

Executive Summary – Enforcement Matter – Case No. 40788

City of Cranfills Gap

RN101916492

Docket No. 2010-1923-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation/s.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Located approximately 900 feet southeast of the intersection of State Highway 22 and Farm-to-Market Road 219 (3rd Street), Bosque County

Type of Operation:

Wastewater treatment system

Other Significant Matters:

Additional Pending Enforcement Actions: Yes. Docket No. 2009-1288-MWD-E.

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 22, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,800

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$900

Total Due to General Revenue: \$9,900

Payment Plan: The remaining amount of \$9,900 will be payable in 11 monthly payments of \$900 each.

SEP Conditional Offset: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 40788

City of Cranfills Gap

RN101916492

Docket No. 2010-1923-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 2, 2010

Date(s) of NOE(s): November 19, 2010

Violation Information

Failed to comply with permitted effluent limits for total suspended solids [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0014169001, Final Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

Within 90 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014169001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mr. Jeremy Escobar, Enforcement Division, Enforcement Team 3, MC R-14, (361) 825-3422; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

TCEQ SEP Coordinator: N/A

Respondent: Mr. Scott Reiersen, Water Commissioner, City of Cranfills Gap, P.O. Box 156, Cranfills Gap, Texas 76637

The Honorable Joyce Benzenhoefer, Mayor, City of Cranfills Gap, P.O. Box 156, Cranfills Gap, Texas 76637

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	29-Nov-2010	Screening	1-Dec-2010	EPA Due	
	PCW	2-Dec-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Cranfills Gap
Reg. Ent. Ref. No.	RN101916492
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	1
Enf./Case ID No.	40788	Order Type	Findings
Docket No.	2010-1923-MWD-E	Government/Non-Profit	Yes
Media Program(s)	Water Quality	Enf. Coordinator	Jeremy Escobar
Multi-Media		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** **\$4,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **184.0%** Enhancement **Subtotals 2, 3, & 7** **\$7,360**

Notes: Enhancement for 28 months of self-reported effluent violations, four NOV's with same/similar violations, two NOV's with dissimilar violations, and one agreed order with denial language.

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** **\$0**

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

Total EB Amounts **\$1,000**
 Approx. Cost of Compliance **\$10,000**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$11,360**

OTHER FACTORS AS JUSTICE MAY REQUIRE **-4.9%** **Adjustment** **-\$560**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommend reduction in the penalty so that monthly self-reported effluent violations do not overly-impact the penalty amount and to prevent double-enhancement of the penalty amount for same violations that were not self-reported.

Final Penalty Amount **\$10,800**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$10,800**

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

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$10,800**

Screening Date 1-Dec-2010

Docket No. 2010-1923-MWD-E

PCW

Respondent City of Cranfills Gap

Policy Revision 2 (September 2002)

Case ID No. 40788

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101916492

Media [Statute] Water Quality

Enf. Coordinator Jordan Jones

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	32	160%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<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) 184%

>> **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 28 months of self-reported effluent violations, four NOVs with same/similar violations, two NOVs with dissimilar violations, and one agreed order with denial language.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 184%

Screening Date 1-Dec-2010

Docket No. 2010-1923-MWD-E

PCW

Respondent City of Cranfills Gap

Policy Revision 2 (September 2002)

Case ID No. 40788

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101916492

Media [Statute] Water Quality

Enf. Coordinator Jordan Jones

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014169001, Final Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented in a record review conducted on November 2, 2010. 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

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 as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4

182 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$4,000

Four quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$4,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,000

Violation Final Penalty Total \$10,800

This violation Final Assessed Penalty (adjusted for limits) \$10,800

Economic Benefit Worksheet

Respondent City of Cranfills Gap
Case ID No. 40788
Req. Ent. Reference No. RN101916492
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Aug-2009	31-Aug-2011	2.00	\$1,000	n/a	\$1,000

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility. Date required is the initial date of noncompliance. Final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$10,000	TOTAL	\$1,000
----------------------------	----------	--------------	---------

Effluent Limit Violation Table

Respondent City of Cranfills Gap
ID Number(s) TPDES Permit No. WQ0014169001; Case No. 40788
Docket Number 2010-1923-MWD-E
Enf. Coordinator Jordan Jones

Corresponds to Violation Number:

1

***EFFLUENT PARAMETER
 Permit Limit***

Effluent Parameters	Total Suspended Solids Daily Avg. Conc.	Total Suspended Solids Single Grab
<i>Month/Year</i>	Limit = 20 mg/L	Limit = 65 mg/L
August 2009	23	C
December 2009	43	72
January 2010	35	C
February 2010	24	C
May 2010	22	C
June 2010	25	C
	mg/L = milligrams per liter	
	Conc. = concentration	
	Avg. = average	
	C = compliant	

Compliance History

Customer/Respondent/Owner-Operator:	CN600639728	City of Cranfills Gap	Classification: AVERAGE	Rating: 4.10
Regulated Entity:	RN101916492	CITY OF CRANFILLS GAP	Classification: AVERAGE	Site Rating: 5.19
ID Number(s):	WASTEWATER	PERMIT	WQ0014169001	
	WASTEWATER	EPA ID	TX0122360	
Location:	APPROXIMATELY 900 FEET SOUTHEAST OF THE INTERSECTION OF STATE HIGHWAY 22 AND FARM-TO-MARKET ROAD 219 (3RD STREET) IN BOSQUE COUNTY, TEXAS			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	December 02, 2010			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 02, 2005 to December 02, 2010			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Jordan Jones	Phone:	(512) 239-2569	

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 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: 02/25/2008 ADMINORDER 2005-1134-MWD-E

Classification: Minor

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

Rqmt Prov: TPDES Permit No. 14169-001 PERMIT

Description: Failed to ensure that the facility and all its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TAC §305.125(1) and TPDES Permit No. WQ0014169001, Operational Requirements, No. 1, as documented during an investigation conducted on July 13, 2005. Specifically, during the investigation it was noted that inflow and infiltration is adversely affected the Waste Water Treatment Facility. The lift station high water alarm was on and

Classification: Minor

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

30 TAC Chapter 317 317.7(i)

Description: Failed to have a backflow prevention device tested annually to protect potable water at the plant, in violation of 30 Tex. Admin. Code §§ 317.4(a)(8) and 317.7(i), as documented during an inspection conducted on July 13, 2005.

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(c)

Rqmt Prov: TPDES Permit No. 14169-001 PERMIT

Description: Failed to install a measuring device that is capable of accurately measuring the actual flow range, in violation of 30 Tex. Admin. Code § 319.11(c) and TPDES Permit No. WQ0014169001, Monitoring and Reporting Requirements, No. 5, as documented during an investigation conducted on July 13, 2005. Specifically, the Respondent was measuring the flow by ultrasonic flow measurement device without the use of a secondary element.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: TPDES Permit No. 14169-001 PERMIT

Description: Failed to prevent the unauthorized discharge of wastewater from the collection system into or Effluent Limitations and Monitoring Requirements No. 1, as documented during an inspection conducted on July 13, 2005. Specifically, raw sewage discharged from the City's manhole.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)(A)

Rqmt Prov: TPDES Permit No. 14169-001 PERMIT

Description: Failed to orally notify the TCEQ of an unauthorized discharge on March 9, 2004 within 24 hours and submit written notification within five days, in violation of 30 Tex. Admin. Code § 305.125(9)(A) and TPDES Permit No. WQ0014169001, Monitoring and Reporting Requirements No. 7(a), as documented during an inspection conducted on July 13, 2005.

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: Failed to meet total suspended solids ("TSS") and total chlorine residual effluent limitations, in violation of 30 Tex. Admin. Code § 305.125(1), Texas Pollution Discharge Elimination System ("TPDES") Permit No. WQ0014169001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on June 8, 2005.

Classification: Moderate

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

Rqmt Prov: Self-reporting Requirements PERMIT

Description: Failed to submit the annual sludge report for the monitoring period ending July 2004, in violation of 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0014169001, Sludge Provisions, as documented during a record review conducted on June 8, 2005.

Classification: Minor

Citation: 30 TAC Chapter 312, SubChapter G 312.141(a)

Rqmt Prov: Sludge Provisions; A; Pg. 12 PERMIT

Description: Failed to ensure that the transporter of sludge from the waste water treatment facility had authorization from the TCEQ to handle and dispose sewage sludge, in violation of 30 Tex. Admin. Code § 312.141(a) and TPDES Permit No. WQ0014169001, Sludge Provisions, Section I.A., as documented during an inspection conducted on July 13, 2005.

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	03/13/2006	(493156)
2	03/22/2006	(493157)
3	12/19/2005	(493161)
4	01/06/2006	(493162)
5	02/08/2006	(493163)
6	06/02/2006	(506613)
7	06/05/2006	(506614)
8	06/21/2006	(506615)
9	08/10/2006	(528782)
10	09/12/2006	(528783)
11	09/28/2006	(528784)
12	08/23/2007	(632287)
13	08/23/2007	(632288)
14	08/23/2007	(632289)
15	08/23/2007	(632290)
16	11/01/2006	(632291)
17	01/29/2007	(632292)
18	01/29/2007	(632293)
19	02/02/2007	(632294)
20	02/02/2007	(632295)
21	02/06/2008	(677512)
22	02/06/2008	(677513)
23	02/06/2008	(677514)
24	04/07/2008	(677515)
25	08/22/2008	(687886)
26	02/06/2008	(696277)
27	06/20/2008	(696278)
28	06/16/2008	(696279)
29	06/20/2008	(696280)
30	06/16/2008	(696281)
31	06/20/2008	(696282)
32	06/16/2008	(696283)
33	06/20/2008	(696284)
34	06/12/2008	(699476)
35	10/29/2008	(704952)
36	06/16/2008	(717935)
37	02/26/2009	(726849)
38	11/10/2008	(733239)
39	11/10/2008	(733240)
40	11/10/2008	(733241)
41	11/10/2008	(733242)
42	11/12/2008	(733243)
43	12/16/2008	(733244)
44	05/28/2009	(737895)
45	09/14/2009	(742414)
46	04/24/2009	(743158)
47	06/11/2009	(746486)
48	02/17/2009	(756381)
49	01/15/2009	(756382)
50	07/24/2009	(762078)
51	03/19/2009	(773336)
52	03/19/2009	(773337)
53	04/17/2009	(773338)
54	05/13/2009	(773339)
55	11/23/2009	(779192)
56	02/22/2010	(820215)
57	06/16/2009	(820216)
58	07/08/2009	(820217)
59	08/24/2009	(820218)
60	09/21/2009	(820219)

61 10/13/2009 (820220)
 62 11/19/2009 (820221)
 63 12/16/2009 (820222)
 64 01/19/2010 (820223)
 65 03/18/2010 (836335)
 66 04/20/2010 (836336)
 67 05/18/2010 (836337)
 68 08/18/2010 (844185)
 69 06/23/2010 (847942)
 70 09/14/2010 (850348)
 71 06/30/2010 (862366)
 72 08/20/2010 (868990)
 73 11/19/2010 (872766)
 74 09/14/2010 (875838)

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

Date: 12/31/2005 (493163) CN600639728
 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 (493156) CN600639728
 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: 04/30/2006 (506614) CN600639728
 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 (528783) CN600639728
 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 (632292) CN600639728
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2007 (632287) CN600639728
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2007 (696278) CN600639728
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2007 (632288) CN600639728
 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 (696284) CN600639728
 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 (677512) CN600639728
 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 (677513) CN600639728

Self Report?	YES		Classification:	Moderate
Citation:		2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		Failure to meet the limit for one or more permit parameter		
Date:	11/30/2007	(677514)	CN600639728	
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	(677515)	CN600639728	
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	(696277)	CN600639728	
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	(696279)	CN600639728	
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:	06/12/2008	(699476)	CN600639728	
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Date:	08/20/2008	(687886)	CN600639728	
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 317 317.4(a)(8) 30 TAC Chapter 317 317.7(i)		
Description:		Failure by the permittee to conduct the required annual testing of the backflow prevention device.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) Record keeping Requirements PERMIT		
Description:		Failure by the permittee to retain sludge records at the facility site and have readily available for review by a TCEQ representative.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) Definitions and Standard Permit Cond. PERMIT		
Description:		Failure by the permittee to ensure that the secondary flow measuring device is calibrated on an annual basis.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations PERMIT Other Requirements PERMIT		
Description:		Failure by the permittee to discharge effluent in compliance with permitted effluent limitations.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) Definitions and Standard Permit Cond. PERMIT		
Description:		Failure by the permittee to correctly calculate BOD/TSS loadings.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 319, SubChapter A 319.6 30 TAC Chapter 319, SubChapter A 319.9(c) Monitoring and Reporting Requirements PERMIT		
Description:		Failure by the permittee to retain monitoring and reporting records for a period of three years.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 319, SubChapter A 319.7(a) Monitoring and Reporting Requirements PERMIT		
Description:		Failure by the permittee to retain monitoring and reporting records for a period of three years.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 317 317.6(b)(1)(E)		
Description:		Failure by the permittee to provide a functional ventilation fan for the chlorination room.		

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 317 317.6(b)(1)(D)		
Description:	Failure by the permittee to provide a self-contained breathing apparatus (SCBA) at a safe distance from the chlorine facilities to insure accessibility.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11 30 TAC Chapter 319, SubChapter A 319.12		
Description:	Failure by the permittee to comply with test procedures specified in 319.11 - 312.12.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(d)		
Description:	Operational Requirements PERMIT Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.6(b)(3)		
Description:	Operational Requirements PERMIT Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 317 317.3(e)(5)		
Description:	Operational Requirements PERMIT Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 317 317.3(b)(1)		
Description:	Operational Requirements PERMIT Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 317 317.3(a)		
Description:	Operational Requirements PERMIT Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Operational Requirements PERMIT Failure by the permittee to retain operation logs at the facility or have them readily available for review by a TCEQ representative, for a period of three years.		
Date:	10/30/2008	(704952)	CN600639728
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 317 317.4(a)(8) 30 TAC Chapter 317 317.7(i)		
Description:	Failure by the permittee to conduct the required annual testing of the backflow prevention device.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Record keeping Requirements PERMIT Failure by the permittee to retain sludge records at the facility site and have readily available for review by a TCEQ representative.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Definitions and Standard Permit Cond. PERMIT Failure by the permittee to ensure that the secondary flow measuring device is calibrated on an annual basis.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Effluent Limitations PERMIT Other Requirements PERMIT Failure by the permittee to discharge effluent in compliance with permitted effluent limitations.		

Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) Definitions and Standard Permit Cond. PERMIT		
Description:		Failure by the permittee to correctly calculate BOD/TSS loadings.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 319, SubChapter A 319.6 30 TAC Chapter 319, SubChapter A 319.9(c) Monitoring and Reporting Requirements PERMIT		
Description:		Failure by the permittee to retain monitoring and reporting records for a period of three years.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 319, SubChapter A 319.7(a) Monitoring and Reporting Requirements PERMIT		
Description:		Failure by the permittee to retain monitoring and reporting records for a period of three years.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 317 317.6(b)(1)(E)		
Description:		Failure by the permittee to provide a functional ventilation fan for the chlorination room.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 317 317.6(b)(1)(D)		
Description:		Failure by the permittee to provide a self-contained breathing apparatus (SCBA) at a safe distance from the chlorine facilities to insure accessibility.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 319, SubChapter A 319.11 30 TAC Chapter 319, SubChapter A 319.12		
Description:		Failure by the permittee to comply with test procedures specified in 319.11 - 312.12.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(d) Operational Requirements PERMIT		
Description:		Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.6(b)(3) Operational Requirements PERMIT		
Description:		Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 317 317.3(e)(5) Operational Requirements PERMIT		
Description:		Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 317 317.3(b)(1) Operational Requirements PERMIT		
Description:		Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 317 317.3(a) Operational Requirements PERMIT		
Description:		Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) Operational Requirements PERMIT		
Description:		Failure by the permittee to retain operation logs at the facility or have them readily available for review by a TCEQ representative, for a period of three years.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C) Sludge Provisions PERMIT		
Description:		Failure by the permittee to submit the annual sludge report to TCEQ by September 1 of each year, as required by permit.		
Date:	11/30/2008	(733244)	CN600639728	
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: 12/31/2008 (756382) CN600639728
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2009 (756381) CN600639728
 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: 02/20/2009 (773336) CN600639728
 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 (773337) CN600639728
 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: 03/31/2009 (773338) CN600639728
 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: 04/23/2009 (743158) CN600639728
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Operational Requirements; No. 4, Pg. 10 PERMIT
 Description: Failure to install and subsequently 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: 06/12/2009 (746486) CN600639728
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Definitions and Standard Permit Cond. PERMIT
 Description: Failure by the permittee to correctly calculate BOD/TSS loadings.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.6(b)(1)(E)
 Description: Failure by the permittee to provide a functional ventilation fan for the chlorination room.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.11
 30 TAC Chapter 319, SubChapter A 319.12
 Description: Failure by the permittee to comply with test procedures specified in 319.11 - 312.12.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.6(b)(3)
 Operational Requirements PERMIT
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.3(b)(1)
 Operational Requirements PERMIT
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Operational Requirements PERMIT
 Description: Failure by the permittee to retain operation logs at the facility or have them readily available for review by a TCEQ representative, for a period of three years.

Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C) Sludge Provisions PERMIT		
Description:		Failure by the permittee to submit the annual sludge report to TCEQ by September 1 of each year, as required by permit.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations and Monitoring Req. PERMIT		
Description:		Failure by the permittee to comply with the permitted effluent limitation for chlorine residual.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitation and Monitoring Req. PERMIT		
Description:		Failure by the permittee to discharge effluent in compliance with the permitted effluent limitations.		
Date:	08/31/2009	(820219)	CN600639728	
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:	12/31/2009	(820223)		
Self Report?	YES		Classification:	Moderate
Citation:		2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		Failure to meet the limit for one or more permit parameter		
Date:	01/31/2010	(820215)	CN600639728	
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:	02/28/2010	(836335)	CN600639728	
Self Report?	YES		Classification:	Moderate
Citation:		2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		Failure to meet the limit for one or more permit parameter		
Date:	05/31/2010	(847942)	CN600639728	
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	(862366)		
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:	07/31/2010	(868990)	CN600639728	
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:	08/23/2010	(844185)		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 317 317.4(a)(8) 30 TAC Chapter 317 317.7(i)		
Description:		Failure by the permittee to provide an atmospheric vacuum breaker (AVB) backflow prevention device at the treatment plant.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) Operational Requirements, No. 1 Pg. 9 PERMIT		
Description:		Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.		

Self Report? NO Classification: Minor

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

Eff. Lmt. and Monit. Reqs., No. 1 Pg. 2 PERMIT

Description: Failure by the permittee to comply with the permitted effluent limitations.

Self Report? NO Classification: Minor

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

Monit. and Rprt. Reqs., No. 5 Pg. 5 PERMIT

Description: Failure by the permittee to ensure that automatic flow measuring devices are accurately calibrated on an annual basis.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

K. Sites Outside of Texas

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF CRANFILLS GAP
RN101916492**

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

AGREED ORDER DOCKET NO. 2010-1923-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 Cranfills Gap (“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 they have 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 system located approximately 900 feet southeast of the intersection of State Highway 22 and Farm-to-Market Road 219 (3rd Street) in Bosque 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 a record review on November 2, 2010 TCEQ staff documented that the Respondent did not comply with the permitted effluent limits as shown in the table below:

Effluent Parameters	Total Suspended Solids Daily Avg. Conc.	Total Suspended Solids Single Grab
Month/Year	Limit = 20 mg/L	Limit = 65 mg/L
August 2009	23	C
December 2009	43	72
January 2010	35	C
February 2010	24	C
May 2010	22	C
June 2010	25	C
	mg/L = milligrams per liter	
	Conc. = concentration	
	Avg. = average	
	C = compliant	

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 comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014169001, Final Effluent Limitations and Monitoring Requirements No. 1.
3. 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.
4. An administrative penalty in the amount of Ten Thousand Eight Hundred Dollars (\$10,800) 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. The Respondent has paid Nine Hundred Dollars (\$900) of the administrative penalty. The remaining amount of Nine Thousand Nine Hundred Dollars (\$9,900) of the administrative penalty shall be payable in 11 monthly payments of Nine Hundred Dollars (\$900) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and

satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondents to timely and satisfactorily comply with all the terms of this Agreed Order.

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 Ten Thousand Eight Hundred Dollars (\$10,800) as set forth in Section II, Paragraph 4 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 Cranfills Gap, Docket No. 2010-1923-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, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014169001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

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. 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.
7. 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.

8. 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.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

5/3/2011

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Cranfills Gap. I am authorized to agree to the attached Agreed Order on behalf of the City of Cranfills Gap, 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 Cranfills Gap waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

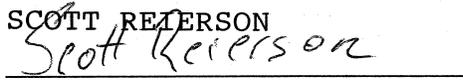
In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

2/22/11

Date

SCOTT PETERSON


Name (Printed or typed)
Authorized Representative of
City of Cranfills Gap

WATER COMMISSIONER

Title

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.