

**Executive Summary – Enforcement Matter – Case No. 41409**

**City of Huntington**

**RN102184355**

**Docket No. 2011-0504-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Huntington Wastewater Treatment Facility, located approximately one mile southeast of the intersection of U.S. Highway 69 and Farm-to-Market Road 1669 between the Southern Pacific Railroad and Shawnee Creek, Angelina County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** June 8, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$38,925

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$38,925

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 41409**  
**City of Huntington**  
**RN102184355**  
**Docket No. 2011-0504-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** January 13, 2011

**Date(s) of NOE(s):** March 9, 2011

***Violation Information***

1. Failed to ensure that the facility and all of its systems of collection, treatment and disposal are properly operated and maintained [Texas Pollutant Discharge Elimination System Permit (“TPDES”) No. WQ0010191001 Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(5)].
2. Failed to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastewater in the event of an electrical power failure by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater [TPDES Permit No. WQ0010191001 Operational Requirements No. 4 and 30 TEX. ADMIN. CODE § 305.125(1) and (5)].
3. Failed to prevent an unauthorized discharge [TPDES Permit No. WQ0010191001, Permit Conditions No. 2.g. and 30 TEX. ADMIN. CODE § 305.125(1)].
4. Failed to prevent the discharge of sludge and foam to the water in the state [TPDES Permit No. WQ0010191001 Permit Condition No. 2.d., TEX. WATER CODE § 26.121(a)(1), and 30 TEX. ADMIN. CODE § 305.125(4)].
5. Failed to maintain secondary standards used to perform accuracy checks [TPDES Permit No. WQ0010191001, Monitoring and Reporting Requirements No. 2 and 30 TEX. ADMIN. CODE § 319.11].
6. Failed to properly complete chain of custody (“COC”) forms [TPDES Permit No. WQ0010191001, Monitoring and Reporting Requirements No. 2 and 30 TEX. ADMIN. CODE § 319.11].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

Respondent has implemented the following corrective measures at the Facility:

- a. On January 13, 2011, adjusted the flow rate on the return activated sludge line to eliminate mixed liquor splashing onto the aeration basin sidewall;

**Executive Summary – Enforcement Matter – Case No. 41409**  
**City of Huntington**  
**RN102184355**  
**Docket No. 2011-0504-MWD-E**

- b. On February 1, 2011, submitted documentation demonstrating that secondary standards for the colorimeter and new pH buffer standards were purchased for 7 standard units (“su”) and 10 su; installed screen covers on the wet well vents at lift station nos. 1, 4 and 8, and secured the wet well hatch on lift station no. 1;
- c. By February 3, 2011, began properly completing the COC forms;
- d. On February 8, 2011, submitted photographs demonstrating that sludge had been removed from around the drying beds;
- e. On February 9, 2011, submitted photographs demonstrating that the overflow weirs in both clarifiers were cleaned to remove algae and solids build-up;
- f. On February 10, 2011, submitted photographs demonstrating that the grease and solids were removed from the chlorine contact chamber.
- g. By February 21, 2011, submitted photographs that indicated the sludge was removed from the receiving stream, enzymes have been added into the system to help control the foam, and that foam is no longer discharging to the receiving stream.
- h. On April 28, 2011, the Respondent entered into a community water/wastewater utility mutual assistance agreement to provide a backup generator.

**Technical Requirements:**

N/A

***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:** Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Debra Barber, Enforcement Division, MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** The Honorable Herman Woolbright, Mayor, City of Huntington, P.O. Box 349, Huntington, Texas 75949  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	14-Mar-2011	<b>Screening</b>	28-Mar-2011	<b>EPA Due</b>	
	<b>PCW</b>	29-Apr-2011				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Huntington
<b>Reg. Ent. Ref. No.</b>	RN102184355
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	41409	<b>No. of Violations</b>	6
<b>Docket No.</b>	2011-0504-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Cheryl Thompson
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$27,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **65.0%** Enhancement **Subtotals 2, 3, & 7** **\$17,550**

Notes: Enhancement for eight months of self reported effluent violations, one NOV for same/similar violations and one Agreed Order with denial.

**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** **\$5,625**

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

Total EB Amounts \$502  
Approx. Cost of Compliance \$53,410  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$38,925**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$38,925**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$38,925**

**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** **\$38,925**

Screening Date 28-Mar-2011

Docket No. 2011-0504-MWD-E

PCW

Respondent City of Huntington

Policy Revision 2 (September 2002)

Case ID No. 41409

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102184355

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

### 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> )	9	45%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

Please Enter Yes or No

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

**Adjustment Percentage (Subtotal 2)** 65%

>> 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 eight months of self reported effluent violations, one NOV for same/similar violations and one Agreed Order with denial.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 65%

Screening Date 28-Mar-2011

Docket No. 2011-0504-MWD-E

PCW

Respondent City of Huntington

Policy Revision 2 (September 2002)

Case ID No. 41409

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102184355

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s)

Texas Pollutant Discharge Elimination System Permit ("TPDES") No. WQ0010191001 Operational Requirements No. 1 and 30 Tex. Admin. Code § 305.125(5)

Violation Description

Failed to ensure that the facility and all of its systems of collection, treatment and disposal are properly operated and maintained. Specifically, lift stations nos. 1, 4, and 8 did not have screen covers on the wet well vents, contained excess solids and grease and the hatch on lift station no. 1 was not secured. The mixed liquor from the return activated sludge ("RAS") line was entering the aeration chamber at an excessive rate, the overflow weirs in both clarifiers had excessive algae and solids building in the weirs, clarifier no. 2 had thick, brown scum on the surface, and grease and solids were noted in chlorine contact chamber no. 1.

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 7

28 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,000

Seven quarterly events are recommended [one quarter for each lift station (3), clarifier (2), chlorine contact chamber, and RAS line] from the January 13, 2011 (date of investigation) to February 10, 2011 (date of compliance).

Good Faith Efforts to Comply

25.0% Reduction

\$1,750

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent returned to compliance by February 10, 2011.

Violation Subtotal \$5,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$166

Violation Final Penalty Total \$9,800

This violation Final Assessed Penalty (adjusted for limits) \$9,800

# Economic Benefit Worksheet

**Respondent** City of Huntington  
**Case ID No.** 41409  
**Reg. Ent. Reference No.** RN102184355  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$28,705	13-Jan-2011	10-Feb-2011	0.08	\$7	\$147	\$154
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)	\$3,000	13-Jan-2011	10-Feb-2011	0.08	\$12	n/a	\$12

Notes for DELAYED costs

Estimated cost to install screen covers on the wet well vents and remove grease and solids from lift station nos. 1, 4 and 8; to adjust flow rate on the RAS line; remove grease and solids from chlorine contact chamber no. 1; secure the hatch on lift station no. 1; clean overflow weirs and to clean both clarifiers. Date required is the investigation date. 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

\$31,705

**TOTAL**

\$166

Screening Date 28-Mar-2011

Docket No. 2011-0504-MWD-E

PCW

Respondent City of Huntington

Policy Revision 2 (September 2002)

Case ID No. 41409

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102184355

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 2

Rule Cite(s) TPDES Permit No. WQ0010191001 Operational Requirements No. 4 and 30 Tex. Admin. Code § 305.125(1) and (5)

Violation Description

Failed to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastewater in the event of an electrical power failure by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or the environment as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3

74 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

Three monthly events are recommended from January 13, 2011 (date of investigation) to March 28, 2011 (date of screening).

Good Faith Efforts to Comply

10.0% Reduction \$750

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

Notes The Respondent returned to compliance on April 27th, 2011.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$299

Violation Final Penalty Total \$11,625

This violation Final Assessed Penalty (adjusted for limits) \$11,625

## Economic Benefit Worksheet

**Respondent** City of Huntington  
**Case ID No.** 41409  
**Reg. Ent. Reference No.** RN102184355  
**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
<small>No commas or \$</small>							

### Delayed Costs

Equipment	\$15,000	13-Jan-2011	27-Apr-2011	0.28	\$14	\$285	\$299
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for a standby generator or alternate power source. The Date Required is the investigation date 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

\$15,000

**TOTAL**

\$299

**Screening Date** 28-Mar-2011  
**Respondent** City of Huntington  
**Case ID No.** 41409

**Docket No.** 2011-0504-MWD-E

**PCW**

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

**Reg. Ent. Reference No.** RN102184355  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number** 3  
**Rule Cite(s)**

TPDES Permit No. WQ0010191001, Permit Conditions No. 2.g. and 30 Tex. Admin. Code § 305.125(1)

**Violation Description**

Failed to prevent an unauthorized discharge. Specifically, during the investigation dried sludge was noted outside several of the drying beds on the side where the sludge enters the drying beds.

**Base Penalty** \$10,000

**>> Environmental, Property and Human Health Matrix**

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

**Percent** 10%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or the environment as a result of this violation.

**Adjustment** \$9,000

\$1,000

**Violation Events**

Number of Violation Events 1

26 Number of violation days

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

**Violation Base Penalty** \$1,000

One quarterly event is recommended from January 13, 2011 (date of investigation) to February 8, 2011 (date of compliance).

**Good Faith Efforts to Comply**

**25.0%** Reduction \$250

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

Notes The Respondent returned to compliance on February 8, 2011.

**Violation Subtotal** \$750

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$3

**Violation Final Penalty Total** \$1,400

**This violation Final Assessed Penalty (adjusted for limits)** \$1,400

## Economic Benefit Worksheet

**Respondent** City of Huntington  
**Case ID No.** 41409  
**Reg. Ent. Reference No.** RN102184355  
**Media** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$730	13-Jan-2011	8-Feb-2011	0.07	\$3	n/a	\$3

Notes for DELAYED costs

Actual cost to removed dry sludge from drying beds and around the drying beds. Date required is the investigation date. 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

\$730

**TOTAL**

\$3

Screening Date 28-Mar-2011

Docket No. 2011-0504-MWD-E

PCW

Respondent City of Huntington

Policy Revision 2 (September 2002)

Case ID No. 41409

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102184355

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 4

Rule Cite(s)

TPDES Permit No. WQ0010191001 Permit Condition No. 2.d., Tex. Water Code § 26.121(a)(1) and 30 Tex. Admin. Code § 305.125(4)

Violation Description

Failed to prevent the unauthorized discharge of sludge and foam into or adjacent to water in the state. Specifically, sludge and foam were documented in the receiving stream from Outfall 001 to approximately 500 feet downstream. Sludge samples collected of the receiving stream at the Outfall and at downstream locations documented numerous bloodworms in the stream and the sludge. Samples also indicated elevated levels of ammonia, orthophosphate, phosphorus, and total kjeldahl nitrogen.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	X			50%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or the environment as a result of this violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 2 Number of violation days 39

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

Violation Base Penalty \$10,000

Two monthly events are recommended from January 13, 2011 (date of investigation) to February 21, 2011 (date of compliance).

Good Faith Efforts to Comply

25.0% Reduction

\$2,500

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

Notes

The Respondent returned to compliance by February 21, 2011.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$34

Violation Final Penalty Total \$14,000

This violation Final Assessed Penalty (adjusted for limits) \$14,000

## Economic Benefit Worksheet

**Respondent** City of Huntington  
**Case ID No.** 41409  
**Req. Ent. Reference No.** RN102184355  
**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)	\$3,500	13-Jan-2011	21-Feb-2011	0.11	\$1	\$25	\$26
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)	\$2,110	13-Jan-2011	8-Feb-2011	0.07	\$8	n/a	\$8

**Notes for DELAYED costs**

Actual cost to remove and dispose of sludge from the receiving stream (\$2,110), and the actual cost to remove foam and apply enzymes into the system (\$3,500). Date required is the investigation date. Final date is the date of compliance. The cost to address causes of excessive sludge 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

\$5,610

**TOTAL**

\$34

Screening Date 28-Mar-2011

Docket No. 2011-0504-MWD-E

PCW

Respondent City of Huntington

Policy Revision 2 (September 2002)

Case ID No. 41409

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102184355

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 5

Rule Cite(s)

TPDES Permit No. WQ0010191001 Monitoring and Reporting Requirements No. 2 and 30 Tex. Admin. Code § 319.11

Violation Description

Failed to maintain secondary standards used to perform accuracy checks. Specifically, the secondary standards to test the colorimeter expired on December 20, 2010, and the pH buffer standards for 7 standard units (su) and 10 su expired in June 2008 and June 2009, respectively.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

19 Number of violation days

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

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$125

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

Notes The Respondent returned to compliance on February 1, 2011.

Violation Subtotal \$375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$700

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

## Economic Benefit Worksheet

**Respondent** City of Huntington  
**Case ID No.** 41409  
**Req. Ent. Reference No.** RN102184355  
**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	\$315	13-Jan-2011	1-Feb-2011	0.05	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost to purchase secondary standards and new pH buffer standards. Date required is the investigation date. 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

\$315

**TOTAL**

\$1

**Screening Date** 28-Mar-2011  
**Respondent** City of Huntington  
**Case ID No.** 41409  
**Reg. Ent. Reference No.** RN102184355  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Docket No.** 2011-0504-MWD-E

**PCW**

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

**Violation Number** 6

**Rule Cite(s)** TPDES Permit No. WQ0010191001, Monitoring and Reporting Requirements No. 2 and 30 Tex. Admin. Code § 319.11

**Violation Description** Failed to properly complete chain of custody ("COC") forms. Specifically, it was noted that one date and time were used for all samples collected instead of the time and date that each sample was collected for the preservation information.

**Base Penalty** \$10,000

**>> Environmental, Property and Human Health Matrix**

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 1 Number of violation days 21

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$1,000

One single event is recommended.

**Good Faith Efforts to Comply**

25.0% Reduction \$250

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

**Notes** The Respondent returned to compliance by February 3, 2011.

**Violation Subtotal** \$750

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$0

**Violation Final Penalty Total** \$1,400

**This violation Final Assessed Penalty (adjusted for limits)** \$1,400

## Economic Benefit Worksheet

**Respondent** City of Huntington  
**Case ID No.** 41409  
**Req. Ent. Reference No.** RN102184355  
**Media** Water Quality  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	13-Jan-2011	3-Feb-2011	0.06	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to begin properly completing the COC form. Date required is the investigation date. 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

\$50

**TOTAL**

\$0



22	12/19/2007	(611479)
23	10/22/2007	(621737)
24	11/19/2007	(621738)
25	12/10/2007	(621739)
26	02/12/2008	(673685)
27	01/08/2008	(673686)
28	03/10/2008	(691938)
29	04/08/2008	(691939)
30	05/08/2008	(691940)
31	06/09/2008	(712953)
32	07/09/2008	(712954)
33	08/21/2008	(712955)
34	09/11/2008	(712956)
35	09/30/2008	(729158)
36	10/10/2008	(729159)
37	11/12/2008	(729160)
38	12/04/2008	(729161)
39	02/09/2009	(752330)
40	01/12/2009	(752331)
41	03/12/2009	(769980)
42	04/06/2009	(769981)
43	05/12/2009	(769982)
44	02/12/2010	(809590)
45	06/08/2009	(809591)
46	07/09/2009	(809592)
47	08/10/2009	(809593)
48	09/10/2009	(809594)
49	10/13/2009	(809595)
50	11/12/2009	(809596)
51	12/07/2009	(809597)
52	01/12/2010	(809598)
53	03/09/2010	(832623)
54	04/12/2010	(832624)
55	05/10/2010	(832625)
56	06/07/2010	(846817)
57	10/12/2010	(882093)
58	11/10/2010	(888563)
59	03/08/2011	(895130)
60	12/06/2010	(896908)
61	01/10/2011	(902854)

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

Date:	03/31/2006	(501255)	CN600738157
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/30/2006	(501256)	CN600738157
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/31/2006	(523493)	CN600738157
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:	09/30/2006	(548395)	CN600738157
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	10/31/2006	(548396)	CN600738157
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		

TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 12/31/2006 (581524) CN600738157  
 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: 05/18/2007 (558806) CN600738157  
 Self Report? NO Classification: Minor  
 Citation: OpR 1 PERMIT  
 Description: Failure by the City of Huntington to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.  
 Self Report? NO Classification: Moderate  
 Citation: M&RR 7c PERMIT  
 Description: Failure by the City of Huntington to notify the TCEQ Region 10 Office and the Manager of the Enforcement Section III (MC 149) of the Enforcement Division, within the required notification period, for each effluent violation which deviated from the permitted effluent limitation by more than 40%.  
 Self Report? NO Classification: Minor  
 Citation: M&RR 3c PERMIT  
 Description: Failure by the City of Huntington to maintain a complete record of monitoring activities.  
 Self Report? NO Classification: Moderate  
 Citation: OpR 1 PERMIT  
 Description: Failure by the City of Huntington to properly manage the solids inventory within the wastewater treatment plant.  
 Self Report? NO Classification: Minor  
 Citation: OpR 1 PERMIT  
 Description: Failure by the City of Huntington to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.  
 Date: 07/31/2007 (608159) CN600738157  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 06/30/2008 (712954) CN600738157

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 HUNTINGTON  
RN102184355**

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

**AGREED ORDER  
DOCKET NO. 2011-0504-MWD-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Huntington ("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 they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

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

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

**I. FINDINGS OF FACT**

1. The Respondent owns and operates a wastewater treatment facility located approximately one mile southeast of the intersection of United States Highway 69 and Farm-to-Market Road 1669 between the Southern Pacific Railroad and Shawnee Creek in Angelina County, Texas (the "Facility").

2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. During an investigation on January 13, 2011, TCEQ staff documented that lift stations nos. 1, 4, and 8 did not have screen covers on the wet well vents, contained excess solids and grease, and the hatch on lift station no. 1 was not secured. The mixed liquor from the return activated sludge ("RAS") line was entering the aeration chamber at an excessive rate, the overflow weirs in both clarifiers had excessive algae and solids building in the weirs, clarifier no. 2 had thick, brown scum on the surface, and grease and solids were noted in chlorine contact chamber no. 1.
4. During an investigation on January 13, 2011, TCEQ staff documented that the Respondent did not provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastewater in the event of an electrical power failure.
5. During an investigation on January 13, 2011, TCEQ staff documented that the Respondent did not prevent an unauthorized discharge. Specifically, dried sludge was noted outside several of the drying beds on the side where the sludge enters the drying beds.
6. During an investigation on January 13, 2011, TCEQ staff documented that the Respondent did not prevent the unauthorized discharge of sludge and foam into or adjacent to water in the state. Specifically, sludge and foam were documented in the receiving stream from Outfall 001 to approximately 500 feet downstream. Sludge samples collected of the receiving stream at the Outfall and at downstream locations documented numerous bloodworms in the stream and the sludge. Samples also indicated elevated levels of ammonia, orthophosphate, phosphorus, and total kjeldahl nitrogen.
7. During an investigation on January 13, 2011, TCEQ staff documented that the Respondent did not maintain secondary standards used to perform accuracy checks and pH buffer for 7 standard units ("su") and 10 su.
8. During an investigation on January 13, 2011, TCEQ staff documented that the Respondent did not properly complete chain of custody ("COC") forms. It was noted that one date and time were used for all samples collected instead of the time and date that each sample was collected for the preservation information.
9. The Respondent received notice of the violations on March 14, 2011.
10. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. On January 13, 2011, adjusted the flow rate on the RAS line to eliminate mixed liquor splashing onto the aeration basin sidewall;

- b. On February 1, 2011, submitted documentation demonstrating that secondary standards for the colorimeter and new pH buffer standards were purchased for 7 su and 10 su; installed screen covers on the wet well vents at lift station nos. 1, 4 and 8, and secured the wet well hatch on lift station no. 1;
- c. By February 3, 2011, began properly completing the COC forms;
- d. On February 8, 2011, submitted photographs demonstrating that sludge had been removed from around the drying beds;
- e. On February 9, 2011, submitted photographs demonstrating that the overflow weirs in both clarifiers were cleaned to remove algae and solids build-up;
- f. On February 10, 2011, submitted photographs demonstrating that the grease and solids were removed from the chlorine contact chamber.
- g. By February 21, 2011, submitted photographs that indicated the sludge was removed from the receiving stream, enzymes have been added into the system to help control the foam, and that foam is no longer discharging to the receiving stream.
- h. On April 28, 2011, the Respondent entered into a community water/wastewater utility mutual assistance agreement to provide a backup generator.

## 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 ensure that the facility and all of its systems of collection, treatment and disposal are properly operated and maintained, in violation of Texas Pollutant Discharge Elimination System Permit ("TPDES") No. WQ0010191001 Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(5).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastewater in the event of an electrical power failure by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater, in violation of TPDES Permit No. WQ0010191001 Operational Requirements No. 4 and 30 TEX. ADMIN. CODE § 305.125(1) and (5).
4. As evidenced by Findings of Fact No. 5, the Respondent failed to prevent an unauthorized discharge, in violation of TPDES Permit No. WQ0010191001, Permit Conditions No. 2.g. and 30 TEX. ADMIN. CODE § 305.125(1).

5. As evidenced by Findings of Fact No. 6, the Respondent failed to prevent the discharge of sludge and foam to the water in the state, in violation of TPDES Permit No. WQ0010191001 Permit Condition No. 2.d., TEX. WATER CODE 26.121(a)(1), and 30 TEX. ADMIN. CODE § 305.125(4).
6. As evidenced by Findings of Fact No. 7, the Respondent failed to maintain secondary standards used to perform accuracy checks, in violation of TPDES Permit No. WQ0010191001, Monitoring and Reporting Requirements No. 2 and 30 TEX. ADMIN. CODE § 319.11.
7. As evidenced by Findings of Fact No. 8, the Respondent failed to properly complete COC forms, in violation of TPDES Permit No. WQ0010191001, Monitoring and Reporting Requirements No. 2 and 30 TEX. ADMIN. CODE § 319.11.
8. 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.
9. An administrative penalty in the amount of Thirty-Eight Thousand Nine Hundred Twenty-Five Dollars (\$38,925) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay the administrative penalty. Therefore, the penalty is deferred contingent upon 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 Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Respondent to pay all or part of the deferred penalty.

### **III. ORDERING PROVISIONS**

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

1. 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.
2. 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.

3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

City of Huntington  
DOCKET NO. 2011-0504-MWD-E  
Page 6

**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

For the Commission

Pam Davis Jr.  
For the Executive Director

10/26/12  
Date

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

Herman Woolbright  
Signature

10-02-12  
Date

HERMAN WOOLBRIGHT  
Name (Printed or typed)  
Authorized Representative of  
City of Huntington

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.