

Executive Summary – Enforcement Matter – Case No. 43621
City of Springtown
RN101920445
Docket No. 2012-0449-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

City of Springtown, located at 1361 Walnut Creek Road, east of Springtown approximately 4,600 feet east of the intersection of Spring Branch Trail and 3rd Street, Parker 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: August 3, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$30,350

Amount Deferred for Expedited Settlement: \$0

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: \$30,350

Name of SEP: Texas Association of Resource Conservation and Development Areas,
Inc. – Water or Wastewater Treatment Assistance

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

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Docket No. 2012-0449-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 15, 2011

Date(s) of NOE(s): February 10, 2012

Violation Information

1. Failed to timely submit monitoring results at the intervals specified in the permit [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010649001, Sludge Provisions and 30 TEX. ADMIN. CODE § 305.125(17)].
2. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained which resulted in the discharge of wastewater-related trash and large amounts of solids build-up in numerous areas immediately downstream of the outfall [TPDES Permit No. WQ0010649001, Effluent Limitations and Monitoring Requirements No. 4, Permit Conditions No. 2.d., and Operational Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TEX. WATER CODE § 26.121(a)].
3. Failed to submit noncompliance notifications for any effluent violation which deviates from the permitted effluent limitation by greater than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance [TPDES Permit No. WQ0010649001, Monitoring and Reporting Requirements No. 7.c. and 30 TEX. ADMIN. CODE § 305.125(1)].
4. Failed to ensure flow meter accuracy [TPDES Permit No. WQ0010649001, Monitoring and Reporting Requirements No. 5 and Operational Requirements No. 5 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d)].
5. Failed to enforce the sewer use ordinance to prevent detrimental commercial or industrial discharges into the collection system [TEX. WATER CODE § 26.176(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

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

- a. By February 24, 2012:
 - i. Updated the Facility's operational guidance and conducted employee training to ensure that all reporting procedures are properly accomplished;
 - ii. Submitted the annual sludge report for the reporting period ending July 31, 2011;
 - iii. Removed the vegetation from the drying beds;

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- iv. Provided the required 18 inches of freeboard at the oxidation ditch;
 - v. Properly removed and disposed of all wastewater-related trash and solids build-up in the receiving stream; and
 - vi. Began enforcing its sewer use ordinance.
- b. By February 27, 2012, submitted all required noncompliance notifications.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, implement measures to ensure flow meter accuracy, to include but not limited to, accurate calibration of the meter; and
- b. Within 45 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: Jorge Ibarra P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Debra Barber, Enforcement Division, MC 219, (512) 239-0412.
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: The Honorable Doug Hughes, Mayor, City of Springtown, P.O. Box 444, Springtown, Texas 76082
Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-0449-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Springtown

Payable Penalty Amount: Thirty Thousand Three Hundred Fifty Dollars (\$30,350)

SEP Amount: Thirty Thousand Three Hundred Fifty Dollars (\$30,350)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D") - Water or Wastewater Treatment Assistance

Location of SEP: Parker County

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

1. Project Description

A. Project

Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Texas Association of Resource Conservation and Development Areas, Inc. to be used for the RC&D Water or Wastewater Treatment Assistance Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems. If RC&D is unable to spend the total SEP Offset Amount on this project, upon approval of the Executive Director, the remaining SEP Offset Amount may be applied to another approved RC&D project.

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

City of Springtown
Agreed Order – Attachment A

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems.

C. Minimum Expenditure

Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
Attention: Ken Awtrey
P.O. Box 635067
Nacogdoches, Texas 75961

3. Records and Reporting

Concurrent with the payment of the SEP amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on

City of Springtown
Agreed Order - Attachment A

Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

5. 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.

6. 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.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an 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	13-Feb-2012	Screening	22-Feb-2012	EPA Due	
	PCW	24-Feb-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Springtown		
Reg. Ent. Ref. No.	RN101920445		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	43621	No. of Violations	1	
Docket No.	2012-0449-MWD-E	Order Type	Findings	
Media Program(s)	Water Quality	Government/Non-Profit	Yes	
Multi-Media		Enf. Coordinator	Jorge Ibarra	
		EC's Team	Enforcement Team 3	
Admin. Penalty \$ Limit Minimum		\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$4,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **230.0%** Enhancement **Subtotals 2, 3, & 7** **\$9,200**

Notes: Enhancement for one Agreed Order containing denial of liability, four NOVs with same/similar violations, and 38 months of self-reported effluent 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** **\$400**

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

Total EB Amounts: \$8
Approx. Cost of Compliance: \$200
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$12,800**

OTHER FACTORS AS JUSTICE MAY REQUIRE **-75.0%** **Adjustment** **-\$9,600**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction to offset the reporting violation so that it does not overly impact the penalty.

Final Penalty Amount **\$3,200**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$3,200**

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

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$3,200**

Screening Date 22-Feb-2012

Docket No. 2012-0449-MWD-E

PCW

Respondent City of Springtown

Policy Revision 2 (September 2002)

Case ID No. 43621

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101920445

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra

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>)	42	210%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<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) 230%

>> 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 one Agreed Order containing denial of liability, four NOVs with same/similar violations, and 38 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 230%

Screening Date 22-Feb-2012
Respondent City of Springtown
Case ID No. 43621
Reg. Ent. Reference No. RN101920445
Media [Statute] Water Quality
Enf. Coordinator Jorge Ibarra
Violation Number 1

Docket No. 2012-0449-MWD-E

PCW

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

Rule Cite(s)

Texas Pollutant Discharge Elimination System Permit No. WQ0010649001,
 Monitoring and Reporting Requirements No. 7.c. and 30 Tex. Admin. Code §
 305.125(1)

Violation Description

Failed to submit noncompliance notifications for any effluent violation which
 deviates from the permitted effluent limitation by greater than 40% in writing to
 the Regional Office and the Enforcement Division within five working days of
 becoming aware of the noncompliance. Specifically, the noncompliance notifications
 for the carbonaceous biochemical oxygen demand (5-day), total suspended solids
 and ammonia nitrogen exceedances were not submitted for the monitoring periods
 of April through July 2011.

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			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$4,000

Four single events are recommended, one for each notification not submitted.

Good Faith Efforts to Comply

10.0% Reduction

\$400

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

Notes: The Respondent achieved compliance by February 27, 2012 for this violation.

Violation Subtotal \$3,600

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$3,200

This violation Final Assessed Penalty (adjusted for limits) \$3,200

Economic Benefit Worksheet

Respondent City of Springtown
Case ID No. 43621
Reg. Ent. Reference No. RN101920445
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)	\$200	5-May-2011	27-Feb-2012	0.82	\$8	n/a	\$8

Notes for DELAYED costs

Estimated cost to submit the required noncompliance notifications (\$50 per notification). Date required is the date the first noncompliance notification was due, and the final date is the compliance date. The cost for training is included in the economic benefit for violation no. 1 of the accompanying PCW.

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

\$200

TOTAL

\$8



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	13-Feb-2012	Screening	22-Feb-2012	EPA Due	
	PCW	24-Feb-2012				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Springtown
Reg. Ent. Ref. No.	RN101920445
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	43621	No. of Violations	5
Docket No.	2012-0449-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jorge Ibarra, P.E.
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$16,750**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$16,750**

Notes: Enhancement for one Agreed Order containing denial of liability, four NOVs with same/similar violations, and 38 months of self-reported effluent 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** **\$1,600**

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

Total EB Amounts \$77
 Approx. Cost of Compliance \$6,450
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$31,900**

OTHER FACTORS AS JUSTICE MAY REQUIRE **-14.9%** **Adjustment** **-\$4,750**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction to offset the reporting violation so that it does not overly impact the penalty.

Final Penalty Amount **\$27,150**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$27,150**

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

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$27,150**

Screening Date 22-Feb-2012

Docket No. 2012-0449-MWD-E

PCW

Respondent City of Springtown

Policy Revision 3 (September 2011)

Case ID No. 43621

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920445

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

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>)	42	210%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<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) 230%

>> 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 one Agreed Order containing denial of liability, four NOVs with same/similar violations, and 38 months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 230%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 22-Feb-2012
Respondent City of Springtown
Case ID No. 43621
Reg. Ent. Reference No. RN101920445
Media [Statute] Water Quality
Enf. Coordinator Jorge Ibarra, P.E.
Violation Number 1

Docket No. 2012-0449-MWD-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Rule Cite(s) Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010649001, Sludge Provisions and 30 Tex. Admin. Code § 305.125(17)

Violation Description Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to timely submit the annual sludge report for the reporting period ending July 31, 2011 by September 1, 2011.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Harm				Percent
	Falsification	Major	Moderate	Minor	
				X	1.0%
More than 70% of the rule requirement was met.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events: 1 176 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction \$25

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

Notes: The Respondent achieved compliance by February 24, 2012 for this violation.

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$404

This violation Final Assessed Penalty (adjusted for limits) \$404

Economic Benefit Worksheet

Respondent City of Springtown
Case ID No. 43621
Reg. Ent. Reference No. RN101920445
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
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	15-Dec-2011	24-Feb-2012	0.19	\$2	n/a	\$2
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	1-Sep-2011	24-Feb-2012	0.48	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished (\$250) and to submit the required sludge report to the TCEQ (\$50 per report). Dates required are the investigation date and the date the report was due, and the final date is the 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

\$300

ESTIMATED

TOTAL

\$4

Screening Date 22-Feb-2012

Docket No. 2012-0449-MWD-E

PCW

Respondent City of Springtown

Policy Revision 3 (September 2011)

Case ID No. 43621

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920445

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 2

Rule Cite(s)

TPDES Permit No. WQ0010649001, Effluent Limitations and Monitoring Requirements No. 4, Permit Conditions No. 2.d., and Operational Requirements No. 1, 30 Tex. Admin. Code § 305.125(1) and (5), and Tex. Water Code § 26.121(a)

Violation Description

Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained resulted in the discharge of wastewater-related trash and large amounts of solids build-up in numerous areas immediately downstream of the outfall. Specifically, during the December 15, 2011 investigation, it was noted that significant foam was present throughout the Facility and in the receiving stream, the drying beds contained vegetation, and the oxidation ditch did not provide the required 18 inches of freeboard. Additionally, a bypass of untreated wastewater was documented on January 13, 2012 with a reported value of 86,560 gallons.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants as a result of this violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3

69 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$11,250

Three monthly events are recommended from the investigation date of December 15, 2011 to the screening date of February 22, 2012.

Good Faith Efforts to Comply

10.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$1,125

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent achieved compliance by February 24, 2012 for this violation.

Violation Subtotal \$10,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$49

Violation Final Penalty Total \$18,192

This violation Final Assessed Penalty (adjusted for limits) \$18,192

Economic Benefit Worksheet

Respondent City of Springtown
Case ID No. 43621
Reg. Ent. Reference No. RN101920445
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
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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)	\$5,000	15-Dec-2011	24-Feb-2012	0.19	\$49	n/a	\$49

Notes for DELAYED costs

Estimated cost to remove the vegetation from the drying beds, to provide the required 18" of freeboard at the oxidation ditch, and properly remove and dispose of all wastewater-related trash and solids build-up in the receiving stream. Date required is the investigation date, and the final date is the compliance date.

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 \$5,000

TOTAL \$49

Screening Date 22-Feb-2012

Docket No. 2012-0449-MWD-E

PCW

Respondent City of Springtown

Policy Revision 3 (September 2011)

Case ID No. 43621

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920445

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 3

Rule Cite(s) TPDES Permit No. WQ0010649001, Monitoring and Reporting Requirements No. 7.c. and 30 Tex. Admin. Code § 305.125(1)

Violation Description

Failed to submit noncompliance notifications for any effluent violation which deviates from the permitted effluent limitation by greater than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, the noncompliance notifications for the carbonaceous biochemical oxygen demand (5-day), total suspended solids and ammonia nitrogen exceedances were not submitted for the monitoring periods of October through December 2011.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3 Number of violation days 114

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$3,750

Three single events are recommended, one for each notification not submitted.

Good Faith Efforts to Comply

10.0% Reduction

\$375

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

Notes

The Respondent achieved compliance by February 27, 2012 for this violation.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$6,064

This violation Final Assessed Penalty (adjusted for limits) \$6,064

Economic Benefit Worksheet

Respondent City of Springtown
Case ID No. 43621
Reg. Ent. Reference No. RN101920445
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
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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)	\$150	5-Nov-2011	27-Feb-2012	0.31	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to submit the required noncompliance notifications (\$50 per notification). Date required is the date the first noncompliance notification was due, and the final date is the compliance date. The cost for training is included in the economic benefit for violation no. 1.

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 \$150

TOTAL \$2

Screening Date 22-Feb-2012

Docket No. 2012-0449-MWD-E

PCW

Respondent City of Springtown

Policy Revision 3 (September 2011)

Case ID No. 43621

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920445

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 4

Rule Cite(s) TPDES Permit No. WQ0010649001, Monitoring and Reporting Requirements No. 5 and Operational Requirements No. 5 and 30 Tex. Admin. Code §§ 305.125(1) and 319.11(d)

Violation Description Failed to ensure flow meter accuracy. Specifically, the flow measurements obtained during the December 15, 2011 investigation did not satisfy the ±10% requirement between the primary and secondary flow measuring devices at the Facility.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				3.0%
	Potential			x	

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification				0.0%

Matrix Notes Failure to ensure flow meter accuracy could result in the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1 Number of violation days 69

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

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$1,277

This violation Final Assessed Penalty (adjusted for limits) \$1,277

Economic Benefit Worksheet

Respondent City of Springtown
Case ID No. 43621
Reg. Ent. Reference No. RN101920445
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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)	\$500	15-Dec-2011	1-Sep-2012	0.72	\$18	n/a	\$18

Notes for DELAYED costs

Estimated cost to implement measures to ensure flow meter accuracy, to include but not limited to accurate calibration of the meter. Date required is the investigation date, and the final date is the expected compliance date.

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

\$500

TOTAL

\$18

Screening Date 22-Feb-2012
Respondent City of Springtown
Case ID No. 43621
Reg. Ent. Reference No. RN101920445
Media [Statute] Water Quality
Enf. Coordinator Jorge Ibarra, P.E.

Docket No. 2012-0449-MWD-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Violation Number

Rule Cite(s)

Violation Description

Failed to enforce the sewer use ordinance to prevent detrimental commercial or industrial discharges into the collection system. Specifically, wastewater treatment was impacted by the presence of grease allowed into the Facility.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="3.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Failure to enforce the sewer use ordinance could result in the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="checkbox"/>
N/A	<input type="text"/>	(mark with x)

Notes

The Respondent achieved compliance by February 24, 2012 for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Springtown
Case ID No. 43621
Reg. Ent. Reference No. RN101920445
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
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)	\$500	15-Dec-2011	24-Feb-2012	0.19	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to begin enforcing the Respondent's sewer use ordinance. Date required is the investigation date, and the final date is the compliance date.

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 \$500

TOTAL \$5

Compliance History Report

Customer/Respondent/Owner-Operator: CN600638738 City of Springtown Classification: AVERAGE Rating: 2.97

Regulated Entity: RN101920445 CITY OF SPRINGTOWN Classification: AVERAGE Site Rating: 2.94

ID Number(s): WASTEWATER PERMIT WQ0010649001
WASTEWATER EPA ID TX0032646
UTILITIES REGISTRATION 12397
WASTEWATER LICENSING LICENSE WQ0010649001

Location: located at 1361 Walnut Creek Road, east of the City of Springtown approximately 4,600 feet east of the intersection of Spring Branch Trail and 3rd Street in Parker County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: February 22, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 22, 2007 to February 22, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

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. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
- Effective Date: 10/23/2008 ADMINORDER 2004-1138-MWD-E
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Pro Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 02/27/2007 | (579677) |
| 2 | 03/28/2007 | (579678) |
| 3 | 04/27/2007 | (579679) |
| 4 | 05/30/2007 | (579680) |
| 5 | 11/08/2007 | (596477) |
| 6 | 10/23/2007 | (607966) |
| 7 | 10/23/2007 | (607967) |
| 8 | 10/03/2007 | (608625) |

9	12/12/2007	(611747)
10	02/08/2008	(615115)
11	10/23/2007	(621292)
12	10/31/2007	(621293)
13	12/06/2007	(621294)
14	12/28/2007	(621295)
15	02/25/2008	(673352)
16	03/28/2008	(673353)
17	01/28/2008	(673354)
18	06/24/2008	(691528)
19	06/24/2008	(691529)
20	06/24/2008	(691530)
21	07/25/2008	(691531)
22	06/20/2008	(699442)
23	08/25/2008	(712475)
24	09/25/2008	(712476)
25	10/23/2008	(712477)
26	11/21/2008	(728714)
27	12/19/2008	(728715)
28	01/23/2009	(728716)
29	02/25/2009	(751810)
30	03/25/2009	(751811)
31	04/24/2009	(751812)
32	05/26/2009	(769569)
33	12/18/2009	(781324)
34	07/13/2009	(808408)
35	07/30/2009	(808409)
36	08/31/2009	(808410)
37	11/09/2009	(808411)
38	11/09/2009	(808412)
39	11/30/2009	(808413)
40	12/23/2009	(808414)
41	02/01/2010	(808415)
42	06/28/2010	(832257)
43	06/28/2010	(832258)
44	06/28/2010	(832259)
45	06/28/2010	(832260)
46	06/28/2010	(846694)
47	07/20/2010	(861229)
48	09/01/2010	(867354)
49	09/20/2010	(874390)
50	10/20/2010	(881970)
51	11/20/2010	(888446)
52	12/20/2010	(896755)
53	01/20/2011	(902741)
54	02/22/2011	(909573)

55 06/09/2011 (912767)
 56 03/28/2011 (916788)
 57 04/20/2011 (926322)
 58 05/17/2011 (938505)
 59 08/02/2011 (943809)
 60 06/18/2011 (945873)
 61 07/20/2011 (953130)
 62 08/20/2011 (959779)
 63 09/21/2011 (965816)
 64 10/20/2011 (971857)
 65 02/10/2012 (976489)
 66 11/17/2011 (978028)
 67 12/20/2011 (984792)

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

Date:	03/31/2007	(579679)	CN600638738		
Self Report?	YES			Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	06/30/2007	(607966)	CN600638738		
Self Report?	YES			Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	07/31/2007	(607967)	CN600638738		
Self Report?	YES			Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	09/30/2007	(621293)	CN600638738		
Self Report?	YES			Classificatio	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:	10/03/2007	(608625)	CN600638738		
Self Report?	NO			Classificatio	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			Classificatio	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			Classificatio	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	(621294)	CN600638738		
Self Report?	YES			Classificatio	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:	11/09/2007	(596477)	CN600638738
Self Report?	NO		Classificatio Minor
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 potable water line to the plant.		
Self Report?	NO		Classificatio Minor
Citation:	30 TAC Chapter 317 317.4(a)(5) WQ10649-001 PERMIT		
Description:	Failure to have the necessary backup power or retention structures to comply with permit requirements during power outages.		
Self Report?	NO		Classificatio Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C) WQ10649-001 PERMIT		
Description:	Failure to submit the annual sludge report to the Compliance Monitoring Team in the Enforcement Division and to the Region Office by September 1 of each year.		
Self Report?	NO		Classificatio Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 2D TWC Chapter 26, SubChapter A 26.121(a)(1) 2D TWC Chapter 26, SubChapter A 26.121(a)(3) 2D TWC Chapter 26, SubChapter A 26.121(b) 2D TWC Chapter 26, SubChapter A 26.121(c) 2D TWC Chapter 26, SubChapter A 26.121(d) 2D TWC Chapter 26, SubChapter A 26.121(e) 30 TAC Chapter 305, SubChapter F 305.125(4) 30 TAC Chapter 305, SubChapter F 305.125(5) TWC Chapter 26 26.121 TWC Chapter 26 26.121(a)(2) WQ10649-001 PERMIT		
Description:	Failure to prevent the unauthorized discharge of wastewater from the sanitary sewer collection system.		
Self Report?	NO		Classificatio Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ10649-001 PERMIT		
Description:	Failure to comply with the effluent permit limits for dissolved oxygen, total chlorine residual, TSS, CBOD5.		
Self Report?	NO		Classificatio Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.4 WQ10649-001 PERMIT		
Description:	Failure to sample the effluent for fecal coliform bacteria.		
Self Report?	NO		Classificatio Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a) WQ10649-001 PERMIT		
Description:	Failure to document sample collection and analyses times for field data.		
Date:	12/31/2007	(673354)	CN600638738
Self Report?	YES		Classificatio Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2008	(673352)	CN600638738
Self Report?	YES		Classificatio Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/29/2008	(673353)	CN600638738
Self Report?	YES		Classificatio 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	03/31/2008	(691528)	CN600638738		
Self Report?	YES			Classificatio	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	06/20/2008	(699442)	CN600638738		
Self Report?	NO			Classificatio	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	10/31/2008	(728714)	CN600638738		
Self Report?	YES			Classificatio	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	(728715)	CN600638738		
Self Report?	YES			Classificatio	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	(751811)	CN600638738		
Self Report?	YES			Classificatio	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	(751812)	CN600638738		
Self Report?	YES			Classificatio	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	(769569)	CN600638738		
Self Report?	YES			Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	05/31/2009	(808408)	CN600638738		
Self Report?	YES			Classificatio	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	(808409)	CN600638738		
Self Report?	YES			Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	07/31/2009	(808410)	CN600638738		
Self Report?	YES			Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	02/28/2010	(832258)	CN600638738		
Self Report?	YES			Classificatio	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	(861229)	CN600638738		
Self Report?	YES			Classificatio	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	(867354)	CN600638738		
Self Report?	YES			Classificatio	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	08/31/2010	(874390)	CN600638738		
Self Report?	YES			Classificatio	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	(881970)	CN600638738		
Self Report?	YES			Classificatio	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	(888446)	CN600638738		
Self Report?	YES			Classificatio	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	11/30/2010	(896755)	CN600638738		
Self Report?	YES			Classificatio	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	12/31/2010	(902741)	CN600638738		
Self Report?	YES			Classificatio	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	01/31/2011	(909573)	CN600638738		
Self Report?	YES			Classificatio	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	02/28/2011	(916788)	CN600638738		
Self Report?	YES			Classificatio	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	03/31/2011	(926322)	CN600638738		
Self Report?	YES			Classificatio	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	04/30/2011	(938505)	CN600638738		
Self Report?	YES			Classificatio	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	05/31/2011	(945873)	CN600638738		
Self Report?	YES			Classificatio	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	06/10/2011	(912767)	CN600638738		
Self Report?	NO			Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ10649-001 PERMIT				
Description:	Failure to comply with the effluent permit limits for dissolved oxygen, total chlorine residual, TSS, CBOD5.				
Self Report?	NO			Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0010649-001 PERMIT				
Description:	Failure to control commercial/industrial discharges into the collection system.				
Self Report?	NO			Classificatio	Minor
Citation:	30 TAC Chapter 317 317.4(a)(8) 30 TAC Chapter 317 317.7(i) WQ0010649-001 PERMIT				
Description:	Failure to have the RPZ backflow prevention device tested on an annual basis.				
Self Report?	NO			Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C) WQ0010649-001 PERMIT				
Description:	Failure to submit the annual sludge reports during September as required.				
Self Report?	NO			Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(11)(B) WQ0010649-001 PERMIT				
Description:	Failure to maintain all sludge records for review during an investigation.				
Self Report?	NO			Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) WQ0010649-001 PERMIT				
Description:	Failure to properly maintain the clarifier units.				
Self Report?	NO			Classificatio	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) WQ0010649-001 PERMIT				
Description:	Failure to maintain the grounds of the WWTP in a manner conducive to WWTP operations.				
Self Report?	NO			Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 2D TWC Chapter 26, SubChapter A 26.121(a)(1) 2D TWC Chapter 26, SubChapter A 26.121(a)(3) 2D TWC Chapter 26, SubChapter A 26.121(b) 2D TWC Chapter 26, SubChapter A 26.121(c) 2D TWC Chapter 26, SubChapter A 26.121(d) 2D TWC Chapter 26, SubChapter A 26.121(e) 30 TAC Chapter 305, SubChapter F 305.125(4) 30 TAC Chapter 305, SubChapter F 305.125(5) TWC Chapter 26 26.121 TWC Chapter 26 26.121(a)(2)				
Description:	Failure to prevent unauthorized discharges from the wastewater plant or collection system.				
Self Report?	NO			Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0010649-001 PERMIT				
Description:	Failure to provide a primary flow measuring device.				
Self Report?	NO			Classificatio	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)				
Description:	Failure to accurately complete and submit DMRs.				

Self Report?	NO	Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0010649-001 PERMIT		
Description:	Failure to comply with the noncompliance notification reporting requirements.		
Date	06/30/2011 (953130)	CN600638738	
Self Report?	YES	Classificatio	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	07/31/2011 (959779)	CN600638738	
Self Report?	YES	Classificatio	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	08/31/2011 (965816)	CN600638738	
Self Report?	YES	Classificatio	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	09/30/2011 (971857)	CN600638738	
Self Report?	YES	Classificatio	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	10/31/2011 (978028)	CN600638738	
Self Report?	YES	Classificatio	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	11/30/2011 (984792)	CN600638738	
Self Report?	YES	Classificatio	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	12/31/2011	CN600638738	
Self Report?	YES	Classificatio	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	01/31/2012	CN600638738	
Self Report?	YES	Classificatio	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 SPRINGTOWN
RN101920445**

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

**AGREED ORDER
DOCKET NO. 2012-0449-MWD-E**

At its _____ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding City of Springtown (“the Respondent”) under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment plant located at 1361 Walnut Creek Road, east of Springtown approximately 4,600 feet east of the intersection of Spring Branch Trail and 3rd Street in Parker County, Texas (the “Facility”).

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation on December 15, 2011, TCEQ staff documented that the Respondent did not timely submit the annual sludge report for the reporting period ending July 31, 2011 by September 1, 2011.
4. During an investigation on December 15, 2011, TCEQ staff documented that significant foam was present throughout the Facility and in the receiving stream, the drying beds contained vegetation, and the oxidation ditch did not appear to provide the required 18 inches of freeboard. Additionally, a bypass of untreated wastewater was documented on January 13, 2012 with a reported value of 86,560 gallons.
5. During an investigation on December 15, 2011, TCEQ staff documented that the Respondent did not submit the noncompliance notifications for the carbonaceous biochemical oxygen demand (5-day), total suspended solids and ammonia nitrogen exceedances for the monitoring periods of April through July 2011 and October through December 2011.
6. During an investigation on December 15, 2011, TCEQ staff documented that the Respondent did not ensure flow meter accuracy. Specifically, the flow measurements obtained during the investigation did not satisfy the $\pm 10\%$ requirement between the primary and secondary flow measuring devices at the Facility.
7. During an investigation on December 15, 2011, TCEQ staff documented that the Respondent did not enforce the sewer use ordinance to prevent detrimental commercial or industrial discharges into the collection system. Specifically, wastewater treatment was impacted by the presence of grease allowed into the Facility.
8. The Respondent received notice of the violations on February 15, 2012.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By February 24, 2012:
 - i. Updated the Facility's operational guidance and conducted employee training to ensure that all reporting procedures are properly accomplished;
 - ii. Submitted the annual sludge report for the reporting period ending July 31, 2011;
 - iii. Removed the vegetation from the drying beds;
 - iv. Provided the required 18 inches of freeboard at the oxidation ditch;

- v. Properly removed and disposed of all wastewater-related trash and solids build-up in the receiving stream; and
 - vi. Began enforcing its sewer use ordinance.
- b. By February 27, 2012, submitted all required noncompliance notifications.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to timely submit monitoring results at the intervals specified in the permit, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010649001, Sludge Provisions and 30 TEX. ADMIN. CODE § 305.125(17).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained which resulted in the discharge of wastewater-related trash and large amounts of solids build-up in numerous areas immediately downstream of the outfall, in violation of TPDES Permit No. WQ0010649001, Effluent Limitations and Monitoring Requirements No. 4, Permit Conditions No. 2.d., and Operational Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TEX. WATER CODE § 26.121(a).
4. As evidenced by Findings of Fact No. 5, the Respondent failed to submit noncompliance notifications for any effluent violation which deviates from the permitted effluent limitation by greater than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, in violation of TPDES Permit No. WQ0010649001, Monitoring and Reporting Requirements No. 7.c. and 30 TEX. ADMIN. CODE § 305.125(1).
5. As evidenced by Findings of Fact No. 6, the Respondent failed to ensure flow meter accuracy, in violation of TPDES Permit No. WQ0010649001, Monitoring and Reporting Requirements No. 5 and Operational Requirements No. 5 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d).
6. As evidenced by Findings of Fact No. 7, the Respondent failed to enforce the sewer use ordinance to prevent detrimental commercial or industrial discharges into the collection system, in violation of TEX. WATER CODE § 26.176(a).
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for

violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

8. An administrative penalty in the amount of Thirty Thousand Three Hundred Fifty Dollars (\$30,350) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Thirty Thousand Three Hundred Fifty Dollars (\$30,350) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Thirty Thousand Three Hundred Fifty Dollars (\$30,350) as set forth in Section II, Paragraph 8 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Springtown, Docket No. 2012-0449-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 II, Paragraph 8 above, Thirty Thousand Three Hundred Fifty Dollars (\$30,350) 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. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement measures to ensure flow meter accuracy, to include but not limited to, accurate calibration of the meter, in accordance with TPDES Permit No. WQ0010649001, Monitoring and Reporting Requirements No. 5 and Operational Requirements No. 5; and

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. 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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

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 Facility operations 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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. 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.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

8/24/12

Date

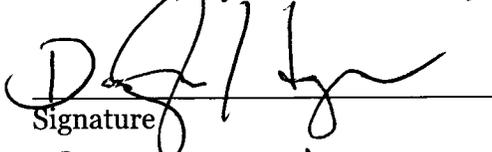
I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Springtown. I am authorized to agree to the attached Agreed Order on behalf of the City of Springtown, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting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

I understand that by entering into this Agreed Order, the City of Springtown waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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



Signature

Doug Hughes

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

June 18, 2012

Date

Mayor

Title

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

Attachment A
Docket Number: 2012-0449-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Springtown
Payable Penalty Amount:	Thirty Thousand Three Hundred Fifty Dollars (\$30,350)
SEP Amount:	Thirty Thousand Three Hundred Fifty Dollars (\$30,350)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D") - Water or Wastewater Treatment Assistance
Location of SEP:	Parker County

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

1. Project Description

A. Project

Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Texas Association of Resource Conservation and Development Areas, Inc. to be used for the RC&D Water or Wastewater Treatment Assistance Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems. If RC&D is unable to spend the total SEP Offset Amount on this project, upon approval of the Executive Director, the remaining SEP Offset Amount may be applied to another approved RC&D project.

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems.

C. Minimum Expenditure

Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
Attention: Ken Awtrey
P.O. Box 635067
Nacogdoches, Texas 75961

3. Records and Reporting

Concurrent with the payment of the SEP amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on

City of Springtown
Agreed Order – Attachment A

Environmental Quality” and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

5. 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.

6. 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.

7. Other SEPs by TCEQ or Other Agencies

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