Executive Summary – Enforcement Matter – Case No. 41227
City of Pampa
RN101608974
Docket No. 2011-0316-MWD-E

Order Type:
1660 Agreed Order
Findings Order Justification:
N/A
Media:
MWD
Small Business:
No
Location(s) Where Violation(s) Occurred:
City of Pampa Liquid Waste Processing Facility, located on the north bank of Red Deer Creek, at a point 3,400 feet northeast of State Highway Loop 171, approximately 3.5 miles northeast of the intersection of United States Highway 60 and State Highway 273, Gray County
Type of Operation:
Wastewater treatment plant
Other Significant Matters:
Additional Pending Enforcement Actions: No
Past-Due Penalties: No
Other: N/A
Interested Third-Parties: None
Texas Register Publication Date: July 15, 2011
Comments Received: No

Penalty Information

Total Penalty Assessed: $9,500
Amount Deferred for Expedited Settlement: $1,900
Amount Deferred for Financial Inability to Pay: $0
Total Paid to General Revenue: $7,600
Total Due to General Revenue: $0
Payment Plan: N/A
SEP Conditional Offset: $0
Name of SEP: N/A
Compliance History Classifications:
Person/CN - Average
Site/RN - Average
Major Source: Yes
Statutory Limit Adjustment: N/A
Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 41227
City of Pampa
RN101608974
Docket No. 2011-0316-MWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: January 14, 2011
Date(s) of NOE(s): February 10, 2011

Violation Information

Failed to comply with permitted effluent limits for ammonia nitrogen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010358002, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 90 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3034; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: Donald F. Hooper, Director of Public Works, City of Pampa, P.O. Box 2499, Pampa, Texas 79066
The Honorable Lonny Robbins, Mayor, City of Pampa, P.O. Box 2499, Pampa, Texas 79066
Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision October 30, 2008*

TCEQ

DATES					
Assigned	14-Feb-2011				
PCW	17-Feb-2011	Screening	17-Feb-2011	EPA Due	5-Jun-2011

RESPONDENT/FACILITY INFORMATION

Respondent	City of Pampa		
Reg. Ent. Ref. No.	RN101608974		
Facility/Site Region	1-Amarillo	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	41227	No. of Violations	1
Docket No.	2011-0316-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Heather Brister
		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* **$5,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **98.0%** Enhancement — *Subtotals 2, 3, & 7* **$4,900**

Notes: Enhancement for 12 months of self-reported effluent violations, four NOVs for same/similar violations, and nine NOVs for dissimilar violations.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — *Subtotal 5* **$0**

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

Total EB Amounts $524
Approx. Cost of Compliance $6,000

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$9,900**

OTHER FACTORS AS JUSTICE MAY REQUIRE — **-4.0%** — *Adjustment* **-$400**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction to prevent the double-enhancement of the penalty amount for same/similar violations that were self-reported.

Final Penalty Amount **$9,500**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$9,500**

DEFERRAL — **20.0%** Reduction — *Adjustment* **-$1,900**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$7,600**

Screening Date 17-Feb-2011 **Docket No.** 2011-0316-MWD-E **PCW**

Respondent City of Pampa

Policy Revision 2 (September 2002)

Case ID No. 41227

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101608974

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

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 (*number of NOVs meeting criteria*)	16	80%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

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

Adjustment Percentage (Subtotal 2) 98%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 12 months of self-reported effluent violations, four NOVs for same/similar violations, and nine NOVs for dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 98%

Screening Date 17-Feb-2011 **Docket No.** 2011-0316-MWD-E **PCW**

Respondent City of Pampa *Policy Revision 2 (September 2002)*

Case ID No. 41227 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101608974

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

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. WQ0010358002, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on January 14, 2011. See attached table.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual			x
	Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: A simplified model was used to evaluate ammonia nitrogen 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 $7,500

$2,500

Violation Events

Number of Violation Events 2 — 92 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $5,000

Two 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 $5,000

Economic Benefit (EB) for this violation

Estimated EB Amount $524

Statutory Limit Test

Violation Final Penalty Total $9,500

This violation Final Assessed Penalty (adjusted for limits) $9,500

Economic Benefit Worksheet

Respondent City of Pampa
Case ID No. 41227
Reg. Ent. Reference No. RN101608974
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$6,000	31-Jan-2010	31-Oct-2011	1.75	$524	n/a	$524

Notes for DELAYED costs: Estimated cost to determine the cause of non-compliance and to make necessary adjustments to achieve compliance with the permitted effluent limits. Date required is the initial month of noncompliance. Final date is the anticipated 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 $6,000

TOTAL $524

Effluent Limit Violation Table

table rev.

Respondent	City of Pampa
ID Number(s)	WQ0010358002
Docket Number	2011-0316-MWD-E
Enf. Coordinator	Heather Brister

Corresponds to Violation Number: 1

EFFLUENT PARAMETER			
	Permit Limit		
	Ammonia Nitrogen Daily Average Concentration 3 Milligrams per Liter	Ammonia Nitrogen Daily Maximum Concentration 10 Milligrams per Liter	Ammonia Nitrogen Daily Average Loading 75 Pounds per Day
Month/Year			
January-2010	3.91	c	c
May-2010	9.50	14.60	111.00
June-2010	5.99	11.70	c

c = compliant

Compliance History

Customer/Respondent/Owner-Operator:	CN600125389	City of Pampa	Classification: AVERAGE	Rating: 1.59
Regulated Entity:	RN101608974	CITY OF PAMPA LIQUID WASTE PROCESSING FACILITY	Classification: AVERAGE	Site Rating: 1.38

ID Number(s):	MUNICIPAL SOLID WASTE PROCESSING	PERMIT	43030
	WASTEWATER	PERMIT	WQ0010358002
	WASTEWATER	EPA ID	TX0027618
	WASTEWATER LICENSING	LICENSE	WQ0010358002

Location: Located on the north bank of Red Deer Creek, at a point 3,400 feet northeast of State Highway Loop 171, approximately 3.5 miles northeast of the intersection of U.S. Highway 60 and State Highway 273, in Gray County, Texas

TCEQ Region: REGION 01 - AMARILLO
Date Compliance History Prepared: February 16, 2011
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: February 16, 2006 to February 16, 2011
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Heather Brister Phone: (254) 761-3034

Site Compliance History Components

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

6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

A.	Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.	N/A
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	06/06/2006	(460165)
2	05/25/2006	(464621)
3	11/05/2006	(517525)
4	08/17/2007	(565719)
5	02/27/2006	(579183)
6	04/10/2007	(579184)
7	03/27/2006	(579185)
8	02/23/2007	(579186)
9	04/24/2006	(579187)
10	04/16/2007	(579188)
11	06/01/2006	(579189)
12	05/24/2007	(579190)
13	06/26/2006	(579191)
14	06/22/2007	(579192)
15	07/24/2006	(579193)
16	01/10/2007	(579194)
17	09/25/2006	(579195)
18	01/10/2007	(579197)
19	11/27/2006	(579199)
20	12/27/2006	(579201)
21	04/16/2007	(579203)
22	04/05/2007	(593232)
23	06/22/2007	(593233)
24	12/19/2006	(593234)
25	10/09/2007	(607941)
26	08/22/2007	(607942)
27	09/24/2007	(607943)
28	09/27/2007	(608624)
29	12/07/2007	(610753)
30	10/23/2007	(621027)
31	11/26/2007	(621028)
32	12/27/2007	(621029)
33	02/21/2008	(673163)
34	04/07/2008	(673164)

35	02/13/2008	(679820)
36	03/25/2008	(679821)
37	03/26/2008	(691306)
38	04/22/2008	(691307)
39	05/22/2008	(691308)
40	06/25/2008	(699439)
41	06/23/2008	(712207)
42	07/28/2008	(712208)
43	08/25/2008	(712209)
44	09/22/2008	(712210)
45	12/09/2008	(728535)
46	11/24/2008	(728536)
47	12/22/2008	(728537)
48	07/10/2009	(749013)
49	02/23/2009	(751624)
50	03/20/2009	(751625)
51	01/22/2009	(751626)
52	04/22/2009	(769393)
53	05/12/2009	(774856)
54	02/22/2010	(807851)
55	05/22/2009	(807852)
56	06/25/2009	(807853)
57	07/23/2009	(807854)
58	08/21/2009	(807855)
59	09/22/2009	(807856)
60	10/19/2009	(807857)
61	11/20/2009	(807858)
62	12/21/2009	(807859)
63	06/02/2010	(827832)
64	07/12/2010	(828697)
65	03/19/2010	(832051)
66	04/21/2010	(832052)
67	05/21/2010	(832053)
68	01/22/2010	(832054)
69	06/21/2010	(846630)
70	07/19/2010	(867276)
71	08/19/2010	(867277)
72	10/16/2010	(870129)
73	09/23/2010	(874320)
74	10/22/2010	(881908)
75	02/10/2011	(891625)
76	11/22/2010	(896690)

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

Date: **04/30/2006** (579189) CN600125389

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: **06/06/2006** (460165) CN600125389

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)
30 TAC Chapter 30, SubChapter J 30.350(d)
Other Requirements, 1, pg. 23 PERMIT

Description: Failure by the City of Pampa to employ an individual with the permit required level of Wastewater Treatment Plant operator certification (Class-B), to perform a regulated activity.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 317 317.4(a)(8)
30 TAC Chapter 317 317.7(i)

Description: Failure to install a RPZ backflow prevention device on the main potable water line entering the wastewater treatment plant site.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)

30 TAC Chapter 305, SubChapter F 305.125(5)
Permit Conditions, 2, g, pg. 7. PERMIT
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)
TWC Chapter 26 26.121(a)(1)
TWC Chapter 26 26.121(a)(2)
TWC Chapter 26 26.121(a)(3)
TWC Chapter 26 26.121(b)
TWC Chapter 26 26.121(c)
TWC Chapter 26 26.121(d)
TWC Chapter 26 26.121(e)

Description: Failure to prevent an unauthorized discharge from a collection system lift station on 01/11/2006.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent limitations and Monitoring PERMIT
Description: Failure to meet permit effluent limitations for chlorine residual (1.0 mg/L), prior to de-chlorination. This occurred in February 2005 (0.60mg/L) and December 2005 (0.80mg/L).

Date: **12/19/2006** (593234) CN600125389
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: **04/05/2007** (593232) CN600125389
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: **06/22/2007** (593233) CN600125389
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: **06/30/2007** (607941) CN600125389
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: **08/17/2007** (565719) CN600125389
Self Report? No Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)

30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 305.125 (1) PERMIT
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)
TWC Chapter 26 26.121(a)(1)
TWC Chapter 26 26.121(a)(2)
TWC Chapter 26 26.121(a)(3)
TWC Chapter 26 26.121(b)
TWC Chapter 26 26.121(c)
TWC Chapter 26 26.121(d)
TWC Chapter 26 26.121(e)

Description: Failure by the facility to prevent an unauthorized discharge from the facility on July 25, 2006.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring and Reporting Requirements PERMIT
Description: Failure by the facility to calibrate the effluent flow meter on an annual basis.

Date: **09/27/2007** (608624) CN600125389
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: **10/31/2007** (621028) CN600125389
Self Report? YES Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: **11/30/2007** (621029) CN600125389
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: **02/13/2008** (679820) CN600125389
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: **03/25/2008** (679821) CN600125389
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: **03/31/2008** (691307) CN600125389
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: **04/30/2008** (691308) CN600125389
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: **06/25/2008** (699439) CN600125389
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: **11/30/2008** (728537) CN600125389
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** (751626) CN600125389
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** (807852) CN600125389
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: **05/12/2009** (774856) CN600125389
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: **07/08/2009** (749013) CN600125389
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Page 2, No. 1 PERMIT
Description: Failure by the facility to maintain Ammonia within permit limits.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Page 2, No. 2 PERMIT
Description: Failure by the facility to dechlorinate effluent to less than 0.1 mg/l

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 210, SubChapter C 210.33
30 TAC Chapter 210, SubChapter C 210.33(1)
30 TAC Chapter 210, SubChapter C 210.33(2)
30 TAC Chapter 210, SubChapter C 210.33(2)(A)
30 TAC Chapter 210, SubChapter C 210.33(2)(B)
Page 4 (III)(b) PERMIT
Description: Failure by the facility to maintain the fecal coliform maximum grab within permitted limits.

Date: **01/31/2010** (807851) CN600125389
Self Report? YES Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: **05/31/2010** (846630) CN600125389
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: **06/02/2010** (827832) CN600125389
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: **06/30/2010** (867276) CN600125389
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: **07/12/2010** (828697) CN600125389
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitaions PERMIT
Description: The facility failed to maintain effluent limitation for Ammonia Nitrogen in the months of April 2009 and January 2010.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 210, SubChapter C 210.33
30 TAC Chapter 210, SubChapter C 210.33(1)
30 TAC Chapter 210, SubChapter C 210.33(2)
30 TAC Chapter 210, SubChapter C 210.33(2)(A)
30 TAC Chapter 210, SubChapter C 210.33(2)(B)
Chapt. 210 Authorization No. R 10358-002 PERMIT
Description: The facility failed to maintain Fecal Coliform limits during the months of September 2009 and November 2009.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Operational Requirements PERMIT
Description: The facility failed to maintain the flow measuring device which monitors the re-use water flow.

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

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	**§**	**BEFORE THE**
ENFORCEMENT ACTION	**§**	
CONCERNING	**§**	**TEXAS COMMISSION ON**
CITY OF PAMPA	**§**	
RN101608974	**§**	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2011-0316-MWD-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a wastewater treatment plant located on the north bank of Red Deer Creek, at a point 3,400 feet northeast of State Highway Loop 171, approximately 3.5 miles northeast of the intersection of United States Highway 60 and State Highway 273 in Gray 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. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 15, 2011.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Nine Thousand Five Hundred Dollars ($9,500) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). The Respondent has paid Seven Thousand Six Hundred Dollars ($7,600) of the administrative penalty and One Thousand Nine Hundred Dollars ($1,900) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

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

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

11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limits, 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. WQ0010358002, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on January 14, 2011, and as shown in the following table:

EFFLUENT PARAMETER			
	Permit Limit		
	Ammonia Nitrogen Daily Average Concentration 3 Milligrams per Liter	Ammonia Nitrogen Daily Maximum Concentration 10 Milligrams per Liter	Ammonia Nitrogen Daily Average Loading 75 Pounds per Day
Month/Year			
January-2010	3.91	c	c
May-2010	9.50	14.60	111.00
June-2010	5.99	11.70	c
c = compliant			

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Pampa, Docket No. 2011-0316-MWD-E" to:

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

2. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010358002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

   The certification shall be submitted to:

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

   with a copy to:

Water Section, Manager
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

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

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

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

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

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

John Sadler
For the Executive Director

7/31/2011
Date

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

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

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

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

Signature

6-06-2011
Date

DONALD F. HOOPER
Name (Printed or typed)
Authorized Representative of
City of Pampa

DIRECTOR OF PUBLIC WORKS
Title

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