

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2010-1885-MWD-E **TCEQ ID:** RN102186533 **CASE NO.:** 40751
RESPONDENT NAME: City of Cisco

| | | |
|--|---|--|
| ORDER TYPE: | | |
| <input type="checkbox"/> 1660 AGREED ORDER | <input checked="" type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> EMERGENCY ORDER | |
| CASE TYPE: | | |
| <input type="checkbox"/> AIR | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION |
| <input checked="" type="checkbox"/> WATER QUALITY | <input type="checkbox"/> SEWAGE SLUDGE | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE | <input type="checkbox"/> RADIOACTIVE WASTE | <input type="checkbox"/> DRY CLEANER REGISTRATION |
| <p>SITE WHERE VIOLATION(S) OCCURRED: City of Cisco Water Treatment Facility, located approximately 1,900 feet east and 4,500 feet north of the intersection of United States ("US") Highway 183 and US Highway 80, Eastland County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 9, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. JR Cao, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2543; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Jim Baker, City Manager, City of Cisco, P.O. Box 110, Cisco, Texas 76437-0110 The Honorable James Maples, Mayor, City of Cisco, P.O. Box 110, Cisco, Texas 76437-0110 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

| VIOLATION SUMMARY CHART: | | |
|--|--|---|
| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
| <p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 18, 2010</p> <p>Date of NOV/NOE Relating to this Case: November 12, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>WATER</p> <p>1) Failed to comply with permitted effluent limitations for biochemical oxygen demand [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014877001 Effluent Limitations and Monitoring Requirements No. 1].</p> <p>2) Failed to submit the data for pH minimum [30 TEX. ADMIN. CODE § 305.125(1) and (17), and TPDES Permit No. WQ0014877001 Monitoring and Reporting Requirements No. 1].</p> <p>3) Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2010 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0014877001 Sludge Provisions].</p> | <p>Total Assessed: \$10,584</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$10,584</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p> | <p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that by November 30, 2010, the Respondent submitted the annual sludge report for the monitoring period ending July 31, 2010.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly discharge monitoring reports and annual sludge reports;</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision a; and</p> <p>c. 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. WQ0014877001, 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 include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations.</p> |

Additional ID No(s): WQ0014877001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| DATES | Assigned | 15-Nov-2010 | Screening | 17-Nov-2010 | EPA Due | |
| | PCW | 17-Nov-2010 | | | | |

| | |
|--|---------------|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | City of Cisco |
| Reg. Ent. Ref. No. | RN102186533 |
| Facility/Site Region | 3-Abilene |
| Major/Minor Source | Minor |

| | | | |
|--|-----------------|------------------------------|--------------------|
| CASE INFORMATION | | No. of Violations | 3 |
| Enf./Case ID No. | 40751 | Order Type | Findings |
| Docket No. | 2010-1885-MWD-E | Government/Non-Profit | Yes |
| Media Program(s) | Water Quality | Enf. Coordinator | JR Cao |
| Multi-Media | | EC's Team | Enforcement Team 1 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$10,000 |

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$3,600**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **207.0%** Enhancement **Subtotals 2, 3, & 7** **\$7,452**

Notes: Enhancement for five NOV's with same/similar violations, one NOV with dissimilar violations, one order without denial of liability, 26 months of self-reported effluent violations, and repeat violator status.

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: \$1,261
 Approx. Cost of Compliance: \$10,350
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$11,052**

OTHER FACTORS AS JUSTICE MAY REQUIRE **-4.2%** **Adjustment** **-\$468**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Reduction in penalty to ensure that monthly self-reported violations do not overly impact the penalty amount and to prevent double-enhancement due to compliance history violations.

Final Penalty Amount **\$10,584**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$10,584**

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 **\$10,584**

Screening Date 17-Nov-2010

Docket No. 2010-1885-MWD-E

PCW

Respondent City of Cisco

Policy Revision 2 (September 2002)

Case ID No. 40751

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102186533

Media [Statute] Water Quality

Enf. Coordinator JR Cao

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>) | 31 | 155% |
| | Other written NOVs | 1 | 2% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 1 | 25% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |
| <i>Please Enter Yes or No</i> | | | |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 182%

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

Yes

Adjustment Percentage (Subtotal 3) 25%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for five NOVs with same/similar violations, one NOV with dissimilar violations, one order without denial of liability, 26 months of self-reported effluent violations, and repeat violator status.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 207%

Screening Date 17-Nov-2010

Docket No. 2010-1885-MWD-E

PCW

Respondent City of Cisco

Policy Revision 2 (September 2002)

Case ID No. 40751

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102186533

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014877001 Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as documented in a record review on October 18, 2010, and shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| | | Harm | | | | |
|---------|-----------|-------|----------|-------|---------|-----|
| Release | | Major | Moderate | Minor | | |
| OR | Actual | | | X | Percent | 10% |
| | Potential | | | | | |

>> Programmatic Matrix

| | | Major | Moderate | Minor | | |
|--------------|---------------|-------|----------|-------|---------|----|
| Matrix Notes | Falsification | | | | Percent | 0% |
| | | | | | | |

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. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 Number of violation days 211

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

Violation Base Penalty \$3,000

Three 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 \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,193

Violation Final Penalty Total \$8,820

This violation Final Assessed Penalty (adjusted for limits) \$8,820

Economic Benefit Worksheet

Respondent City of Cisco
Case ID No. 40751
Reg. Ent. Reference No. RN102186533
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) | \$10,000 | 30-Nov-2009 | 14-Aug-2011 | 1.70 | \$57 | \$1,136 | \$1,193 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated costs to evaluate the cause of non-compliance and to implement corrective actions. Date required is the first date of non-compliance. 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

\$1,193

Screening Date 17-Nov-2010

Docket No. 2010-1885-MWD-E

PCW

Respondent City of Cisco

Policy Revision 2 (September 2002)

Case ID No. 40751

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102186533

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17), and TPDES Permit No. WQ0014877001 Monitoring and Reporting Requirements No. 1

Violation Description Failed to submit the data for pH minimum for the monitoring periods ending March 31, 2010, April 30, 2010, May 31, 2010, June 30, 2010, and July 31, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 0% |
| | Potential | | | | |

>> Programmatic Matrix

| Matrix Notes | Falsification | Harm | | | Percent |
|---|---------------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | | | | x | 1% |
| At least 70% of the permit requirement was met. | | | | | |

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 5 Number of violation days 300

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

Violation Base Penalty \$500

Five single events are recommended, one for each monitoring period.

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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$68

Violation Final Penalty Total \$1,470

This violation Final Assessed Penalty (adjusted for limits) \$1,470

Economic Benefit Worksheet

Respondent City of Cisco
Case ID No. 40751
Reg. Ent. Reference No. RN102186533
Media Water Quality
Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|-------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | \$250 | 20-Apr-2010 | 15-Jun-2011 | 1.15 | \$14 | n/a | \$14 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The estimated cost of updating procedures and training Facility personnel to ensure that all reports are submitted timely and complete. Date required is the date the first discharge monitoring report ("DMR") was due. Final date is the date training is expected to be completed.

Avoided Costs

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

| | | | | | | | |
|-------------------------------|------|-------------|-------------|------|-----|------|------|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | \$50 | 20-Apr-2010 | 20-Aug-2010 | 1.25 | \$3 | \$50 | \$53 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Estimated cost to submit the revised DMRs (\$10 x five DMRs). Date required is the date the first DMR was due and the final date is the due date of the last DMR.

Approx. Cost of Compliance

\$300

TOTAL

\$68

Screening Date 17-Nov-2010

Docket No. 2010-1885-MWD-E

PCW

Respondent City of Cisco

Policy Revision 2 (September 2002)

Case ID No. 40751

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102186533

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 3

Rule Cite(s) 30 Tex. Admin Code § 305.125(1) and (17) and TPDES Permit No. WQ0014877001
Sludge Provisions

Violation Description

Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2010, by September 1, 2010, as documented during a record review conducted on October 18, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 0% |
| Potential | | | | |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | X | 1% |

Matrix Notes

At least 70% of the permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 300

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

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$294

This violation Final Assessed Penalty (adjusted for limits) \$294

Economic Benefit Worksheet

Respondent City of Cisco
Case ID No. 40751
Reg. Ent. Reference No. RN102186533
Media Water Quality
Violation No. 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|------|------------|-------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | \$50 | 1-Sep-2010 | 30-Nov-2010 | 0.25 | \$1 | n/a | \$1 |
| 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

The estimated cost to submit the annual sludge report. Date required is the due date of the report. Final date is the date when the report was submitted.

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

\$50

TOTAL

\$1

| EFFLUENT VIOLATION TABLE | | |
|-------------------------------|--|--|
| City of Cisco | | |
| TPDES Permit No. WQ0014877001 | | |
| Docket No. 2010-1885-MWD-E | | |
| Months | Biochemical Oxygen Demand Daily Avg. Loading | Biochemical Oxygen Demand Daily Avg. Conc. |
| | Limit = 100 lbs/day | Limit = 30 mg/L |
| November 2009 | 117.35 | 62.25 |
| December 2009 | 112.36 | 41.40 |
| January 2010 | c | 39.75 |
| February 2010 | 112.90 | 34.75 |
| March 2010 | c | 44.00 |
| April 2010 | c | 31.75 |
| June 2010 | c | 30.25 |

Conc. = Concentration

Avg. = Average

mg/L = milligrams per liter

lbs/day = pounds per day

c = compliant

Compliance History

Customer/Respondent/Owner-Operator: CN600705883 City of Cisco Classification: AVERAGE Rating: 4.58

Regulated Entity: RN102186533 CITY OF CISCO Classification: AVERAGE Site Rating: 12.30

ID Number(s): WASTEWATER PERMIT WQ0014877001
 WASTEWATER EPA ID TX0053716
 WASTEWATER EPA ID TX0053716

Location: Located approximately 1,900 feet east and 4,500 feet north of the intersection of U.S. Highway 183 and U. S. Highway 80 in Eastland County, Texas

TCEQ Region: REGION 03 - ABILENE

Date Compliance History Prepared: November 16, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 16, 2005 to November 16, 2010

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: JR Cao Phone: (512) 239-2543

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: YES

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: 02/22/2009 ADMINORDER 2007-1123-MLM-E

Classification: Minor

Citation: TWC Chapter 26 26.121(a)

Description: Unauthorized discharges of wastewater into or adjacent to water in the state from Facility A. Specifically, approximately 650 gallons of wastewater discharged from the collection system on April 3 (100 gallons from 1601 Mancill manhole), April 16 (500 gallons from 401 East 18th Street manhole) and May 1, 2007 (50 gallons from 401 East 18th Street manhole)

Classification: Major

Citation: 30 TAC Chapter 305, SubChapter D 305.65
 30 TAC Chapter 305, SubChapter F 305.125(2)

Rqmt Prov: Permit Conds No. 4.c. OP

Description: City did not maintain authorization to discharge wastewater from Facility A under Texas Pollutant Discharge Elimination System Permit ("TPDES") No. 10424001. Specifically, TPDES Permit No. 10424001 expired at midnight on March 1, 2007.

Classification: Major

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

Rqmt Prov: Effluent Limits and Mon Req No. 1 PERMIT

Description: Failed to comply with permitted effluent limitations.

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 | 12/27/2005 | (450440) | 27 | 09/17/2007 | (603352) |
| 2 | 02/22/2006 | (455941) | 28 | 10/17/2007 | (621772) |
| 3 | 02/21/2006 | (473058) | 29 | 11/15/2007 | (621773) |
| 4 | 03/16/2006 | (473059) | 30 | 12/12/2007 | (621774) |
| 5 | 11/17/2005 | (473061) | 31 | 02/14/2008 | (673745) |
| 6 | 12/22/2005 | (473062) | 32 | 01/24/2008 | (673746) |
| 7 | 01/23/2006 | (473063) | 33 | 03/14/2008 | (691977) |
| 8 | 04/20/2006 | (501319) | 34 | 05/01/2008 | (691978) |
| 9 | 05/15/2006 | (501320) | 35 | 05/19/2008 | (691979) |
| 10 | 06/08/2006 | (523570) | 36 | 11/25/2008 | (706656) |
| 11 | 07/13/2006 | (523571) | 37 | 06/13/2008 | (713007) |
| 12 | 08/15/2006 | (523572) | 38 | 07/21/2008 | (713008) |
| 13 | 09/22/2006 | (523573) | 39 | 08/11/2008 | (713009) |
| 14 | 10/12/2006 | (548487) | 40 | 09/18/2008 | (713010) |
| 15 | 11/16/2006 | (548488) | 41 | 10/13/2008 | (713011) |
| 16 | 12/18/2006 | (548489) | 42 | 11/14/2008 | (729196) |
| 17 | 12/04/2006 | (548490) | 43 | 12/15/2008 | (729197) |
| 18 | 06/25/2007 | (565074) | 44 | 06/09/2009 | (739410) |
| 19 | 09/10/2007 | (566217) | 45 | 04/06/2009 | (740753) |
| 20 | 02/14/2007 | (581646) | 46 | 02/16/2009 | (752368) |
| 21 | 03/14/2007 | (581647) | 47 | 03/13/2009 | (752369) |
| 22 | 04/16/2007 | (581648) | 48 | 01/20/2009 | (752370) |
| 23 | 05/09/2007 | (581649) | 49 | 04/17/2009 | (770039) |
| 24 | 06/20/2007 | (581650) | 50 | 05/11/2009 | (770040) |
| 25 | 07/16/2007 | (603350) | 51 | 02/26/2010 | (793807) |
| 26 | 08/20/2007 | (603351) | 52 | 02/16/2010 | (809718) |

| | | | | | |
|----|------------|----------|----|------------|----------|
| 53 | 06/18/2009 | (809719) | 62 | 03/15/2010 | (832658) |
| 54 | 07/13/2009 | (809720) | 63 | 04/15/2010 | (832659) |
| 55 | 08/12/2009 | (809721) | 64 | 05/17/2010 | (832660) |
| 56 | 09/08/2009 | (809722) | 65 | 06/16/2010 | (846829) |
| 57 | 10/22/2009 | (809723) | 66 | 08/24/2010 | (850134) |
| 58 | 11/16/2009 | (809724) | 67 | 09/14/2010 | (867529) |
| 59 | 12/16/2009 | (809725) | 68 | 08/11/2010 | (867530) |
| 60 | 01/20/2010 | (809726) | 69 | 11/12/2010 | (870963) |
| 61 | 07/01/2010 | (829058) | 70 | 09/15/2010 | (874528) |

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

Date: 12/28/2005 (450440)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ0010424-001 PERMIT
 Description: Failure to prevent the unauthorized discharge of sewage in the 1000 block of Avenue L.

Date: 12/31/2005 (473063) CN600705883
 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 (473058) CN600705883
 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: 02/24/2006 (455941)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(i)
 Description: Failure to maintain the growth of small trees in the wastewater treatment ponds.

Self Report? NO Classification: Minor
 Citation: TWC Chapter 26 26.121(a)
 Description: Unauthorized discharges of wastewater into or adjacent to water in the state from Facility A. Specifically, approximately 650 gallons of wastewater discharged from the collection system on April 3 (100 gallons from 1601 Mancill manhole), April 16 (500 gallons from 401 East 18th Street manhole) and May 1, 2007 (50 gallons from 401 East 18th Street manhole)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet permit effluent limits for BOD and pH based upon a twelve month record review of DMR data.

Date: 02/28/2006 (473059)
 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 (523571)
 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 (523572) CN600705883
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006 (523573)
 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 (548488) CN600705883
 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 (581647) CN600705883
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2007 (581650)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2007 (603350) CN600705883
 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 (603351) CN600705883
 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: 09/13/2007 (566217)
 Self Report? NO Classification: Major
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 Description: Failure to prevent unauthorized discharge of wastewater into or adjacent to any water in the state.

Date: 10/31/2007 (621773) Classification: Moderate
Self Report? YES
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 (673745) CN600705883 Classification: Moderate
Self Report? YES
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 (691977) CN600705883 Classification: Moderate
Self Report? YES
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2008 (691978) CN600705883 Classification: Moderate
Self Report? YES
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 (702431) CN600705883 Classification: Moderate
Self Report? NO
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
Description: Failure to prevent the unauthorized discharge of sewage.

Date: 11/25/2008 (706656) CN600705883 Classification: Minor
Self Report? NO
Citation: 30 TAC Chapter 319, SubChapter A 319.11
Monitoring and Reporting Requirements PERMIT
Description: Failure to properly calibrate pH meter.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Operational Requirements PERMIT
Description: Failure to provide adequate intrusion prevention and visible alarm warnings for the Humble Town lift station.

Date: 12/31/2008 (752370) CN600705883 Classification: Moderate
Self Report? YES
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 (752368) CN600705883 Classification: Moderate
Self Report? YES
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 (752369) CN600705883 Classification: Moderate
Self Report? YES
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 (809720) CN600705883
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2009 (809725) CN600705883
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 (809726) CN600705883
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 (809718) CN600705883
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: 02/26/2010 (793807) CN600705883
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
WQ0014877001 PERMIT
Description: Failure to maintain the Humble Town lift station.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0014877001 PERMIT

Description: Failure to meet permit effluent limits for BOD based upon a twelve month record review of DMR data.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0014877001 PERMIT

Description: Failure to submit noncompliance notifications for effluent violations which deviate from the permitted effluent limitation by more than 40%.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.9(c)
WQ0014877001 PERMIT

Description: Failure to perform the required quality control analyses for Dissolved Oxygen (DO).

Date: 02/28/2010 (832658) CN600705883
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: 03/31/2010 (832659) CN600705883
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2010 (832660) CN600705883
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 (867529) CN600705883
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 CISCO
RN102186533**

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

**AGREED ORDER
DOCKET NO. 2010-1885-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 Cisco (“the Respondent”) under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located approximately 1,900 feet east and 4,500 feet north of the intersection of United States Highway 183 and United States Highway 80 in Eastland 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 October 18, 2010, TCEQ staff documented the following from the self-reported monthly discharge monitoring reports (“DMRs”):

| EFFLUENT VIOLATION TABLE | | |
|--------------------------|--|--|
| Months | Biochemical Oxygen Demand Daily Avg. Loading | Biochemical Oxygen Demand Daily Avg. Conc. |
| | Limit = 100 lbs/day | Limit = 30 mg/L |
| November 2009 | 117.35 | 62.25 |
| December 2009 | 112.36 | 41.40 |
| January 2010 | c | 39.75 |
| February 2010 | 112.90 | 34.75 |
| March 2010 | c | 44.00 |
| April 2010 | c | 31.75 |
| June 2010 | c | 30.25 |

Conc. = Concentration
 Avg. = Average
 mg/L = milligrams per liter
 lbs/day = pounds per day
 c = compliant

4. During a record review on October 18, 2010, TCEQ staff documented that the Respondent failed to submit the data for pH minimum for the monitoring periods ending March 31, 2010, April 30, 2010, May 31, 2010, June 30, 2010, and July 31, 2010.
5. During a record review on October 18, 2010, TCEQ staff documented that the annual sludge report for the monitoring period ending July 31, 2010, was not submitted by September 1, 2010.
6. The Respondent received notice of the violations on November 17, 2010.

7. The Executive Director recognizes that by November 30, 2010, the Respondent submitted the annual sludge report for the monitoring period ending July 31, 2010.

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 limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014877001 Effluent Limitations and Monitoring Requirements No. 1.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to submit the data for pH minimum, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17), and TPDES Permit No. WQ0014877001 Monitoring and Reporting Requirements No. 1.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to timely submit the annual sludge report for the monitoring period ending July 31, 2010, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0014877001 Sludge Provisions.
5. 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.
6. An administrative penalty in the amount of Ten Thousand Five Hundred Eighty-Four Dollars (\$10,584) 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 the Ten Thousand Five Hundred Eighty-Four Dollar (\$10,584) administrative penalty.

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 Five Hundred Eighty-Four Dollars (\$10,584) as set forth in Section II, Paragraph 6 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 Cisco, Docket No. 2010-1885-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 undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs and annual sludge reports, in accordance with TPDES Permit No. WQ0014877001 Monitoring and Reporting Requirements No. 1 and Sludge Provisions;
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.d below;
 - c. 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. WQ0014877001, 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 include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations, in accordance with Ordering Provision No. 2.d below; and
 - d. The certification required by Ordering Provision Nos. 2.b and 2.c shall be notarized by a State of Texas Notary Public and include the following certification language:

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

information, including the possibility of fines and imprisonment for knowing violations.”

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Abilene Regional Office
Texas Commission on Environmental Quality
1977 Industrial Boulevard
Abilene, Texas 79602-7833

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

4/21/2011

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Cisco. I am authorized to agree to the attached Agreed Order on behalf of the City of Cisco, 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 Cisco 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

02-04-2011

Date

TIM BAKER

Name (Printed or typed)
Authorized Representative of
City of Cisco

CITY MANAGER

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.