

CITY OF STRAWN
RN102896024
Docket No. 2009-1994-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order.

Media:

WQ

Small Business:

N/A

Location(s) Where Violation(s) Occurred:

approximately 500 feet east of Palo Pinto Avenue and 500 feet north of State Highway 108 on the east side of Strawn, Palo Pinto County

Type of Operation:

wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date:	April 1, 2011
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Comments Received:	None
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Penalty Information

Total Penalty Assessed:	\$18,980
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Amount Deferred for Expedited Settlement:	N/A
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Amount Deferred for Financial Inability to Pay:	N/A
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Total Paid to General Revenue:	\$0
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Total Due to General Revenue:	\$0
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SEP Conditional Offset:	\$18,980
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Name of SEP:	Custom - Household Waste Collection (includes e-waste)
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Compliance History Classifications:

Person/CN – Average
Site/RN – Average

Major Source:	No
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Statutory Limit Adjustment:	N/A
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Applicable Penalty Policy:	September 2002
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CITY OF STRAWN
RN102896024
Docket No. 2009-1994-MWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: September 15, 2009
Date(s) of NOV(s): N/A
Date(s) of NOE(s): November 20, 2009

Violation Information

1. Failed to comply with permitted effluent limitations [30 TEX. ADMIN CODE § 305.125(1), TEX. WATER CODE § 26.121(a), TPDES Permit No. WQ0010326001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, and TCEQ Agreed Order 2007-1060-MWD-E, Ordering Provision No. 3].
2. Failed to submit data on the discharge monitoring reports (“DMR’s”) for 5-day Biochemical Oxygen Demand (“BOD”) daily average (lbs/day) for the monitoring periods ending October 31, 2008 and November 30, 2008, and for E. Coli daily average and single grab for the monitoring period ending May 31, 2009, by the twentieth day of the following month [30 TEX. ADMIN CODE §§ 305.125(17) and 319.1(d) and TPDES Permit No. WQ0010326001, Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. Within 30 days, submit the DMR data for 5-day BOD daily average (lbs/day) for the monitoring periods ending October 31, 2008 and November 30, 2008, and for E. Coli daily average and single grab for the monitoring period ending May 31, 2009.
2. Within 45 days, submit written certification demonstrating compliance with Technical Requirement No. 1.
3. Within 90 days, submit certification of compliance with permitted effluent limitations of TPDES Permit No. WQ0010326001, including specific correction actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: April 20, 2010
Date Answer(s) Filed: August 31, 2010
SOAH Referral Date: October 1, 2010
Hearing Date(s):
Preliminary hearing: December 2, 2010 (waived)
Evidentiary hearing: March 1, 2011
Settlement Date: February 28, 2011

CITY OF STRAWN

RN102896024

Docket No. 2009-1994-MWD-E

Contact Information

TCEQ Attorneys: Xavier Guerra, Litigation Division, MC R13, (210) 403-4016
Lena Roberts, Litigation Division, MC 175, (512) 239-3400

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

TCEQ Enforcement Coordinator: Jeremy Escobar, Water Enforcement Section, (361) 825-3422

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

Respondent: The Honorable Carl Frazier, City of Strawn, P.O. Box 581, Strawn, Texas 76475

Respondent's Attorney: N/A

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Attachment A
Docket Number: 2009-1994-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Strawn
Penalty Amount:	Eighteen Thousand Nine Hundred Eighty Dollars (\$18,980)
SEP Offset Amount:	Eighteen Thousand Nine Hundred Eighty Dollars (\$18,980)
Type of SEP:	Custom (Pre-Approved Concept)
Project Name:	Household Waste Collection
Location of SEP:	Palo Pinto County

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

1. Project Description

A. Project

Respondent shall hold a one-day event for the collecting, recycling and proper disposal of tires, electronics (including non-working televisions and computers), appliances (including stoves, washers, dryers, and refrigerators/freezers without Freon), old furniture, and mattresses (the "Project"). Secure drop-off sites will be manned by City personnel who will oversee the separation of the collected materials. The City is contracted to use IESI as the collection and waste disposal contractor. Manifests will be provided to show proper transport, recycling and disposal of collected materials.

Respondent shall ensure that the event:

- is advertised to the public; and includes a statement that the Project is being performed as a Supplemental Environmental Project
- occurs on a specified day of the weekend during daylight hours
- offers to the public a convenient drop-off location, and
- includes recycling of electronics and tires

Respondent shall properly collect, transport, dispose of, or recycle the collected material. SEP Offset Amount will be used for heavy equipment such as roll-off bins, vehicles, and trailers; public announcements of the event; and costs of proper disposal and recycling.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project and no portion shall be spent on administrative costs. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to do this Project and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

The SEP will provide a discernible environmental benefit by providing for the proper disposal of wastes that can leach chemicals into the soil, water and air, as well as help rid communities of the dangers and health threats associated with non-regulated dumping.

The recycling portion of the events will include recycling of household E-waste materials. E-waste materials may include computers and related information technologies such as workstations, scanners, printers, hand-held diagnostic and screening tools, cell phones, servers, and televisions, among many others. Cathode ray tubes ("CRT") are the picture tubes in computers, monitors and TVs. With the rapid evolution of technology, computers and TVs containing CRTs become obsolete in a short period of time and are simply discarded, often in landfills. A typical 17-inch CRT contains approximately two pounds of lead and larger CRTs may contain up to ten pounds of lead. E-waste can contain lead, mercury, cadmium, hexavalent chromium and brominated flame retardants.

The SEP will also limit potential toxic or hazardous e-waste from the waste stream destined for disposal or incineration and to divert the e-waste to recycling. This will save valuable landfill capacity and allow the recycler to re-utilize e-waste components, including CRTs.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described above and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 365 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions taken to begin the Project. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the time-frame required in Section 2. *Performance Schedule*, above. Thereafter, Respondent shall submit progress reports to the TCEQ in the following increments and containing detailed information as set forth in the Reporting Schedule table below:

Table 1: Reporting Schedule

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions taken during previous 60-day period to implement the project
180	Actions taken during previous 90-day period to implement the project
270	Actions taken during previous 90-day period to implement the project
365	Notice of SEP completion

B. Final Report

Within 60 days after completion of SEP, and not later than 425 days after the effective date of the Agreed Order, Respondent shall submit a Final Report to the TCEQ, which includes:

1. A summary total of the amount of costs incurred;
2. An itemized list of expenditures and costs incurred;
3. Copies of invoices, paid receipts, checks, and other verifying documentation;
4. Copies of proof of advertisement of the collection event (the advertisement must include the statement that the SEP was performed as a result of a TCEQ enforcement action);
5. A certified/notarized statement of quantifiable environmental benefit;
6. Detailed map showing specific locations of the collection site(s);
7. Dated photographs of the project showing the collected materials;
8. A count on the type of items collected, i.e. number of televisions, number of tires (by type, such as passenger, truck, etc.), number of appliances (by type), gallons of paint, etc.
9. Manifest sufficient to show proof of proper disposal and/or recycling of the collected materials.
10. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

4. Additional Information and Access

Respondent shall provide additional information as required by TCEQ staff and shall allow access to all records related to the receipt and expenditure of the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

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

6. Publicity

Any public statements concerning this SEP made by or on behalf of 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.

7. Clean Texas Program

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

8. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for 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	23-Nov-2009	Screening	8-Dec-2009	EPA Due	
	PCW	26-May-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Strawn		
Reg. Ent. Ref. No.	RN102896024		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34001	No. of Violations	2
Docket No.	2009-1994-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Charlie Konkol
		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	\$7,300
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	195.0% Enhancement	Subtotals 2, 3, & 7	\$14,235
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Notes: An enhancement is recommended for thirty-four monthly self-reported effluent violations, one NOV for same or similar violations and one agreed order containing a denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$42,438
 Approx. Cost of Compliance \$250,075
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$21,535
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-11.9%	Adjustment	-\$2,555
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Reduces or enhances the Final Subtotal by the indicated percentage.

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

Final Penalty Amount	\$18,980
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$18,980
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$18,980
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Screening Date 8-Dec-2009

Docket No. 2009-1994-MWD-E

PCW

Respondent City of Strawn

Policy Revision 2 (September 2002)

Case ID No. 34001

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102896024

Media [Statute] Water Quality

Enf. Coordinator Carlie Konkol

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	35	175%
	Other written NOVs	0	0%
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%

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) 195%

>> 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

An enhancement is recommended for thirty-four monthly self-reported effluent violations, one NOV for same or similar violations and one agreed order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 195%

Screening Date 8-Dec-2009

Docket No. 2009-1994-MWD-E

PCW

Respondent City of Strawn

Policy Revision 2 (September 2002)

Case ID No. 34001

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102896024

Media [Statute] Water Quality

Enf. Coordinator Carlie Konkol

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010326001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6 and TCEQ Agreed Order 2007-1060-MWD-E, Ordering Provision No. 3

Violation Description Failed to comply with permitted effluent limitations, as documented during a record review on September 15, 2009 and shown in the attached Effluent 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 biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Also, total suspended solids, pH, dissolved oxygen and pH were 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 protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 7

365 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,000

Seven quarterly events are recommended from the April 28, 2008 effective date of Agreed Order 2007-1060-MWD-E to the December 9, 2009 screening date.

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 \$7,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$42,432

Violation Final Penalty Total \$18,200

This violation Final Assessed Penalty (adjusted for limits) \$18,200

City of Strawn
Docket No. 2009-1994-MWD-E
TPDES Permit No. WQ0010326001

Effluent Table			
Monitoring Periods	Permit Effluent Limits		
	5-day BOD Daily Average Conc. 30 mg/L	pH Maximum Conc. 9.0 SU	Dissolved Oxygen Minimum Conc. 4.0 mg/L
June 2008	C	9.3	3.2
July 2008	C	C	2.5
August 2008	C	C	2.2
September 2008	C	C	2.1
December 2008	42.6	C	C
January 2009	C	C	2.0
February 2009	32.8	C	C
March 2009	39.8	C	C
May 2009	C	10	C
June 2009	C	10	C
September 2009	C	10	C

BOD – Biochemical Oxygen Demand
Conc. – Concentration
mg/L – Milligrams Per Liter

Economic Benefit Worksheet

Respondent City of Strawn
Case ID No. 34001
Req. Ent. Reference No. RN102896024
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	\$250,000	28-Apr-2008	30-Sep-2010	2.42	\$2,021	\$40,411	\$42,432
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 costs to replace the pond system with an irrigation system at the wastewater treatment facility. The Date Required is the first date of noncompliance. The Final Date is the expected date of compliance with permitted effluent limitations.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250,000

TOTAL

\$42,432

Screening Date 8-Dec-2009

Docket No. 2009-1994-MWD-E

PCW

Respondent City of Strawn

Policy Revision 2 (September 2002)

Case ID No. 34001

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102896024

Media [Statute] Water Quality

Enf. Coordinator Carlie Konkol

Violation Number 2

Rule Cite(s)

30 Tex. Admin Code §§ 305.125(17) and 319.1(d) and TPDES Permit No. WQ0010326001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to submit the data on the discharge monitoring reports ("DMR") for 5-Day Biochemical Oxygen Demand daily average (lbs/day) for the monitoring periods ending October 31, 2008 and November 30, 2008 and E. Coli daily average and single grab for the monitoring period ending May 31, 2009, by the 20th day of the following month, as documented during a record review conducted on September 15, 2009.

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

At least 70% of permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 3 383 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$300

Three single events are recommended for the months of October 2008, November 2008 and May 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDP RP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$780

This violation Final Assessed Penalty (adjusted for limits) \$780

Economic Benefit Worksheet

Respondent City of Strawn
Case ID No. 34001
Req. Ent. Reference No. RN102896024
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$75	20-Nov-2008	30-Sep-2010	1.86	\$7	n/a	\$7
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit three revised DMRs to the TCEQ. The Date Required is the date the first DMR data was due. The Final Date is the date 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

\$75

TOTAL

\$7

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Compliance History Report

Customer/Respondent/Owner-Operator:	CN600446934	City of Strawn	Classification: AVERAGE	Rating: 2.67
Regulated Entity:	RN102896024	CITY OF STRAWN	Classification: AVERAGE	Site Rating: 2.00
ID Number(s):	WASTEWATER	PERMIT	WQ0010326001	
	WASTEWATER	PERMIT	TPDES0022977	
	WASTEWATER	PERMIT	TX0022977	
	WASTEWATER LICENSING	LICENSE	WQ0010326001	
Location:	APPROXIMATELY 500 FEET EAST OF PALO PINTO AVENUE AND 500 FEET NORTH OF STATE HIGHWAY 108 ON THE EAST SIDE OF THE CITY OF STRAWN IN PALO PINTO COUTNY, TEXAS			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	December 03, 2009			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 03, 2004 to December 03, 2009			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Carlie Konkol Phone: (512) 239-0735

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership/operator of the site during the compliance period? | No |
| 3. If Yes, who is the current owner/operator? | N/A |
| 4. If Yes, who was/were the prior owner(s)/operator(s) ? | N/A |
| 5. When did the change(s) in owner or operator occur? | N/A |
| 6. Rating Date: 9/1/2009 Repeat Violator: NO | |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- | | |
|---|----------------------------|
| Effective Date: 04/28/2008 | ADMINORDER 2007-1060-MWD-E |
| Classification: Moderate | |
| Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) | |
| 30 TAC Chapter 305, SubChapter F 305.125(1) | |
| Rqmt Prov: Effluent Limits PERMIT | |
| Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data. | |
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|----|------------|----------|
| 1 | 12/30/2004 | (382672) |
| 2 | 01/28/2005 | (382673) |
| 3 | 03/04/2005 | (420472) |
| 4 | 03/28/2005 | (382669) |
| 5 | 04/22/2005 | (420473) |
| 6 | 05/19/2005 | (420474) |
| 7 | 06/23/2005 | (420475) |
| 8 | 07/22/2005 | (441520) |
| 9 | 08/22/2005 | (441521) |
| 10 | 09/23/2005 | (441522) |
| 11 | 10/26/2005 | (469809) |
| 12 | 11/28/2005 | (469810) |
| 13 | 12/27/2005 | (469811) |
| 14 | 01/23/2006 | (469812) |
| 15 | 02/21/2006 | (469807) |
| 16 | 03/27/2006 | (469808) |
| 17 | 04/12/2006 | (462127) |
| 18 | 04/20/2006 | (499067) |
| 19 | 05/22/2006 | (499068) |
| 20 | 06/16/2006 | (499069) |
| 21 | 08/24/2006 | (521116) |
| 22 | 11/20/2006 | (577256) |
| 23 | 01/16/2007 | (577258) |
| 24 | 02/02/2007 | (577254) |
| 25 | 02/02/2007 | (577255) |
| 26 | 02/26/2007 | (577251) |

27 03/23/2007 (577252)
 28 05/09/2007 (577257)
 29 06/07/2007 (577253)
 30 06/13/2007 (563455)
 31 07/02/2007 (602134)
 32 08/20/2007 (602135)
 33 08/27/2007 (602136)
 34 09/20/2007 (602137)
 35 11/09/2007 (620232)
 36 11/28/2007 (620233)
 37 01/07/2008 (672597)
 38 01/28/2008 (672598)
 39 02/25/2008 (672596)
 40 04/04/2008 (690571)
 41 04/21/2008 (690572)
 42 05/22/2008 (690573)
 43 06/23/2008 (711420)
 44 07/30/2008 (711421)
 45 09/02/2008 (711422)
 46 09/22/2008 (711423)
 47 10/17/2008 (727971)
 48 11/14/2008 (727969)
 49 11/14/2008 (727970)
 50 11/21/2008 (727972)
 51 12/12/2008 (727973)
 52 01/06/2009 (721466)
 53 01/20/2009 (750878)
 54 02/20/2009 (750877)
 55 03/06/2009 (737754)
 56 03/20/2009 (768833)
 57 04/22/2009 (768834)
 58 04/28/2009 (743248)
 59 05/21/2009 (768835)
 60 06/03/2009 (747781)
 61 06/15/2009 (749371)
 62 11/20/2009 (776221)

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

Date: 01/31/2006 (469807) CN600446934
 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 (499067) CN600446934
 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 (499068) CN600446934
 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 (577253) CN600446934
 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 (521116) CN600446934
 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	(577256)	CN600446934	
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	(577258)	CN600446934	
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	(577251)	CN600446934	
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	(577252)	CN600446934	
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	(727969)	CN600446934	
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:	04/30/2007	(727970)	CN600446934	
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	(602134)	CN600446934	
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:	06/30/2007	(602135)	CN600446934	
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	(602136)	CN600446934	
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	(602137)	CN600446934	
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	(620232)	CN600446934	
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	(620233)	CN600446934	
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	(672598)	CN600446934	
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	(672596)	CN600446934	
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:	06/30/2008	(711421)	CN600446934	
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:	07/31/2008	(711422)	CN600446934	
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:	08/31/2008	(711423)	CN600446934	
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	(727971)	CN600446934	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	10/31/2008	(727972)	CN600446934	
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:	11/30/2008	(727973)	CN600446934	
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	(750878)	CN600446934	
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:	01/05/2009	(721466)	CN600446934	
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limits for one or more permit parameter			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limits for one or more permit parameter			
Date:	01/31/2009	(750877)	CN600446934	
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	(768833)	CN600446934	
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	(768834)	CN600446934	
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:	04/30/2009	(768835)	CN600446934	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	05/31/2009		CN600446934	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	06/30/2009		CN600446934	
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:	07/31/2009		CN600446934	
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:	08/31/2009		CN600446934	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			

- F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF STRAWN;
RN102896024**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2009-1994-MWD-E

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

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, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement 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 Respondent.

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

FINDINGS OF FACT

1. Respondent owns and operates a wastewater treatment facility located approximately 500 feet east of Palo Pinto Avenue and 500 feet north of State Highway 108 on the east side of Strawn, Palo Pinto County, Texas (the "Facility"). Respondent has discharged waste from the Facility into or adjacent to any water in the state or committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.
2. During a record review conducted on September 15, 2009, a TCEQ Central Office investigator documented that Respondent:
 - a. Failed to comply with permitted effluent limitations; and
 - b. Failed to submit data on the discharge monitoring reports ("DMR") for 5-Day Biochemical Oxygen Demand ("BOD") daily average (lbs/day) for the monitoring periods ending October 31, 2008, and November 30, 2008, and for E. Coli daily average and single grab for the monitoring period ending May 31, 2009, by the twentieth day of the following month.

3. Respondent received notice of the violations on or about November 25, 2009.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent violated 30 TEX. ADMIN. CODE §§ 305.125(1), TEX. WATER CODE § 26.121(a), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010326001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, and TCEQ Agreed Order 2007-1060-MWD-E, Ordering Provision No. 3, by failing to comply with permitted effluent limitations.
3. As evidenced by Finding of Fact No. 2.b., Respondent violated 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0010326001, Monitoring and Reporting Requirements No. 1, by failing to submit data on the DMR for 5-Day BOD daily average (lbs/day) for the monitoring periods ending October 31, 2008, and November 30, 2008, and for E. Coli daily average and single grab for the monitoring period ending May 31, 2009, by the twentieth day of the following month.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of eighteen thousand nine hundred eighty dollars (\$18,980.00) 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. Pursuant to TEX. WATER CODE § 7.067, eighteen thousand nine hundred eighty dollars (\$18,980.00) of the administrative penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A" - incorporated herein by reference). Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed by this Agreed Order shall be discharged upon full compliance with all the terms and conditions of this Agreed Order, which includes timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

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

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 5, above, for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here.
2. Respondent shall implement and complete a SEP as set forth in Conclusion of Law No. 5, above. The amount of eighteen thousand nine hundred eighty dollars (\$18,980.00) of the assessed administrative penalty is conditionally offset based on the condition that Respondent implement and complete a SEP pursuant to the terms and conditions contained in the SEP Agreement, as defined in Attachment A. Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon full, final, and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director. Administrative penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment. Checks shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: City of Strawn, Docket No. 2009-1994-MWD-E" to:

Litigation Division
Texas Commission on Environmental Quality
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087
3. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, Respondent shall submit the DMR data for 5-Day BOD daily average (lbs/day) for the monitoring periods ending October 31, 2008, and November 30, 2008, and for E. Coli daily average and single grab for the monitoring period ending May 31, 2009, in accordance with the requirements of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010326001, Monitoring and Reporting Requirements No. 1 (Conclusion of Law No. 2.b.);
 - b. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification of compliance with Ordering Provision No. 3.a., in accordance with Ordering Provision No. 3.d., below;
 - c. Within 90 days after the effective date of this Agreed Order, Respondent shall submit written certification of compliance with permitted effluent limitations of TPDES Permit No. WQ0010326001, 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 in accordance with Ordering Provision No. 3.d. below (Conclusion of Law No. 2.a.); and

- d. Respondent shall submit written certifications and detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provisions Nos. 3.a. and 3.c. The certification shall be notarized by a State of Texas Notary Public and shall include the following certification language:

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

Respondent shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and

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

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

7. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. 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.
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. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

City of Strawn
Docket No. 2009-1094-MWD-2
Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Robert Penland

For the Executive Director

6/10/2011

Date

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

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

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

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

Daniel A. Miller
Signature

2-28-2011
Date

DANIEL A. MILLER
Name (Printed or typed)
Authorized representative of
City of Strawn

Mayor pro-tem
Title

Attachment A
Docket Number: 2009-1994-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Strawn
Penalty Amount:	Eighteen Thousand Nine Hundred Eighty Dollars (\$18,980)
SEP Offset Amount:	Eighteen Thousand Nine Hundred Eighty Dollars (\$18,980)
Type of SEP:	Custom (Pre-Approved Concept)
Project Name:	Household Waste Collection
Location of SEP:	Palo Pinto County

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

1. Project Description

A. Project

Respondent shall hold a one-day event for the collecting, recycling and proper disposal of tires, electronics (including non-working televisions and computers), appliances (including stoves, washers, dryers, and refrigerators/freezers without Freon), old furniture, and mattresses (the "Project"). Secure drop-off sites will be manned by City personnel who will oversee the separation of the collected materials. The City is contracted to use IESI as the collection and waste disposal contractor. Manifests will be provided to show proper transport, recycling and disposal of collected materials.

Respondent shall ensure that the event:

- is advertised to the public; and includes a statement that the Project is being performed as a Supplemental Environmental Project
- occurs on a specified day of the weekend during daylight hours
- offers to the public a convenient drop-off location, and
- includes recycling of electronics and tires

Respondent shall properly collect, transport, dispose of, or recycle the collected material. SEP Offset Amount will be used for heavy equipment such as roll-off bins, vehicles, and trailers; public announcements of the event; and costs of proper disposal and recycling.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project and no portion shall be spent on administrative costs. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to do this Project and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

The SEP will provide a discernible environmental benefit by providing for the proper disposal of wastes that can leach chemicals into the soil, water and air, as well as help rid communities of the dangers and health threats associated with non-regulated dumping.

The recycling portion of the events will include recycling of household E-waste materials. E-waste materials may include computers and related information technologies such as workstations, scanners, printers, hand-held diagnostic and screening tools, cell phones, servers, and televisions, among many others. Cathode ray tubes ("CRT") are the picture tubes in computers, monitors and TVs. With the rapid evolution of technology, computers and TVs containing CRTs become obsolete in a short period of time and are simply discarded, often in landfills. A typical 17-inch CRT contains approximately two pounds of lead and larger CRTs may contain up to ten pounds of lead. E-waste can contain lead, mercury, cadmium, hexavalent chromium and brominated flame retardants.

The SEP will also limit potential toxic or hazardous e-waste from the waste stream destined for disposal or incineration and to divert the e-waste to recycling. This will save valuable landfill capacity and allow the recycler to re-utilize e-waste components, including CRTs.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described above and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 365 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions taken to begin the Project. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the time-frame required in Section 2. *Performance Schedule*, above. Thereafter, Respondent shall submit progress reports to the TCEQ in the following increments and containing detailed information as set forth in the Reporting Schedule table below:

Table 1: Reporting Schedule

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions taken during previous 60-day period to implement the project
180	Actions taken during previous 90-day period to implement the project
270	Actions taken during previous 90-day period to implement the project
365	Notice of SEP completion

B. Final Report

Within 60 days after completion of SEP, and not later than 425 days after the effective date of the Agreed Order, Respondent shall submit a Final Report to the TCEQ, which includes:

1. A summary total of the amount of costs incurred;
2. An itemized list of expenditures and costs incurred;
3. Copies of invoices, paid receipts, checks, and other verifying documentation;
4. Copies of proof of advertisement of the collection event (the advertisement must include the statement that the SEP was performed as a result of a TCEQ enforcement action);
5. A certified/notarized statement of quantifiable environmental benefit;
6. Detailed map showing specific locations of the collection site(s);
7. Dated photographs of the project showing the collected materials;
8. A count on the type of items collected, i.e. number of televisions, number of tires (by type, such as passenger, truck, etc.), number of appliances (by type), gallons of paint, etc.
9. Manifest sufficient to show proof of proper disposal and/or recycling of the collected materials.
10. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

4. Additional Information and Access

Respondent shall provide additional information as required by TCEQ staff and shall allow access to all records related to the receipt and expenditure of the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director (“ED”) may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. Respondent shall make the check payable to “Texas Commission on Environmental Quality” and shall mail it to:

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

6. Publicity

Any public statements concerning this SEP made by or on behalf of 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.

7. Clean Texas Program

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

8. Other SEPs by TCEQ or Other Agencies

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