DAVL = daily average loading, SGMC = single grab maximum concentration, min = minimum, max = maximum

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Quinlan, Docket No. 2010-1920-MWD-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:

- a. Within 30 days after the effective date of this Agreed Order:
 - i. Update the Facility's operational guidance and conduct employee training to ensure that:
 1. Annual sludge reports are timely submitted to the TCEQ, as required by TPDES Permit No. WQ0013725001, Sludge Provisions; and
 2. All data submitted in the DMRs are accurate, as required by TPDES Permit No. WQ0013725001, Monitoring and Reporting Requirements No. 1.
 - ii. Submit the annual sludge reports for the monitoring period ending July 31, 2008, as required by 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0013725001, Sludge Provisions, to the TCEQ locations shown in Ordering Provision 2.b. below; and
 - iii. Submit revised monthly DMRs for the period of February 2009 through January 2010 that have been corrected for accuracy, as required by TPDES Permit No. WQ0013725001, Monitoring and Reporting Requirements No. 1, to the TCEQ locations shown in Ordering Provision 2.b. below.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. 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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Siddle
For the Executive Director

Date 3/11/2011

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

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

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

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

R.W. Oliver
Signature

Date 1-11-11

R.W. Oliver
Name (Printed or typed)
Authorized Representative of
City of Quinlan

Mayor
Title

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