CAPTION: Docket No. 2010-1984-MWD-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Big Lake in Reagan County; RN101611820; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Laurie Eaves)

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-1984-MWD-E **TCEQ ID:** RN101611820 **CASE NO.:** 40820

RESPONDENT NAME: City of Big Lake

ORDER TYPE:		
__1660 AGREED ORDER	X FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
X WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Big Lake WTP, located approximately 530 feet south of United States (US) Highway 67, approximately 1.14 miles east of the intersection of US Highway 67 and State Highway 137, Reagan County

TYPE OF OPERATION: Wastewater treatment facility

SMALL BUSINESS: X **Yes** ___ **No**

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

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on April 18, 2011. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732

TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

Respondent: The Honorable Cindy O'Bryan, Mayor, City of Big Lake, P.O. Box 310, Big Lake, Texas 76932

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint _X_ Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** September 28, 2010 **Date of NOV/NOE Relating to this Case:** November 29, 2010 (NOE) **Background Facts:** This was a routine investigation. **WATER** 1) Failed to properly complete Discharge Monitoring Reports ("DMRs") [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010038001, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE § 319.7(c)]. 2) Failed to comply with permitted effluent limits for ammonia nitrogen ("NH3-N") and total suspended solids ("TSS") [TPDES Permit No. WQ0010038001, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)(1)]. 3) Failed to initiate engineering and financial planning for expansion or obtain a waiver after exceeding 75% of the permitted daily flow for more than three consecutive months [TPDES Permit No. WQ0010038001, Operational Requirements No. 8.a. and 30 TEX. ADMIN. CODE § 305.126(a)]. 4) Failed to install atmospheric vacuum breakers on potable water connections [30 TEX. ADMIN. CODE §§ 317.4(a)(8) and 317.7(i)].	**Total Assessed:** $11,934 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $11,934 **Total Paid to General Revenue:** $0 **Compliance History Classifications:** Person/CN - Average Site/RN - Average **Major Source:** __ **Yes** _X_ **No** **Applicable Penalty Policy:** September 2002 **Findings Orders Justification:** The Respondent has had three repeated enforcement actions over the prior five year period for the same violation.	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility: a. By April 15, 2010, increased the air flow through the Facility to offset the septic condition and returned to compliance with NH3-N permitted levels; b. By July 16, 2010, conditioned the reactor basins and adjusted the waste time and returned to compliance with TSS permitted levels; and c. By November 12, 2010: i. Submitted revised DMRs for the months of March 2010 and June 2010; and ii. Installed atmospheric vacuum breakers on the two potable water connections. **Ordering Provisions:** 1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A) 2) The Order will also require the Respondent to: a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished; b. Within 60 days after the effective date of this Agreed Order, initiate engineering and financial planning for expansion or obtain a waiver for the Facility; and

		c. Within 75 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 Nos. 2.a. and 2.b.

Additional ID No(s).: WQ0010038001

Attachment A
Docket Number: 2010-1984-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**City of Big Lake**
Payable Penalty Amount:	**Eleven Thousand Nine Hundred Thirty-Four Dollars ($11,934)**
SEP Amount:	**Eleven Thousand Nine Hundred Thirty-Four Dollars ($11,934)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance**
Location of SEP:	**Reagan County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of 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 amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Texas Association of Resource Conservation and Development Areas, Inc. to be used for the RC&D Water or Wastewater Treatment Assistance Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems.

C. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

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

3. Records and Reporting

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

Enforcement Division
Attention: SEP Coordinator, MC 219
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 amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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 an 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	6-Dec-2010				
PCW	22-Dec-2010	**Screening**	7-Dec-2010	**EPA Due**	

RESPONDENT/FACILITY INFORMATION

Respondent	City of Big Lake		
Reg. Ent. Ref. No.	RN101611820		
Facility/Site Region	8-San Angelo	**Major/Minor Source**	Minor

CASE INFORMATION

Enf./Case ID No.	40820	**No. of Violations**	4
Docket No.	2010-1984-MWD-E	**Order Type**	Findings
Media Program(s)	Water Quality	**Government/Non-Profit**	Yes
Multi-Media		**Enf. Coordinator**	Jorge Ibarra, P.E.
		EC's Team	Enforcement Team 3

Admin. Penalty $ Limit Minimum $0 **Maximum** $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$4,200**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **202.0%** Enhancement — *Subtotals 2, 3, & 7* **$8,484**

Notes: Enhancement for one order with denial, three NOVs with same/similar violations, one NOV with dissimilar violations, and 33 months of self-reported effluent violations.

Culpability — No — **0.0%** Enhancement — *Subtotal 4* **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — *Subtotal 5* **$750**

Economic Benefit — **0.0%** Enhancement* — *Subtotal 6* **$0**

Total EB Amounts $448
Approx. Cost of Compliance $13,200

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$11,934**

OTHER FACTORS AS JUSTICE MAY REQUIRE — **0.0%** — *Adjustment* **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$11,934**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$11,934**

DEFERRAL — **0.0%** Reduction — *Adjustment* **$0**

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **$11,934**

Screening Date 7-Dec-2010 **Docket No.** 2010-1984-MWD-E **PCW**

Respondent City of Big Lake

Policy Revision 2 (September 2002)

Case ID No. 40820

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611820

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	36	180%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 202%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order with denial, three NOVs with same/similar violations, one NOV with dissimilar violations, and 33 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 202%

Screening Date 7-Dec-2010 **Docket No.** 2010-1984-MWD-E **PCW**

Respondent City of Big Lake *Policy Revision 2 (September 2002)*

Case ID No. 40820 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101611820

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 1

Rule Cite(s) Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010038001, Monitoring and Reporting Requirements No. 1 and 30 Tex. Admin. Code § 319.7(c)

Violation Description Failed to properly complete discharge monitoring reports ("DMRs"). Specifically, the DMR for the month of March 2010 did not indicate the number of exceedances in the exceedance column for the 7-day average for total ammonia nitrogen and the DMR for the month of June 2010 did not indicate two exceedances in the number of exceedance column for the 7-day average and the daily maximum for total suspended solids.

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 1%

Matrix Notes: More than 70% of the rule requirement was met.

Adjustment $9,900

$100

Violation Events

Number of Violation Events 2 | 2 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $200

Two single events are recommended, one for each month having incomplete data.

Good Faith Efforts to Comply

0.0% Reduction $0

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

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

Violation Subtotal $200

Economic Benefit (EB) for this violation

Estimated EB Amount $9

Statutory Limit Test

Violation Final Penalty Total $604

This violation Final Assessed Penalty (adjusted for limits) $604

Economic Benefit Worksheet

Respondent City of Big Lake
Case ID No. 40820
Reg. Ent. Reference No. RN101611820
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	$100	20-Apr-2010	15-Jul-2011	1.24	$6	n/a	$6
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$100	20-Apr-2010	12-Nov-2010	0.56	$3	n/a	$3

Notes for DELAYED costs: Estimated cost to properly complete and submit the revised DMRs and to update the Facility's operational guidance and conduct training to ensure that reporting requirements are properly accomplished. Dates Required are the first day of non-compliance. Final Dates are the dates that the revised DMRs were submitted (11/12/10) and the projected date that the guidance update and training will be completed.

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 $200

TOTAL $9

Screening Date	7-Dec-2010	**Docket No.** 2010-1984-MWD-E	**PCW**
Respondent	City of Big Lake		*Policy Revision 2 (September 2002)*
Case ID No.	40820		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101611820		
Media [Statute]	Water Quality		
Enf. Coordinator	Jorge Ibarra, P.E.		

Violation Number 2

Rule Cite(s) TPDES Permit No. WQ0010038001, Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)(1)

Violation Description Failed to comply with permitted effluent limits. See attached Effluent Limit Violation Table.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: A simplified model was used to evaluate ammonia nitrogen (NH_3N) to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids (TSS) values were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 2 | 121 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,000

Two quarterly events are recommended based on the months the permitted limits were exceeded.

Good Faith Efforts to Comply

25.0% Reduction — $500

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

Notes: The Respondent achieved compliance by July 16, 2010 for this violation.

Violation Subtotal $1,500

Economic Benefit (EB) for this violation

Estimated EB Amount $141

Statutory Limit Test

Violation Final Penalty Total $5,540

This violation Final Assessed Penalty (adjusted for limits) $5,540

Economic Benefit Worksheet

Respondent City of Big Lake
Case ID No. 40820
Reg. Ent. Reference No. RN101611820
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	$7,500	1-Mar-2010	16-Jul-2010	0.38	$141	n/a	$141

Notes for DELAYED costs: Estimated cost to increase the air flow through the Facility to offset the septic condition, condition the reactor basins, adjust the waste time, and return to compliance with permitted levels. Date Required is the first day of non-compliance. Final Date is the compliance date.

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

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 $7,500

TOTAL $141

Screening Date 7-Dec-2010 **Docket No.** 2010-1984-MWD-E **PCW**

Respondent City of Big Lake *Policy Revision 2 (September 2002)*

Case ID No. 40820 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101611820

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 3

Rule Cite(s) TPDES Permit No. WQ0010038001, Operational Requirements No. 8.a. and 30 Tex. Admin. Code § 305.126(a)

Violation Description Failed to initiate engineering and financial planning for expansion or obtain a waiver after exceeding 75% of the permitted daily flow for more than three consecutive months. Specifically, a waiver was issued on May 19, 2009 with an effective date through the next permit action (renewal or amendment). The Facility's permit was renewed on September 11, 2009 resulting in the expiration of the waiver. The Facility's flow was exceeded by more than 75% for the months of January 2010 through June 2010. Documentation demonstrating engineering and financial planning for expansion or requesting an additional waiver has not been submitted.

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 10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
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

Estimated EB Amount $294

Statutory Limit Test

Violation Final Penalty Total $3,020

This violation Final Assessed Penalty (adjusted for limits) $3,020

Economic Benefit Worksheet

Respondent City of Big Lake
Case ID No. 40820
Reg. Ent. Reference No. RN101611820
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction	$5,000	28-Sep-2010	1-Aug-2011	0.84	$14	$280	$294
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to initiate engineering and financial planning for expansion or obtain a waiver after exceeding 75% of the permitted daily flow. Date Required is the investigation date. Final Date is the expected compliance date.

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance $5,000

TOTAL $294

Screening Date 7-Dec-2010 **Docket No.** 2010-1984-MWD-E **PCW**

Respondent City of Big Lake *Policy Revision 2 (September 2002)*

Case ID No. 40820 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101611820

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 317.4(a)(8) and 317.7(i)

Violation Description Failed to install atmospheric vacuum breakers on two potable water connections used as washdown supply hoses at the Facility.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to install atmospheric vacuum breakers on potable water connections could result in the release of significant amounts of pollutants to the potable water system which would not exceed levels that are protective of human health as a result of the violation.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 1 | 45 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,000

One quarterly event is recommended from the investigation date of September 28, 2010 to the compliance date of November 12, 2010.

Good Faith Efforts to Comply

25.0% Reduction $250

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

Notes: The Respondent achieved compliance by November 12, 2010 for this violation.

Violation Subtotal $750

Economic Benefit (EB) for this violation

Estimated EB Amount $4

Statutory Limit Test

Violation Final Penalty Total $2,770

This violation Final Assessed Penalty (adjusted for limits) $2,770

Economic Benefit Worksheet

Respondent City of Big Lake
Case ID No. 40820
Reg. Ent. Reference No. RN101611820
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$500	28-Sep-2010	12-Nov-2010	0.12	$0	$4	$4
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to install atmospheric vacuum breakers on two potable water connections. Date Required is the investigation date. Final Date is the compliance date.

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: $500

TOTAL: $4

Effluent Limit Violation Table

table rev.

City of Big Lake

RN101611820, Case No. 40820

2010-1984-MWD-E

Jorge Ibarra, P.E.

Corresponds to Violation Number: 2

EFFLUENT PARAMETER

Permit Limit

	NH_3-N Daily Average Concentration	NH_3-N 7-Day Average Concentration	TSS 7-Day Average Concentration	TSS Daily Maximum Concentration	TSS Daily Average Concentration				
Month/Year	3 mg/L	6 mg/L	25 mg/L	40 mg/L	15 mg/L				
March-2010	3.42	8.68	c	c	c				
June-2010	c	c	45	45	15.8				

Name	Abbreviation
milligrams per liter	mg/L
Total Suspended Solids	TSS
Ammonia Nitrogen	NH_3-N
compliant	c

Compliance History

Customer/Respondent/Owner-Operator:	CN600671341	City of Big Lake	Classification: AVERAGE	Rating: 2.97
Regulated Entity:	RN101611820	BIG LAKE WTP	Classification: AVERAGE	Site Rating: 5.88

ID Number(s):	WASTEWATER	PERMIT	WQ0010038001
	WASTEWATER	EPA ID	TX0023426
	WASTEWATER LICENSING	LICENSE	WQ0010038001

Location: Approximately 530 feet south of United States (US) Highway 67, approximately 1.14 miles east of the intersection of US Highway 67 and State Highway 137 in Reagan County, Texas

TCEQ Region: REGION 08 - SAN ANGELO

Date Compliance History Prepared: December 07, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 07, 2005 to December 07, 2010

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

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

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: 9/1/2010 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: 11/09/2007 ADMINORDER 2007-0018-MWD-E
Classification: Moderate
Citation: 30 TAC Chapter 210, SubChapter C 210.34
Rqmt Prov: Auth. for Reclaimed Water, Gen'l Req. IV PERMIT
Description: Failure to monitor fecal coliform at least once per week as required by the City of Big Lake's Authorization for Reclaimed Water No. R10038-001, Part IV.

Classification: Moderate
Citation: 30 TAC Chapter 210, SubChapter C 210.36(2)
Rqmt Prov: Reclaimed Water Auth. Genl Req. V(a)(2) PERMIT
Description: Failure to complete and submit Monthly Effluent Reports (MERs) for January 2006 through September 2006 as required by the City of Big Lake's Reclaim Water Authorization.

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
Rqmt Prov: Sludge Provisions PERMIT
Description: Failure to timely submit annual sludge report for the period ending July 31, 2006 by September 1, 2006.

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Monitoring and Reporting Reqs. No. 7a. PERMIT
Description: Failure to submit written noncompliance notification for effluent violations which deviate from the permitted effluent limitation by more than 40%.

Classification: Moderate

Citation: 30 TAC Chapter 210, SubChapter C 210.33
Rqmt Prov: Reclaimed Water Auth. , Gen'l Req. III PERMIT
Description: Failure to only transfer water meeting the limits described for Type II Reclaimed Water use.

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	07/08/2008	(431474)
2	02/28/2006	(453973)
3	03/01/2006	(469970)
4	12/27/2005	(469973)
5	05/02/2006	(499155)
6	05/22/2006	(499156)
7	06/30/2006	(499157)
8	11/28/2006	(515600)
9	07/24/2006	(521199)
10	02/22/2007	(545708)
11	02/21/2007	(545709)
12	10/12/2006	(545710)
13	12/01/2006	(545711)
14	12/01/2006	(545712)
15	02/22/2007	(545713)
16	02/28/2007	(577445)
17	03/22/2007	(577446)
18	04/20/2007	(577447)
19	05/23/2007	(577448)
20	06/26/2007	(577449)
21	02/28/2007	(577450)
22	05/29/2007	(577451)
23	07/19/2007	(602195)
24	09/04/2007	(602196)
25	09/20/2007	(602197)
26	12/04/2007	(610825)
27	10/22/2007	(620343)
28	11/26/2007	(620344)
29	12/27/2007	(620345)
30	01/22/2008	(672669)
31	02/29/2008	(690663)
32	03/17/2008	(690664)
33	04/28/2008	(690665)
34	05/22/2008	(690666)
35	11/04/2008	(704528)
36	02/09/2009	(710008)
37	06/18/2008	(711510)

38	07/21/2008	(711511)
39	09/02/2008	(711512)
40	09/22/2008	(711513)
41	10/22/2008	(711514)
42	12/29/2008	(722186)
43	12/29/2008	(728046)
44	03/05/2009	(737544)
45	03/27/2009	(739869)
46	04/30/2009	(744209)
47	05/29/2009	(747438)
48	12/01/2008	(750950)
49	01/20/2009	(750951)
50	03/03/2009	(768887)
51	03/23/2009	(768888)
52	04/20/2009	(768889)
53	05/18/2009	(768890)
54	11/30/2009	(778935)
55	02/23/2010	(792085)
56	02/16/2010	(806408)
57	11/24/2009	(806409)
58	02/19/2010	(806410)
59	01/20/2010	(806411)
60	03/15/2010	(831497)
61	04/19/2010	(831498)
62	05/17/2010	(831499)
63	06/14/2010	(846461)
64	07/19/2010	(861029)
65	08/18/2010	(867056)
66	09/20/2010	(874104)
67	11/29/2010	(877300)

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

Date: 12/31/2005 (545713) CN600671341
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2006 (469970) CN600671341
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2006 (453973) CN600671341
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPII PERMIT
Description: Failure to meet the permit limit for 5-day biochemical oxygen demand (BOD5), total suspended solids (TSS), dissolved oxygen (DO) and pH for one or more events.

Self Report? NO Classification Moderate

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

Description: Failure to submit written noncompliance notification for effluent violations which deviate from the permitted effluent limitation by more than 40% to the San Angelo Region Office and the Enforcement Division (MC 224) within 5 days of becoming aware of the noncompliance.

Self Report? NO Classification Minor

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

Description: Failure to maintain the final effluent flow meter calibration so as to ensure accurate measurements.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 210, SubChapter C 210.34
Auth. for Reclaimed Water, Gen'l Req. IV PERMIT

Description: Failure to monitor fecal coliform at least once per week as required by the City of Big Lake's Authorization for Reclaimed Water No. R10038-001, Part IV.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 210, SubChapter C 210.36(2)
Reclaimed Water Auth. Genl Req. V(a)(2) PERMIT

Description: Failure to complete and submit Monthly Effluent Reports (MERs) for January 2006 through September 2006 as required by the City of Big Lake's Reclaim Water Authorization.

Date 02/28/2006 (545708) CN600671341

Self Report? YES Classification Moderate

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

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

Date 03/31/2006 (499155) CN600671341

Self Report? YES Classification Moderate

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

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

Date 04/30/2006 (499156) CN600671341

Self Report? YES Classification Moderate

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

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

Date 05/31/2006 (499157) CN600671341

Self Report? YES Classification Moderate

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

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

Date 06/30/2006 (521199) CN600671341

Self Report? YES Classification Moderate

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

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

Date 07/31/2006 (545709) CN600671341

Self Report? YES Classification Moderate

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

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

Date 08/31/2006 (545710) CN600671341

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

Date 09/30/2006 (545711) CN600671341
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date 10/31/2006 (545712) CN600671341
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2006 (577450) CN600671341
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date 12/31/2006 (577451) CN600671341
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date 01/31/2007 (577445) CN600671341
Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date 02/28/2007 (577446) CN600671341
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date 03/31/2007 (577447) CN600671341
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date 04/30/2007 (577448) CN600671341
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date 05/31/2007 (577449) CN600671341
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date 06/30/2007 (602195) CN600671341

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

Date 07/31/2007 (602196) CN600671341
Self Report? YES Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date 08/31/2007 (602197) CN600671341
Self Report? YES Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date 09/30/2007 (620343) CN600671341
Self Report? YES Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date 10/31/2007 (620344) CN600671341
Self Report? YES Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date 12/31/2007 (672669) CN600671341
Self Report? YES Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date 01/31/2008 (690663) CN600671341
Self Report? YES Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date 02/29/2008 (690664) CN600671341
Self Report? YES Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date 03/31/2008 (690665) CN600671341
Self Report? YES Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date 09/30/2008 (711514) CN600671341
Self Report? YES Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date 11/04/2008 (704528) CN600671341

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.126(a)
PP VI.8.a PERMIT
Description: Failure to initiate engineering and financial planning for expansion or obtain a waiver.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PP VII,III,F,1 PERMIT
Description: Failure to maintain records of the results of liquid paint filter tests.

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)
PPVII,III,G PERMIT
Description: Failure to report annually by September 1 sludge disposal information for sewage sludge disposed in a municipal solid waste landfill to the TCEQ Region Office and the Water Quality Compliance Monitoring Team.09/

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
PPVI,1 PERMIT
Description: Failure to properly operate the sequential batch reactor basins.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failure to prevent storm water runoff from entering the drying beds.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPII,6 PERMIT
Description: Failure to meet the permitted effluent limitation for minimum dissolved oxygen (DO).

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPII,1 PERMIT
Description: Failure to meet the permitted effluent limitation for one or more parameters.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.4
PPII,1 PERMIT
Description: Failure to monitor the correct parameter.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
Description: Failure to monitor a parameter at the required frequency.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
PPIV,2 PERMIT
Description: Failure to ensure samples are analyzed within the required hold time.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
Description: Failure to maintain adequate records for fecal coliform analysis conducted at the facility.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPVI,1 PERMIT
Description: Failure to maintain operation and maintenance records.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

PPVI,1 PERMIT
Description: Failure to maintain process control records.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPIII,2,e PERMIT
Description: Failure to correctly calculate the geometric mean for fecal coliform monitoring results.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(e)
PPIV,7,d PERMIT

Description: Failure to report the correct fecal coliform monitoring results on several Discharge Monitoring Reports (DMRs).

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPIV,7,3 PERMIT

Description: Failure to submit noncompliance notification for effluent noncompliances that deviated from the permitted effluent limit by more than 40%.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
30 TAC Chapter 319, SubChapter A 319.7(c)
PPIV,3 PERMIT

Description: Failure to maintain calibration records of pH and dissolved oxygen instrumentation used for monitoring activities.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to maintain temperature logs for the sample incubator and storage refrigerator.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11(c)
PPIV,2 PERMIT

Description: Failure to ensure m-FC broth ampoules used for fecal coliform analysis are not expired.

Date 01/31/2009 (768887) CN600671341

Self Report? YES Classification Moderate

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

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

Date 02/28/2009 (768888) CN600671341

Self Report? YES Classification Moderate

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

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

Date 03/27/2009 (739869) CN600671341

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
PPVI.4 PERMIT

Description: Failure to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

Date 03/31/2009 (768889) CN600671341

Self Report? YES Classification Moderate

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

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

Date 11/30/2009 (778935) CN600671341

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11

Description: Failure to use pH calibration solution that is not expired.

Self Report? NO Classification Moderate

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

Description: Failure to have the facility's reduced pressure zone (RPZ) backflow prevention device tested annually.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPVI.3b. PERMIT

Description: Failure to submit a closure plan for review and approval for the closure of the ponds.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPVII.III.D PERMIT

Description: Failure to conduct sewage sludge testing, specifically, Toxicity Characteristic Leaching Procedure (TCLP) for all the required listed contaminants listed in 40 CFR 261.24, Table 1.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPVII.III.G PERMIT

Description: Failure to report annually by September 1 sludge disposal information for sewage sludge disposed in a municipal solid waste landfill to the TCEQ Region Office.

Self Report? NO Classification Moderate

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

Description: Failure to calibrate the automatic flow measuring device at least annually.

Self Report? NO Classification Moderate

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

Description: Failure to meet the permitted effluent limitation for one or more parameters.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
PPII.6 PERMIT

Description: Failure to monitor a parameter at the required frequency.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to maintain copies of records related to monitoring activities.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
PPIV.3.c PERMIT

Description: Failure to maintain complete records of monitoring activities.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(e)

Description: Failure to report the correct ammonia nitrogen monitoring results on discharge monitoring reports (DMRs).

Self Report? NO Classification Minor

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

Description: Failure to submit noncompliance notification for effluent noncompliances that deviated from the permitted effluent limit by more than 40%.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to maintain calibration records of dissolved oxygen instrumentation used for monitoring activities during the period between December 27, 2008 and February 6, 2009.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPII.4 PERMIT

Description: Failure to prevent the discharge of floating solids and visible foam to the receiving stream.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11
PPIII.2.e PERMIT

Description: Failure to correctly calculate the geometric mean for fecal coliform/E. coli monitoring results.

Date 03/31/2010 (831498) CN600671341

Self Report? YES Classification Moderate

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

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

Date 06/30/2010 (861029) CN600671341

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	**§**	**BEFORE THE**
ENFORCEMENT ACTION	**§**	
CONCERNING THE	**§**	**TEXAS COMMISSION ON**
CITY OF BIG LAKE	**§**	
RN101611820	**§**	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2010-1984-MWD-E

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

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located approximately 530 feet south of United States (US) Highway 67, approximately 1.14 miles east of the intersection of US Highway 67 and State Highway 137 in Reagan County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. During an investigation conducted on September 28, 2010, TCEQ staff documented that the Respondent did not properly complete discharge monitoring reports ("DMRs"). Specifically, the DMR for the month of March 2010 did not indicate the number of exceedances in the exceedance column for the 7-day average for total ammonia nitrogen and the DMR for the month of June 2010 did not indicate two exceedances in the number of exceedance column for the 7-day average and the daily maximum for total suspended solids.

4. During an investigation conducted on September 28, 2010, TCEQ staff documented that the Respondent did not comply with permitted effluent limits as shown in the table below:

EFFLUENT PARAMETER					
Permit Limit					
	NH3-N Daily Average Conc.	NH3-N 7-Day Average Conc.	TSS 7-Day Average Conc.	TSS Daily Maximum Conc.	TSS Daily Average Conc.
Month/Year	3 mg/L	6 mg/L	25 mg/L	40 mg/L	15 mg/L
March 2010	3.42	8.68	c	c	c
June 2010	c	c	45	45	15.8

NH_3-N = ammonia nitrogen TSS = total suspended solids
mg/L = milligrams per liter c = compliant Conc. = concentration

5. During an investigation conducted on September 28, 2010, TCEQ staff documented that the Respondent did not initiate engineering and financial planning for expansion or obtain a waiver after exceeding 75% of the permitted daily flow for more than three consecutive months. Specifically, a waiver was issued on May 19, 2009 with an effective date through the next permit action (renewal or amendment). The Facility's permit was renewed on September 11, 2009 resulting in the expiration of the waiver. The Facility's flow was exceeded by more than 75% for the months of January 2010 through June 2010. Documentation demonstrating engineering and financial planning for expansion or requesting an additional waiver has not been submitted.

6. During an investigation conducted on September 28, 2010, TCEQ staff documented that the Respondent did not install atmospheric vacuum breakers on two potable water connections used as washdown supply hoses at the Facility.

7. The Respondent received notice of the violations on November 30, 2010.

8. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:

a. By April 15, 2010, increased the air flow through the Facility to offset the septic condition and returned to compliance with NH3-N permitted levels;

b. By July 16, 2010, conditioned the reactor basins and adjusted the waste time and returned to compliance with TSS permitted levels; and

c. By November 12, 2010:

i. Submitted revised DMRs for the months of March 2010 and June 2010; and

ii. Installed atmospheric vacuum breakers on the two potable water connections.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 3, the Respondent failed to properly complete DMRs, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010038001, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE § 319.7(c).

3. As evidenced by Findings of Fact No. 4, the Respondent failed to comply with permitted effluent limits, in violation of TPDES Permit No. WQ0010038001, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)(1).

4. As evidenced by Findings of Fact No. 5, the Respondent failed to initiate engineering and financial planning for expansion or obtain a waiver after exceeding 75% of the permitted daily flow for more than three consecutive months, in violation of TPDES Permit No. WQ0010038001, Operational Requirements No. 8.a. and 30 TEX. ADMIN. CODE § 305.126(a).

5. As evidenced by Findings of Fact No. 6, the Respondent failed to install atmospheric vacuum breakers on potable water connections, in violation of 30 TEX. ADMIN. CODE §§ 317.4(a)(8) and 317.7(i).

6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

7. An administrative penalty in the amount of Eleven Thousand Nine Hundred Thirty-Four Dollars ($11,934) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Eleven Thousand Nine Hundred Thirty-Four Dollars ($11,934) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Eleven Thousand Nine Hundred Thirty-Four Dollars ($11,934) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Big Lake, Docket No. 2010-1984-MWD-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 7 above, Eleven Thousand Nine Hundred Thirty-Four Dollars ($11,934) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The Respondent shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, in accordance with TPDES Permit No. WQ0010038001, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE § 319.7;

   b. Within 60 days after the effective date of this Agreed Order, initiate engineering and financial planning for expansion or obtain a waiver for the Facility; and

c. Within 75 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 Nos. 3.a. and 3.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 4.14.2011
For the Executive Director Date

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

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

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

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

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

Cindy O'Bryan 2-1-2011
Signature Date

Cindy O'Bryan Mayor
Name (Printed or typed) Title
Authorized Representative of
City of Big Lake

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

Attachment A
Docket Number: 2010-1984-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**City of Big Lake**
Payable Penalty Amount:	**Eleven Thousand Nine Hundred Thirty-Four Dollars ($11,934)**
SEP Amount:	**Eleven Thousand Nine Hundred Thirty-Four Dollars ($11,934)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance**
Location of SEP:	**Reagan County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of 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 amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Texas Association of Resource Conservation and Development Areas, Inc. to be used for the RC&D Water or Wastewater Treatment Assistance Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems.

C. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

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

3. Records and Reporting

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

Enforcement Division
Attention: SEP Coordinator, MC 219
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 amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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 an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.