

Executive Summary – Enforcement Matter – Case No. 41083
City of Jacksonville
RN101613305 and RN101613180
Docket No. 2011-0203-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 Jacksonville Canada Street WWTP, located on Canada Street, southeast of the crossing of Ragsdale Creek by Canada Street, Jacksonville, and City of Jacksonville Double Creek Plant, located along State Highway 204, approximately 1.6 miles southeast of the intersection of State Highway 204 and Loop 456, southeast of Jacksonville, Cherokee County

Type of Operation:

Wastewater treatment facilities

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 9, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$43,702

Amount Deferred for Expedited Settlement: \$8,740

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$34,962

Name of SEP: Household Collection Events

Compliance History Classifications:

Person/CN - Average

Site/RN101613305 - Average

Site/RN101613180 - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 13, 2011 and January 18, 2011

Date(s) of NOE(s): July 5, 2010 and January 28, 2011

Violation Information

1. Failed to submit to TCEQ a technically based local limits (“TBLLs”) package and other components of the pretreatment program. Specifically, as documented in the April 7, 2010 pretreatment audit, the Respondent failed to submit a technical evaluation revising the current TBLLs, a draft sewer use ordinance incorporating any revisions to the TBLLs, modifications to the Pretreatment Program Enforcement Response Plan, and Standard Operating Procedures to the TCEQ for review and approval by March 5, 2008 [30 TEX. ADMIN. CODE § 315.1, 40 CODE OF FEDERAL REGULATIONS (“CFR”) § 403.5(c)(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit Nos. WQ0010693001 and WQ0010693003, Contributing Industries and Pretreatment Requirements No. 2].

2. Failed to exercise the legal authority and implement procedures contained in Section 5.2A.3 and 4 of the Respondent’s Industrial Pretreatment Ordinance No. 960 and Industrial Pretreatment Ordinance 970, Section 1. Specifically, as documented in the April 7, 2010 pretreatment audit, the Respondent failed to determine the appropriate sample types and effluent limits in the wastewater discharge permits issued to various industrial users (“IUs”). Luvata Electrofin Texas, Inc. (“Luvata”) introduced a new chromating process, subject to the pretreatment standards described in 40 CFR § 433.17, yet this was not reflected in the permit. Similarly, the categorical pretreatment standards of 40 CFR § 468.14 were not correctly applied to the processes at EZO Copper Products, LLC (“EZO”), and the waste stream for the water used to cool copper components after brazing had not been evaluated. Additionally, the Respondent had not evaluated flows, pollutant concentrations, and other data to develop the appropriate TBLLs and correct apportionment of loading for each individual IU permit to prevent exceedance of the existing total allowable headworks loading for the pollutants listed in Industrial Pretreatment Ordinance No. 970, Section 1 [30 TEX. ADMIN. CODE § 315.1, 40 CFR §§ 403.5(c)(1) and 403.8(f)(1)(iii)(B), and TPDES Permit Nos. WQ0010693001 and WQ0010693003, Contributing Industries and Pretreatment Requirements Nos. 1.d.(3) and (4)].

3. Failed to identify and address a reporting violation by a telephone call or a Notice of Violation (“NOV”), as described within the enforcement response plan (“ERP”). Specifically, as documented in the April 7, 2010 pretreatment audit, the chain-of-custody form submitted by the Luvata facility for the self-monitoring sampling event conducted on October 6, 2009 incorrectly indicated that the samples were received and relinquished from the secure cooler by the contract laboratory and personnel on October 6, 2009; however, the samples were not actually relinquished from the secure cooler by

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the laboratory personnel until October 7, 2009. The Pretreatment Program Enforcement Response Guide section of the ERP states that isolated or infrequent sampling or reporting violations will be addressed by a telephone call or an NOV, and neither of these actions was taken to address the violation [30 TEX. ADMIN. CODE § 315.1, 40 CFR § 403.8(f)(5), and TPDES Permit Nos. WQ0010693001 and WQ0010693003, Contributing Industries and Pretreatment Requirements No. 1.c].

4. Failed to conduct inspections at the frequency described within the ERP. Specifically, as documented in the April 7, 2010 pretreatment audit, the Respondent failed to conduct at least two scheduled on-site inspections per year and one unscheduled inspection every six months at the Luvata and Snoko Special Products Company, Inc. (“Snoko”) facilities, in accordance with the policies and procedures of the City of Jacksonville Industrial Pretreatment Program On-Site Inspection Procedures. Only one scheduled and one unscheduled inspection was conducted at each of these two facilities within the year prior to April 7, 2010 [30 TEX. ADMIN. CODE § 315.1, 40 CFR § 403.8(f)(5), and TPDES Permit Nos. WQ0010693001 and WQ0010693003, Contributing Industries and Pretreatment Requirements No. 1].

5. Failed to comply with permit effluent limits for the Canada Facility for 5-day carbonaceous biochemical oxygen demand and dissolved oxygen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010693001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures at the Facility:

- a. On May 7, 2010, hand-delivered pretreatment inspection reports to TCEQ demonstrating that inspections had been conducted at EZO, as the new owner of the Snoko facility and the Luvata facility, on April 22 and 23, 2010, respectively, and provided a written statement that additional inspections would be conducted within the TCEQ approved timeframes;
- b. On July 23, 2010, issued a NOV to Luvata for failing to complete the chain-of-custody form properly;
- c. On August 24, 2010, submitted a draft of the revised TBLLs package; and
- d. By January 31, 2011, submitted copies of the revised permits for the Luvata and EZO facilities, along with supporting documentation to demonstrate how the sample types and effluent limits within the permits were derived.

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Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project (“SEP”). (See SEP Attachment A)

2. The Order will also require the Respondent to:
 - a. Within 180 days, submit documentation to demonstrate TCEQ’s declaration of technical completeness for the proposed substantial modification to the existing pretreatment program, and the TCEQ’s approval of the sample types and effluent limits in the permits issued to the significant IUs based upon the existing approved pretreatment program; and

 - b. Within 365 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010693001, including specific corrective actions that were implemented at the Canada Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Merrilee Hupp, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4490; Debra Barber, Enforcement Division, MC 219, (512) 239-0412.
TCEQ SEP Coordinator: Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223
Respondent: The Honorable John Haberle, Mayor, City of Jacksonville, P.O. Box 1390, Jacksonville, Texas 75766
Mo Raissi, City Manager, City of Jacksonville, P.O. Box 1390, Jacksonville, Texas 75766
Respondent's Attorney: Brad B. Castleberry, Lloyd Gosselink, 816 Congress Avenue, Suite 1900, Austin, Texas 78701

Attachment A
Docket Number: 2011-0203-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Table 1: Case Information

Respondent:	City of Jacksonville
Penalty Amount:	Thirty-Four Thousand Nine Hundred Sixty-Two Dollars (\$34,962)
SEP Offset Amount:	Thirty-Four Thousand Nine Hundred Sixty-Two Dollars (\$34,962)
Type of SEP:	Custom (Pre-approved Concept)
Project Name:	Household Collection Events
Location of SEP:	Cherokee 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 three (3) one-day events for collecting tires, batteries, used furniture, appliances without Freon, plastic, electronic waste (e-Waste), brush, paper, and metal. Respondent shall offer five supervised drop-off collection sites where the public can drop off materials for disposal or recycling at no cost to the citizens. These collections sites will be located at 903 Peoples Street, 507 Highway 175, 924 Larissa, 728 E. Rusk, and 1108 S. Jackson. The disposal facility will be Royal Oaks Landfill (RN101927010; Permit No. 1614A) located at 608 County Road 4102, Jacksonville, Texas 75766. The events will be advertised in a local newspaper to increase public awareness of and participation in the events and will include the required enforcement statement described in Section 6. *Publicity*, below.

The SEP Offset Amount will be used for the cost of a licensed contractor to transport, dispose of, or recycle the collected materials; for heavy equipment such as roll-off bins and trailers; for public announcements of the event; for directional signs at the drop off location(s), and for the cost of publication of the events. Labor shall be provided by the Respondent at no cost to the SEP.

Respondent shall ensure that the events:

- are advertised to the public; and include the publicity statement that the project is being performed as a Supplemental Environmental Project;
- occur on a specified day of the weekend during daylight hours;
- offer to the public convenient drop-off locations; and
- include transport, recycling, and proper disposal of collected items.

The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations. 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.

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 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 tire collection, recycling and disposal portion of the events will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with illegal tire sites.

The bulky municipal waste and brush collection and disposal portion of the events will provide a discernible environmental benefit by helping to prevent the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

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. Respondent understands that it may cost more than the SEP Offset Amount to complete this Project.

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 2: 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 will include:

1. An itemized list of expenditures and total of costs incurred for each collection event;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list required in paragraph 3.B.1., above;
3. Copies of proof of advertisement for each collection event (the advertisement must include a statement that the SEP was performed as a result of a TCEQ enforcement action);
4. Proof of publication of invitation for (and selection of competitive bids for the project, if applicable);
5. Dated photographs of the items collected from each collection event;
6. Map showing exact location(s) of collection site(s) clearly marked. The map must be of sufficient detail to allow TCEQ staff to verify the location of the completed project;
7. Tally list of items collected from each collection event, i.e. number of passenger tires, number of truck tires, pounds of brush, pounds of metal, etc.;
8. Manifests are required to demonstrate proof of the proper disposal and/or recycling of the collected items;
9. A certified/notarized statement of quantifiable environmental benefit. Respondent must quantify the environmental benefit of the project; and
10. Any additional information and supporting documentation to demonstrate completion of the project in compliance with this SEP agreement.

Copies of receipts, checks with associated invoices, and other documentation verifying appropriate expenditures and the completion of the project must be submitted with the final report.

C. Address

Respondent shall submit all SEP reports and any requested additional information to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
PO Box 13087
Austin, Texas 78711-31087

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**

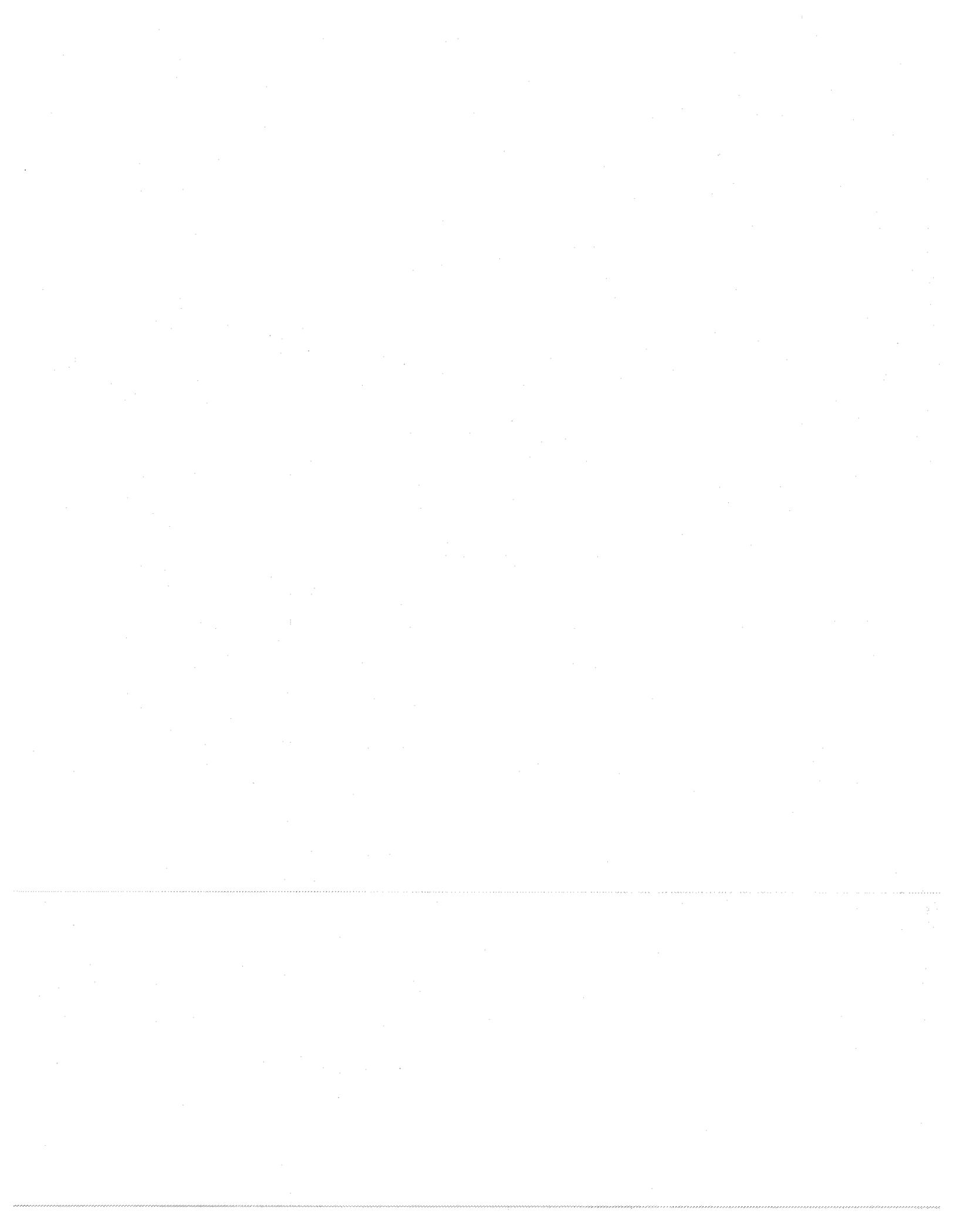
enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

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	25-Jan-2011	Screening	25-Jan-2011	EPA Due	5-Mar-2011
	PCW	25-Jan-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Jacksonville
Reg. Ent. Ref. No.	RN101613305 (Canada Facility) and RN101613180 (Double Creek Facility)
Facility/Site Region	5-Tyler
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	41083	No. of Violations	5
Docket No.	2011-0203-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Merrilee Hupp
		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** **\$21,600**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **107.0%** Enhancement **Subtotals 2, 3, & 7** **\$23,112**

Notes: Enhancement for 15 months of self-reported effluent violations, one NOV with same/similar violations, one NOV with dissimilar violations, and one order without denial of liability.

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** **\$1,010**

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

Total EB Amounts \$4,218
 Approx. Cost of Compliance \$27,600
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$43,702**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$43,702**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$43,702**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$8,740**

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 **\$34,962**

Screening Date 25-Jan-2011

Docket No. 2011-0203-MWD-E

PCW

Respondent City of Jacksonville

Policy Revision 2 (September 2002)

Case ID No. 41083

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101613305 (Canada Facility) and RN101613180 (Double Creek Facility)

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

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>)	16	80%
	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) 107%

>> 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 15 months of self-reported effluent violations, one NOV with same/similar violations, one NOV with dissimilar violations, and one order without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 107%

Screening Date 25-Jan-2011

Docket No. 2011-0203-MWD-E

PCW

Respondent City of Jacksonville

Policy Revision 2 (September 2002)

Case ID No. 41083

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101613305 (Canada Facility) and RN101613180 (Double Creek Facility)

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 315.1, 40 Code of Federal Regulations ("CFR") § 403.5(c)(1), and Texas Pollutant Discharge Elimination ("TPDES") Permit Nos. WQ0010693001 and WQ0010693003, Contributing Industries and Pretreatment Requirements No. 2

Violation Description Failed to submit to TCEQ a technically based local limits ("TBLLs") package and other components of the pretreatment program, as documented during a record review conducted on January 13, 2011. Specifically, as documented in the April 7, 2010 pretreatment audit, the Respondent failed to submit a technical evaluation revising the current TBLLs, a draft sewer use ordinance incorporating any revisions to the TBLLs, modifications to the Pretreatment Program Enforcement Response Plan, and Standard Operating Procedures to the TCEQ for review and approval by March 5, 2008.

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			25%

Matrix Notes 100% of the permit requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 902

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

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

	Reduction	
	Before NOV	NOV to EDRP/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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,362

Violation Final Penalty Total \$5,175

This violation Final Assessed Penalty (adjusted for limits) \$5,175

Economic Benefit Worksheet

Respondent City of Jacksonville
Case ID No. 41083
Reg. Ent. Reference No. RN101613305 (Canada Facility) and RN101613180 (Double Creek Facility)
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$20,000	5-Mar-2008	15-Jul-2011	3.36	\$3,362	n/a	\$3,362

Notes for DELAYED costs

Actual cost to redevelop the TBLL package and other components of the pretreatment program. Date required is the date the package and other components were due to TCEQ, and 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	\$20,000	TOTAL	\$3,362
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Screening Date 25-Jan-2011

Docket No. 2011-0203-MWD-E

PCW

Respondent City of Jacksonville

Policy Revision 2 (September 2002)

Case ID No. 41083

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101613305 (Canada Facility) and RN101613180 (Double Creek Facility)

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 315.1, 40 CFR §§ 403.5(c)(1) and 403.8(f)(1)(iii)(B), and TPDES Permit Nos. WQ0010693001 and WQ0010693003, Contributing Industries and Pretreatment Requirements Nos. 1.d.(3) and (4)

Violation Description

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Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 12 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 (one per industrial user) quarterly events are recommended from the January 13, 2011 record review date to the January 25, 2011 screening date.

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

Statutory Limit Test

Estimated EB Amount \$663

Violation Final Penalty Total \$10,350

This violation Final Assessed Penalty (adjusted for limits) \$10,350

Economic Benefit Worksheet

Respondent City of Jacksonville
Case ID No. 41083
Reg. Ent. Reference No. RN101613305 (Canada Facility) and RN101613180 (Double Creek Facility)
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				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)	\$4,500	4-Aug-2008	15-Jul-2011	2.95	\$663	n/a	\$663

Notes for DELAYED costs

Estimated cost for evaluating processes, wastestreams, and discharges at two IU facilities to determine the appropriate effluent limitations and sampling types to include in the respective permits. Date required is the date a new process, requiring a change in permit limitations, was indicated on the permit application for one of the facilities, and 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	\$4,500	TOTAL	\$663
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Screening Date 25-Jan-2011

Docket No. 2011-0203-MWD-E

PCW

Respondent City of Jacksonville

Policy Revision 2 (September 2002)

Case ID No. 41083

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101613305 (Canada Facility) and RN101613180 (Double Creek Facility)

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 3

Rule Cite(s) 30 Texas Admin. Code § 315.1, 40 CFR § 403.8(f)(5) and TPDES Permit Nos. WQ0010693001 and WQ0010693003, Contributing Industries and Pretreatment Requirements No. 1.c

Violation Description

Failed to identify and address a reporting violation by a telephone call or a notice of violation ("NOV"), as described within the enforcement response plan ("ERP"), as documented during a record review conducted on January 13, 2011. Specifically, as documented in the April 7, 2010 pretreatment audit, the chain-of-custody form submitted by the Luvata facility for the self-monitoring sampling event conducted on October 6, 2009 incorrectly indicated that the samples were received and relinquished from the secure cooler by the contract laboratory and personnel on October 6, 2009; however, the samples were not actually relinquished from the secure cooler by the laboratory personnel until October 7, 2009. The Pretreatment Program Enforcement Response Guide section of the ERP states that isolated or infrequent sampling or reporting violations will be addressed by a telephone call or an NOV, and neither of these actions was taken to address the violation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes Over 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 290 Number of violation days

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

10.0% Reduction

\$10

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

Notes The Respondent achieved compliance by July 23, 2010.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$197

This violation Final Assessed Penalty (adjusted for limits) \$197

Economic Benefit Worksheet

Respondent City of Jacksonville
Case ID No. 41083
Reg. Ent. Reference No. RN101613305 (Canada Facility) and RN101613180 (Double Creek Facility)
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
<small>No commas or \$</small>							

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)	\$100	6-Oct-2009	23-Jul-2010	0.79	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost for sending a NOV to the Luvata facility. Date required is the date the violation occurred. Final date is the date by which compliance was achieved by the Respondent.

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	\$100	TOTAL	\$4
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Screening Date 25-Jan-2011

Docket No. 2011-0203-MWD-E

PCW

Respondent City of Jacksonville

Policy Revision 2 (September 2002)

Case ID No. 41083

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101613305 (Canada Facility) and RN101613180 (Double Creek Facility)

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 4

Rule Cite(s) 30 Texas Admin. Code § 315.1, 40 CFR § 403.8(f)(5), and TPDES Permit Nos. WQ0010693001 and WQ0010693003, Contributing Industries and Pretreatment Requirements No. 1

Violation Description

Failed to conduct inspections at the frequency described within the ERP, as documented during a record review conducted on January 13, 2011. Specifically, as documented in the April 7, 2010 pretreatment audit, the Respondent failed to conduct at least two scheduled on-site inspections per year and one unscheduled inspection every six months at the Luvata and Snoko Special Products facilities, in accordance with the policies and procedures of the City of Jacksonville Industrial Pretreatment Program On-Site Inspection Procedures. Only one scheduled and one unscheduled inspection was conducted at each of these two facilities within the year prior to April 7, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4

30 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$4,000

Four (two per industrial user) single events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$1,000

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

Notes The Respondent achieved compliance on May 7, 2010.

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26

Violation Final Penalty Total \$7,280

This violation Final Assessed Penalty (adjusted for limits) \$7,280

Economic Benefit Worksheet

Respondent City of Jacksonville

Case ID No. 41083

Reg. Ent. Reference No. RN101613305 (Canada Facility) and RN101613180 (Double Creek Facility)

Media Water Quality

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$1,000	31-Oct-2009	7-May-2010	0.52	\$26	n/a	\$26

Notes for DELAYED costs

Estimated cost for conducting two additional inspections at each of the two facilities. Date required is when the earliest of the inspections was due and final date is the date compliance documentation was received by TCEQ.

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

\$1,000

TOTAL

\$26

Screening Date 25-Jan-2011

Docket No. 2011-0203-MWD-E

PCW

Respondent City of Jacksonville

Policy Revision 2 (September 2002)

Case ID No. 41083

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101613305 (Canada Facility) and RN101613180 (Double Creek Facility)

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 5

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010693001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6

Violation Description Failed to comply with permit effluent limits (Canada Facility), as documented during a record review conducted on January 18, 2011 and shown in the attached effluent violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

A simplified model was used to evaluate carbonaceous biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Dissolved oxygen was also considered. As a result of these discharges, human health or the environment has been exposed to 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 4

184 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$10,000

Four quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$164

Violation Final Penalty Total \$20,700

This violation Final Assessed Penalty (adjusted for limits) \$20,700

Economic Benefit Worksheet

Respondent City of Jacksonville
Case ID No. 41083
Reg. Ent. Reference No. RN101613305 (Canada Facility) and RN101613180 (Double Creek Facility)
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$2,000	31-Jan-2010	20-Sep-2011	1.64	\$164	n/a	\$164

Notes for DELAYED costs

Estimated cost for determining the cause and resolution of the effluent excursions. Date required is the first noncompliance and 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	\$2,000	TOTAL	\$164
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Respondent: City of Jacksonville
 TPDES Permit No. WQ0010693001
 RN101613305 (Canada Street Facility)
 Docket No. 2011-0203-MWD-E

Effluent Violation Table

<i>Effluent Parameter</i>	<i>Monitoring Period End Date</i>					
	January 2010	May 2010	June 2010	July 2010	September 2010	October 2010
	Reported Value					
CBOD ₅ Daily Avg. Conc. Permit Limit = 7 mg/L	7.45 mg/L	8.95 mg/L	8.45 mg/L	7.5 mg/L	7.59 mg/L	11 mg/L
CBOD ₅ Daily Max. Conc. Permit Limit= 17 mg/L	c	c	26 mg/L	c	c	23.7 mg/L
Dissolved Oxygen Min. Conc. Permit Limit = 6.0 mg/L	c	c	5.71 mg/L	c	c	c

Avg: average

Conc.: concentration

CBOD₅: 5-day carbonaceous biochemical oxygen demand

c: compliant

mg/L: milligrams per liter

Min.: minimum

Max.: maximum

Compliance History

Customer/Respondent/Owner-Operator:	CN600613608	City of Jacksonville	Classification: AVERAGE	Rating: 1.69
Regulated Entity:	RN101613180	CITY OF JACKSONVILLE DOUBLE CREEK PLANT	Classification: AVERAGE	Site Rating: 0.43
ID Number(s):	WASTEWATER WASTEWATER WASTEWATER LICENSING	PERMIT EPA ID LICENSE		WQ0010693003 TX0100587 WQ0010693003
Location:	along SH 204, approx. 1.6 mi. SE of SH 204 and Loop 456, southeast of Jacksonville, Cherokee Co., TX.			
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	January 25, 2011			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 25, 2006 to January 25, 2011			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Merrilee G. Hupp	Phone:	(512) 239-4490	

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.)

		(561394)
1	05/23/2007	
2	08/24/2007	(573608)
3	02/21/2006	(587434)
4	02/21/2007	(587435)
5	03/21/2006	(587436)
6	03/23/2007	(587437)
7	04/19/2006	(587439)
8	04/20/2007	(587440)
9	06/01/2006	(587442)
10	05/18/2007	(587443)
11	06/20/2006	(587445)
12	06/19/2007	(587446)
13	07/19/2006	(587448)
14	07/23/2007	(587449)
15	08/30/2006	(587451)
16	09/20/2006	(587453)
17	10/20/2006	(587455)
18	07/23/2007	(587456)

19	11/17/2006	(587458)
20	12/22/2006	(587460)
21	11/17/2006	(587462)
22	04/20/2007	(587463)
23	08/31/2007	(608582)
24	08/31/2007	(608583)
25	12/04/2007	(610456)
26	06/05/2009	(747375)
27	06/25/2009	(749837)
28	02/20/2008	(755011)
29	02/18/2009	(755012)
30	03/13/2009	(755013)
31	03/19/2008	(755014)
32	04/21/2008	(755015)
33	05/19/2008	(755016)
34	06/19/2008	(755017)
35	07/21/2008	(755018)
36	11/17/2008	(755019)
37	09/22/2008	(755020)
38	10/24/2008	(755021)
39	11/20/2007	(755022)
40	11/20/2008	(755023)
41	01/02/2008	(755024)
42	12/12/2008	(755025)
43	11/20/2008	(755026)
44	02/11/2008	(759022)
45	04/15/2009	(772170)
46	04/15/2009	(772171)
47	04/15/2009	(772172)
48	04/15/2009	(772173)
49	10/07/2009	(775657)
50	12/23/2009	(786027)
51	02/22/2010	(816534)
52	05/19/2009	(816535)
53	06/22/2009	(816536)
54	08/31/2009	(816537)
55	10/22/2009	(816538)
56	11/19/2009	(816539)
57	12/18/2009	(816540)
58	06/22/2010	(826178)
59	03/19/2010	(835022)
60	04/23/2010	(835023)
61	05/24/2010	(835024)
62	06/22/2010	(847531)
63	07/22/2010	(861944)
64	08/23/2010	(868490)
65	10/19/2010	(875385)
66	11/23/2010	(882940)
67	12/15/2010	(889357)

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

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
 Description: Failure to obtain authorization to discharge storm water associated with an industrial activity by means of the Texas Pollutant Discharge Elimination System (TPDES) Multi-Sector Industrial General Permit for Storm Water TXR050000
 Date: 02/11/2008 (759022) CN600613608

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: 03/31/2009 (772170) CN600613608

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 (772171) CN600613608

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: 07/02/2009 (749837) CN600613608

Self Report? NO Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 Description: Failure to prevent unauthorized discharges.
 Date: 07/31/2009 (816537) CN600613608

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 (772172) CN600613608

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 (835024) CN600613608

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 (861944) CN600613608

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

14	06/20/2006	(577981)
15	06/19/2007	(577982)
16	07/19/2006	(577984)
17	07/23/2007	(577985)
18	08/30/2006	(577987)
19	09/20/2006	(577989)
20	10/20/2006	(577991)
21	11/17/2006	(577993)
22	12/22/2006	(577995)
23	01/19/2007	(577997)
24	08/30/2007	(607849)
25	09/20/2007	(607850)
26	10/22/2007	(607851)
27	10/31/2008	(703254)
28	06/30/2009	(747583)
29	10/07/2009	(775661)
30	02/18/2009	(806843)
31	02/22/2010	(806844)
32	03/13/2009	(806845)
33	04/17/2009	(806846)
34	05/18/2009	(806847)
35	06/18/2009	(806848)
36	06/18/2009	(806849)
37	08/20/2009	(806850)
38	09/23/2009	(806851)
39	09/23/2009	(806852)
40	11/20/2008	(806853)
41	11/19/2009	(806854)
42	12/12/2008	(806855)
43	12/18/2009	(806856)
44	01/20/2009	(806857)
45	01/20/2010	(806858)
46	07/01/2010	(827259)
47	07/02/2010	(828173)
48	03/19/2010	(831648)
49	04/23/2010	(831649)
50	05/24/2010	(831650)
51	06/22/2010	(846505)
52	08/26/2010	(850267)
53	03/22/2010	(861066)
54	08/23/2010	(867121)
55	09/20/2010	(874177)
56	11/15/2010	(881774)
57	12/08/2010	(888265)

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

Date: 07/28/2006 (483183) CN600613608
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 315, SubChapter A 315.1
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(ii)
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(vi)
Description: Failure to verify the source of all flows into the pretreatment system at AFT to ascertain whether they should be using the combined wastestream formula.
Failure to sample the cyanide-bearing wastestream immediately after cyanide destruct prior to combining with other wastestreams.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 315, SubChapter A 315.1
 40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(5)
 Description: Failure to follow the CA's enforcement response plan.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 315, SubChapter A 315.1
 40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(vii)
 Description: Failure to determine significant non-compliance on a quarterly basis per EPA directive.

Date: 01/31/2007 (577971) CN600613608
 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 (577973) CN600613608
 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 (577976) CN600613608
 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: 05/30/2007 (561002) CN600613608
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
 Description: Failure to obtain authorization to discharge storm water associated with an industrial activity by means of the Texas Pollutant Discharge Elimination System (TPDES) Multi-Sector Industrial General Permit for Storm Water TXR050000

Date: 10/31/2008 (806853) CN600613608
 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 (806855) CN600613608
 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 (806857) CN600613608
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2009 (806843) CN600613608
 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 (806845) CN600613608
 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 (806846) CN600613608
 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 (806844) CN600613608
 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 (846505) CN600613608
 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 (861066) CN600613608
Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 07/31/2010 (867121) CN600613608
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: 09/30/2010 (881774) CN600613608
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: 10/31/2010 (888265) CN600613608
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 JACKSONVILLE
RN101613305 AND
RN101613180**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2011-0203-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 Jacksonville ("the Respondent") under the authority of TEX. WATER CODE ch. 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Brad B. Castleberry of the law firm of Lloyd Gosselink, appear before the Commission and together stipulate that:

1. The Respondent owns and operates wastewater treatment facilities located on Canada Street, southeast of the crossing of Ragsdale Creek by Canada Street, Jacksonville ("Canada Facility") and located along State Highway 204, approximately 1.6 miles southeast of the intersection of State Highway 204 and Loop 456, southeast of Jacksonville ("Double Creek Facility"), Cherokee County, Texas ("the Facilities").
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 July 10, 2010 and February 2, 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 Forty-Three Thousand Seven Hundred Two Dollars (\$43,702) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Eight Thousand Seven Hundred Forty Dollars (\$8,740) 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. Thirty-Four Thousand Nine Hundred Sixty-Two Dollars (\$34,962) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
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 recognizes that the Respondent has implemented the following corrective measures at the Facilities:
 - a. On May 7, 2010, hand-delivered pretreatment inspection reports to TCEQ demonstrating that inspections had been conducted at EZO Copper Products, LLC ("EZO"), as the new owner of the Snoke Special Products Company, Inc. ("Snoke") facility, and the Luvata Electrofin Texas, Inc. ("Luvata") facility, on April 22 and 23, 2010, respectively, and provided a written statement that additional inspections would be conducted within the TCEQ approved timeframes;
 - b. On July 23, 2010, issued a Notice of Violation ("NOV") to Luvata for failing to complete the chain-of-custody form properly;
 - c. On August 24, 2010, submitted a draft of the revised technically based local limits ("TBLLs") package; and
 - d. By January 31, 2011, submitted copies of the revised permits for the Luvata and EZO facilities, along with supporting documentation to demonstrate how the sample types and effluent limits within the permits were derived.

10. 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.
11. 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.
12. 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 Facilities, the Respondent is alleged to have:

1. Failed to submit to TCEQ a TBLLs package and other components of the pretreatment program, in violation of 30 TEX. ADMIN. CODE § 315.1, 40 CODE OF FEDERAL REGULATIONS ("CFR") § 403.5(c)(1), and Texas Pollutant Discharge Elimination ("TPDES") Permit Nos. WQ0010693001 and WQ0010693003, Contributing Industries and Pretreatment Requirements No. 2, as documented during a record review conducted on January 13, 2011. Specifically, as documented in the April 7, 2010 pretreatment audit, the Respondent failed to submit a technical evaluation revising the current TBLLs, a draft sewer use ordinance incorporating any revisions to the TBLLs, modifications to the Pretreatment Program Enforcement Response Plan, and Standard Operating Procedures to the TCEQ for review and approval by March 5, 2008.
2. Failed to exercise the legal authority and implement procedures contained in Section 5.2A.3 and 4 of the Respondent's Industrial Pretreatment Ordinance No. 960 and Industrial Pretreatment Ordinance 970, Section 1, in violation of 30 TEX. ADMIN. CODE § 315.1, 40 CFR §§ 403.5(c)(1) and 403.8(f)(1)(iii)(B), and TPDES Permit Nos. WQ0010693001 and WQ0010693003, Contributing Industries and Pretreatment Requirements Nos. 1.d.(3) and (4), as documented during a record review conducted on January 13, 2011. Specifically, as documented in the April 7, 2010 pretreatment audit, the Respondent failed to determine the appropriate sample types and effluent limits in the wastewater discharge permits issued to various industrial users ("IUs"). Luvata introduced a new chromating process, subject to the pretreatment standards described in 40 CFR § 433.17, yet this was not reflected in the permit. Similarly, the categorical pretreatment standards of 40 CFR § 468.14 were not correctly applied to the processes at EZO, and the waste stream for the water used to cool copper components after brazing had not been evaluated. Additionally, the Respondent had not evaluated flows, pollutant concentrations, and other data to develop the appropriate TBLLs and correct apportionment of loading for each individual IU permit to prevent exceedance of the existing total allowable headworks loading for the pollutants listed in Industrial Pretreatment Ordinance No. 970, Section 1.
3. Failed to identify and address a reporting violation by a telephone call or an NOV, as described within the enforcement response plan ("ERP"), in violation of 30 TEXAS ADMIN. CODE § 315.1, 40 CFR § 403.8(f)(5) and TPDES Permit Nos. WQ0010693001 and WQ0010693003, Contributing Industries and Pretreatment Requirements No. 1.c, as documented during a record review conducted on January 13, 2011. Specifically, as documented in the April 7, 2010 pretreatment audit, the chain-of-custody form submitted by the Luvata facility for the self-monitoring sampling event conducted on October 6, 2009 incorrectly indicated that the samples were received and relinquished from the secure cooler by the contract laboratory and personnel on October 6, 2009; however, the samples were not actually relinquished from the secure cooler by the laboratory personnel until October 7, 2009. The Pretreatment Program Enforcement Response Guide section of the ERP states that isolated or infrequent sampling or reporting violations will be addressed by a telephone call or an NOV, and neither of these actions was taken to address the violation.

4. Failed to conduct inspections at the frequency described within the ERP, in violation of 30 TEXAS ADMIN. CODE § 315.1, 40 CFR § 403.8(f)(5), and TPDES Permit Nos. WQ0010693001 and WQ0010693003, Contributing Industries and Pretreatment Requirements No. 1, as documented during a record review conducted on January 13, 2011. Specifically, as documented in the April 7, 2010 pretreatment audit, the Respondent failed to conduct at least two scheduled on-site inspections per year and one unscheduled inspection every six months at the Luvata and Snoke facilities, in accordance with the policies and procedures of the City of Jacksonville Industrial Pretreatment Program On-Site Inspection Procedures. Only one scheduled and one unscheduled inspection was conducted at each of these two facilities within the year prior to April 7, 2010.

5. Failed to comply with permit effluent limits for the Canada Facility, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010693001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, as documented during a record review conducted on January 18, 2011 and shown in the following table:

<i>Effluent Parameter</i>	<i>Monitoring Period End Date</i>					
	January 2010	May 2010	June 2010	July 2010	September 2010	October 2010
	Reported Value					
CBOD ₅ Daily Avg. Conc. Permit Limit = 7 mg/L	7.45	8.95 mg/L	8.45 mg/L	7.5 mg/L	7.59 mg/L	11 mg/L
CBOD ₅ Daily Max. Conc. Permit Limit = 17 mg/L	c	c	26 mg/L	c	c	23.7 mg/L
Dissolved Oxygen Min. Conc. Permit Limit = 6.0 mg/L	c	c	5.71 mg/L	c	c	c

Avg: average Conc.: concentration CBOD₅: 5-day carbonaceous biochemical oxygen demand
 c: compliant mg/L: milligrams per liter Min.: minimum Max.: maximum

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 Jacksonville, Docket No. 2011-0203-MWD-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, Thirty-Four Thousand Nine Hundred Sixty-Two Dollars (\$34,962) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 180 days after the effective date of this Agreed Order, submit documentation to demonstrate TCEQ's declaration of technical completeness for the proposed substantial modification to the existing pretreatment program, and the TCEQ's approval of the sample types and effluent limits in the permits issued to the significant industrial users based upon the existing approved pretreatment program; and
 - b. Within 365 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010693001, including specific corrective actions that were implemented at the Canada 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
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facilities' operations or the pretreatment program referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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.

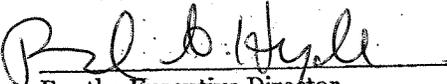
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by 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.

9. 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



For the Executive Director

11/17/11

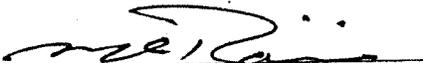
Date

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

7-26-11

Date

Mo Raissi

City Manager

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

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.

Attachment A
Docket Number: 2011-0203-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Table 1: Case Information

Respondent:	City of Jacksonville
Penalty Amount:	Thirty-Four Thousand Nine Hundred Sixty-Two Dollars (\$34,962)
SEP Offset Amount:	Thirty-Four Thousand Nine Hundred Sixty-Two Dollars (\$34,962)
Type of SEP:	Custom (Pre-approved Concept)
Project Name:	Household Collection Events
Location of SEP:	Cherokee 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 three (3) one-day events for collecting tires, batteries, used furniture, appliances without Freon, plastic, electronic waste (e-Waste), brush, paper, and metal. Respondent shall offer five supervised drop-off collection sites where the public can drop off materials for disposal or recycling at no cost to the citizens. These collection sites will be located at 903 Peoples Street, 507 Highway 175, 924 Larissa, 728 E. Rusk, and 1108 S. Jackson. The disposal facility will be Royal Oaks Landfill (RN101927010; Permit No. 1614A) located at 608 County Road 4102, Jacksonville, Texas 75766. The events will be advertised in a local newspaper to increase public awareness of and participation in the events and will include the required enforcement statement described in Section 6. *Publicity*, below.

The SEP Offset Amount will be used for the cost of a licensed contractor to transport, dispose of, or recycle the collected materials; for heavy equipment such as roll-off bins and trailers; for public announcements of the event; for directional signs at the drop off location(s), and for the cost of publication of the events. Labor shall be provided by the Respondent at no cost to the SEP.

Respondent shall ensure that the events:

- are advertised to the public; and include the publicity statement that the project is being performed as a Supplemental Environmental Project;
- occur on a specified day of the weekend during daylight hours;
- offer to the public convenient drop-off locations; and
- include transport, recycling, and proper disposal of collected items.

The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations. 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.

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 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 tire collection, recycling and disposal portion of the events will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with illegal tire sites.

The bulky municipal waste and brush collection and disposal portion of the events will provide a discernible environmental benefit by helping to prevent the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

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. Respondent understands that it may cost more than the SEP Offset Amount to complete this Project.

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 2: 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 will include:

1. An itemized list of expenditures and total of costs incurred for each collection event;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list required in paragraph 3.B.1., above;
3. Copies of proof of advertisement for each collection event (the advertisement must include a statement that the SEP was performed as a result of a TCEQ enforcement action);
4. Proof of publication of invitation for (and selection of competitive bids for the project, if applicable);
5. Dated photographs of the items collected from each collection event;
6. Map showing exact location(s) of collection site(s) clearly marked. The map must be of sufficient detail to allow TCEQ staff to verify the location of the completed project;
7. Tally list of items collected from each collection event, i.e. number of passenger tires, number of truck tires, pounds of brush, pounds of metal, etc.;
8. Manifests are required to demonstrate proof of the proper disposal and/or recycling of the collected items;
9. A certified/notarized statement of quantifiable environmental benefit. Respondent must quantify the environmental benefit of the project; and
10. Any additional information and supporting documentation to demonstrate completion of the project in compliance with this SEP agreement.

Copies of receipts, checks with associated invoices, and other documentation verifying appropriate expenditures and the completion of the project must be submitted with the final report.

C. Address

Respondent shall submit all SEP reports and any requested additional information to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
PO Box 13087
Austin, Texas 78711-31087

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.