

Executive Summary – Enforcement Matter – Case No. 42558

City of Morton

RN102077385

Docket No. 2011-1700-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Morton, located approximately one mile northeast of State Highway 214 and Farm-to-Market Road 1241 and Farm-to-Market Road 1780 northeast of Morton, Cochran 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: April 13, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,350

Amount Deferred for Expedited Settlement: \$1,870

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$7,480

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. 42558
City of Morton
RN102077385
Docket No. 2011-1700-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 20, 2011

Date(s) of NOE(s): August 19, 2011

Violation Information

1. Failed to maintain the required sludge management records. Specifically, sludge management records were not available for review during the investigation [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010226001, Operational Requirements No. 10.f.].
2. Failed to provide adequate equipment to determine the application rate and maintain accurate records of the volume of effluent applied to the land application area [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010226001, Special Provisions No. 7].
3. Failed to sample and analyze soils at times specified in the permit. Specifically, the Respondent did not sample and analyze soils between December and February for the 2010 and 2011 monitoring periods [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010226001, Special Provisions No. 20].
4. Failed to maintain irrigation practices designed to prevent ponding of effluent or contamination of ground and surface water. Specifically, only one of four irrigation outlet pipes was utilized within the land application area only allowing approximately five out of 57 acres to be irrigated resulting in ponding. Effluent tailwater flowed from the land application area to the playa lake. In addition, a cover crop had not been established in the land application area [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TCEQ Permit No. WQ0010226001, Special Provisions Nos. 8 and 9, and Permit Condition No. 2.g.].
5. Failed to conduct adequate groundwater quality monitoring. Specifically, Monitoring Well No. 1 was not sampled during the August 25, 2010 sampling event [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010226001, Special Provisions No. 15].
6. Failed to operate and maintain the Facility in order to achieve optimum efficiency of treatment capability. Specifically, an excessive amount of sludge was observed in the Imhoff tanks, scum covered the settling and vent areas, and an accumulation of sludge was in the inlet and exit portions of the Imhoff tanks. In addition, significant amounts of weeds were noted along the pond's berms and sludge accumulation was noted within the stabilization pond [30 TEX. ADMIN. CODE § 305.125(1) and (5), and TCEQ Permit No. WQ0010226001, Special Provisions No. 3 and Operational Requirements No. 1].

Executive Summary – Enforcement Matter – Case No. 42558
City of Morton
RN102077385
Docket No. 2011-1700-MWD-E

7. Failed to submit the 2010 annual sludge report to the TCEQ [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010226001, Section III. G].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By October 15, 2010, the Respondent repaired the electrical outage at Monitoring Well No. 1.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Update the Facility's operational guidance and conduct employee training to ensure that all records of monitoring and operational activities, which include sludge management records and/or disposal records, are kept on site for a period of three years; to ensure that soil samples from the root zones of the irrigation area are collected and analyzed between December and February of each year, and to ensure that the annual sludge report is submitted to TCEQ by September 1 of each year;

ii. Remove and properly dispose of sludge from the Imhoff tanks and the stabilization pond;

iii. Remove vegetation from the pond berms; and

iv. Submit the 2010 annual sludge report.

b. Within 45 days, submit certification of compliance with Ordering Provisions a.i. through a.iv.

c. Within 60 days:

i. Install equipment to determine the application rate of effluent applied to the land application area;

ii. Develop and implement irrigation practices to prevent ponding of effluent in the land application area; and

iii. Establish and maintain an appropriate cover crop throughout the land application area.

**Executive Summary – Enforcement Matter – Case No. 42558
City of Morton
RN102077385
Docket No. 2011-1700-MWD-E**

d. Within 75 days, submit certification of compliance with Ordering Provisions c.i. through c.iii.;

e. Within 90 days, develop and implement a solids management plan that outlines a program of internal process control testing to monitor the efficiency of treatment and to maintain a proper level of solids at the Facility. The plan should include regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control;

f. Within 105 days, submit certification of compliance with Ordering Provision e.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3034; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Eric Silhan, Mayor, City of Morton, 201 East Wilson Avenue, Morton, Texas 79346

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	22-Aug-2011	Screening	2-Sep-2011	EPA Due	
	PCW	2-Sep-2011				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Morton		
Reg. Ent. Ref. No.	RN102077385		
Facility/Site Region	2-Lubbock	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	42558	No. of Violations	7
Docket No.	2011-1700-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Heather Brister
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

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

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 2-Sep-2011

Docket No. 2011-1700-MWD-E

PCW

Respondent City of Morton

Policy Revision 2 (September 2002)

Case ID No. 42558

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102077385

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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) 10%

>> 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 two NOVs with same/similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 10%

Screening Date 2-Sep-2011
Respondent City of Morton
Case ID No. 42558
Reg. Ent. Reference No. RN102077385
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Docket No. 2011-1700-MWD-E

PCW

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

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and Texas Commission on Environmental Quality ("TCEQ") Permit No. WQ0010226001, Operational Requirements No. 10.f

Violation Description Failed to maintain the required sludge management records, as documented during an investigation conducted on July 20, 2011. Specifically, sludge management records were not available for review during the investigation.

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 44 Number of violation days

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

0.0% Reduction

\$0

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

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Economic Benefit Worksheet

Respondent City of Morton
Case ID No. 42558
Req. Ent. Reference No. RN102077385
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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	20-Jul-2011	31-May-2012	0.87	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to begin maintaining sludge management records on-site. Date required is the investigation date. Final date is the anticipated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$11

Screening Date 2-Sep-2011

Docket No. 2011-1700-MWD-E

PCW

Respondent City of Morton

Policy Revision 2 (September 2002)

Case ID No. 42558

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102077385

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0010226001, Special Provisions No. 7

Violation Description Failed to provide adequate equipment to determine the application rate and maintain accurate records of the volume of effluent applied to the land application area, as documented during an investigation conducted on July 20, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> 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 environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 44

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 the investigation date (July 20, 2011) to the screening date (September 2, 2011).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$374

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Economic Benefit Worksheet

Respondent City of Morton
Case ID No. 42558
Req. Ent. Reference No. RN102077385
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$6,000	20-Jul-2011	31-May-2012	0.87	\$17	\$346	\$364
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	\$250	20-Jul-2011	31-May-2012	0.87	\$11	n/a	\$11
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 install equipment to determine the application rate and maintain accurate records of the volume of effluent applied to the land application area. Date required is the investigation date. Final date is the anticipated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$6,250

TOTAL

\$374

Screening Date 2-Sep-2011
Respondent City of Morton
Case ID No. 42558
Reg. Ent. Reference No. RN102077385
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Docket No. 2011-1700-MWD-E

PCW

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

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0010226001, Special Provisions No. 20

Violation Description

Failed to sample and analyze soils at times specified in the permit, as documented during an investigation conducted on July 20, 2011. Specifically, the Respondent did not sample and analyze soils between December and February for the 2010 and 2011 monitoring periods.

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 would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 2

551 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

Two single events are recommended for the 2010 and 2011 monitoring periods.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Economic Benefit Worksheet

Respondent City of Morton
Case ID No. 42558
Req. Ent. Reference No. RN102077385
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)	\$250	20-Jul-2011	31-May-2012	0.87	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to update operational guidance and conduct employee training to ensure that soil samples from the root zones of the irrigation area are collected and analyzed between December and February of each year and that the annual soil sampling results are submitted to the TCEQ by the end of September of each year. Date required is the date of the investigation. Final date is the anticipated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$11

Screening Date 2-Sep-2011

Docket No. 2011-1700-MWD-E

PCW

Respondent City of Morton

Policy Revision 2 (September 2002)

Case ID No. 42558

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102077385

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 4

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and (5), and TCEQ Permit No. WQ0010226001, Special Provisions Nos. 8 and 9, and Permit Condition No. 2.g

Violation Description

Failed to maintain irrigation practices designed to prevent ponding of effluent or contamination of ground and surface water, as documented during an investigation conducted on July 20, 2011. Specifically, only one of four irrigation outlet pipes was utilized within the land application area only allowing approximately five out of fifty-seven acres to be irrigated resulting in ponding. Effluent tailwater flowed from the land application area to the playa lake. In addition, a cover crop had not been established in the land application area.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

44 Number of violation days

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

Violation Base Penalty \$2,500

One quarterly event is recommended from the investigation date (July 20, 2011) to the screening date (September 2, 2011).

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$216

Violation Final Penalty Total \$2,750

This violation Final Assessed Penalty (adjusted for limits) \$2,750

Economic Benefit Worksheet

Respondent City of Morton
Case ID No. 42558
Reg. Ent. Reference No. RN102077385
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)	\$5,000	20-Jul-2011	31-May-2012	0.87	\$216	n/a	\$216

Notes for DELAYED costs

Estimated cost to update irrigation practices to prevent ponding of effluent or contamination of ground and surface water, to plant an appropriate crop, and to update operational procedures to ensure that measures are in place to ensure irrigation does not occur during rainfall events or when the ground is frozen or saturated. Date required is the investigation date. Final date is the anticipated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$216

Screening Date 2-Sep-2011

Docket No. 2011-1700-MWD-E

PCW

Respondent City of Morton

Policy Revision 2 (September 2002)

Case ID No. 42558

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102077385

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0010226001, Special Provisions No. 15

Violation Description

Failed to conduct adequate groundwater quality monitoring in accordance with the TCEQ approved Groundwater Quality Assessment Plan, as documented during an investigation conducted on July 20, 2011. Specifically, Monitoring Well No. 1 was not sampled during the August 25, 2010 sampling event.

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 environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

44 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,000

One quarterly event is recommended for the August 2010 sampling event.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$83

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Economic Benefit Worksheet

Respondent City of Morton
Case ID No. 42558
Reg. Ent. Reference No. RN102077385
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	\$800	25-Aug-2010	15-Oct-2010	0.14	\$0	\$7	\$8
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 to repair and begin monitoring and sampling Monitoring Well No. 1. Date required is the incomplete sampling 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)	\$75	25-Aug-2010	25-Aug-2010	0.00	\$0	\$75	\$75

Notes for AVOIDED costs

Avoided cost to sample Monitoring Well No. 1. Date required and final date is when the sampling was to be completed.

Approx. Cost of Compliance

\$875

TOTAL

\$83

Screening Date 2-Sep-2011
Respondent City of Morton
Case ID No. 42558
Reg. Ent. Reference No. RN102077385
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Docket No. 2011-1700-MWD-E

PCW

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

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5), and TCEQ Permit No. WQ0010226001, Special Provisions No. 3 and Operational Requirements No. 1

Violation Description

Failed to operate and maintain the Facility in order to achieve optimum efficiency of treatment capability, as documented during an investigation conducted on July 20, 2011. Specifically, an excessive amount of sludge was observed in the Imhoff tanks, scum covered the settling and vent areas, and an accumulation of sludge was in the inlet and exit portions of the Imhoff tanks. In addition, significant amounts of weeds were noted along the pond's berms and sludge accumulation was noted within the stabilization pond.

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 environmental receptors as a result of the violation.

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	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from the investigation date (July 20, 2011) to the screening date (September 2, 2011).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$260

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Economic Benefit Worksheet

Respondent City of Morton
Case ID No. 42558
Req. Ent. Reference No. RN102077385
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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$6,000	20-Jul-2011	31-May-2012	0.87	\$260	n/a	\$260

Notes for DELAYED costs

Estimated cost to remove and properly dispose of sludge from the Imhoff tanks and the stabilization pond, update operational guidance and conduct employee training on solids management, and remove vegetation from the pond berms. Date required is the date of the investigation. Final date is the anticipated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$6,000

TOTAL

\$260

Screening Date 2-Sep-2011

Docket No. 2011-1700-MWD-E

PCW

Respondent City of Morton

Policy Revision 2 (September 2002)

Case ID No. 42558

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102077385

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0010226001, Section III. G

Violation Description

Failed to submit the 2010 annual sludge report to the TCEQ, as documented during an investigation conducted on July 20, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

1

44 Number of violation days

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

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$29

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Economic Benefit Worksheet

Respondent City of Morton
Case ID No. 42558
Req. Ent. Reference No. RN102077385
Media Water Quality
Violation No. 7

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	1-Sep-2010	30-Sep-2012	2.08	\$26	n/a	\$26
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	1-Sep-2010	30-Sep-2012	2.08	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to submit the annual sludge report to TCEQ and to update operational procedures and conduct employee training to ensure that the annual sludge report is submitted by September 1 of each year. Date required is the date the annual report was due. Final date is the anticipated date of compliance.

Avoided Costs

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

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

\$275

TOTAL

\$29

Compliance History

Customer/Respondent/Owner-Operator: CN600251128 City of Morton Classification: AVERAGE Rating: 0.78
Regulated Entity: RN102077385 CITY OF MORTON Classification: AVERAGE Site Rating: 1.57
ID Number(s): WASTEWATER PERMIT WQ0010226001
WASTEWATER LICENSING LICENSE WQ0010226001
Location: Located approximately one mile northeast of State Highway 214 and Farm-to-Market Road 1780, northeast of Morton, Cochran County, Texas

TCEQ Region: REGION 02 - LUBBOCK
Date Compliance History Prepared: December 02, 2011
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: December 2, 2006 to December 2, 2011
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Heather Brister Phone: (254) 761-3034

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. N/A
- B. Any criminal convictions of the state of Texas and the federal government.
- C. Chronic excessive emissions events.
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | | |
|---|------------|----------|-------------|
| 1 | 06/09/2008 | (680634) | CN600251128 |
| 2 | 06/27/2008 | (684300) | |
| 3 | 05/06/2009 | (744659) | |
| 4 | 06/15/2010 | (803215) | |
| 5 | 07/26/2010 | (842589) | |
| 6 | 08/19/2011 | (944130) | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|--|----------|--------------------------|
| Date: | 06/10/2008 | (680634) | CN600251128 |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0010226001 / Effluent Limitations PERMIT | | |
| Description: | Failure to maintain BOD levels below the permit required 100 mg / l. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0010226001 / VII Standard Provisions PERMIT | | |
| Description: | Failure to notify the TCEQ Regional Office (MC Region 2) and the Manager, Enforcement Section III (MC 149) of the Enforcement Division, in writing within five (5) working days of becoming aware of effluent violations which deviate from the permitted effluent limitations by more than 40%. | | |
| Date | 06/16/2010 | (803215) | CN600251128 |
| Self Report? | NO | | Classification Minor |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirement 1 PERMIT | | |
| Description: | Failure to operate the wastewater treatment facility in an efficient manner per Operational Requirement 1 of Water Quality permit number WQ0010226001. | | |
| Self Report? | NO | | Classification Minor |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations and Monitoring PERMIT | | |
| Description: | Failure to maintain Biochemical Oxygen Demand (BOD) levels at or below the permitted allowable of 100 milligrams per liter stated in the Effluent Limitations and Monitoring Requirements section of Water Quality permit number WQ0010226001. | | |

Self Report? NO

Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Special Provision 15 PERMIT

Description: Failure to submit a revised Groundwater Monitoring Plan per Special Provision 15 of Water Quality permit number WQ0010226001.

- 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 MORTON
RN102077385**

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

**AGREED ORDER
DOCKET NO. 2011-1700-MWD-E**

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a wastewater treatment plant located approximately one mile northeast of State Highway 214 and Farm-to-Market Road 1780, northeast of Morton, Cochran County, Texas (the "Facility").
2. The Respondent has committed any other act or engaged in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 24, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Thousand Three Hundred Fifty Dollars (\$9,350) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). The Respondent has paid Seven Thousand Four Hundred Eighty Dollars (\$7,480) of the administrative penalty and One Thousand Eight Hundred Seventy Dollars (\$1,870) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that by October 15, 2010, the Respondent repaired the electrical outage at Monitoring Well No. 1.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to maintain the required sludge management records, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010226001, Operational Requirements No. 10.f, as documented during an investigation conducted on July 20, 2011. Specifically, sludge management records were not available for review during the investigation.
2. Failed to provide adequate equipment to determine the application rate and maintain accurate records of the volume of effluent applied to the land application area, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010226001, Special Provisions No. 7, as documented during an investigation conducted on July 20, 2011.
3. Failed to sample and analyze soils at times specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010226001, Special Provisions No.

20, as documented during an investigation conducted on July 20, 2011. Specifically, the Respondent did not sample and analyze soils between December and February for the 2010 and 2011 monitoring periods.

4. Failed to maintain irrigation practices designed to prevent ponding of effluent or contamination of ground and surface water, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TCEQ Permit No. WQ0010226001, Special Provisions Nos. 8 and 9, and Permit Condition No. 2.g, as documented during an investigation conducted on July 20, 2011. Specifically, only one of four irrigation outlet pipes was utilized within the land application area only allowing approximately five out of 57 acres to be irrigated resulting in ponding. Effluent tailwater flowed from the land application area to the playa lake. In addition, a cover crop had not been established in the land application area.
5. Failed to conduct adequate groundwater quality monitoring in accordance with the TCEQ approved Groundwater Quality Assessment Plan, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010226001, Special Provisions No. 15, as documented during an investigation conducted on July 20, 2011. Specifically, Monitoring Well No. 1 was not sampled during the August 25, 2010 sampling event.
6. Failed to operate and maintain the Facility in order to achieve optimum efficiency of treatment capability, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TCEQ Permit No. WQ0010226001, Special Provisions No. 3 and Operational Requirements No. 1, as documented during an investigation conducted on July 20, 2011. Specifically, an excessive amount of sludge was observed in the Imhoff tanks, scum covered the settling and vent areas, and an accumulation of sludge was in the inlet and exit portions of the Imhoff tanks. In addition, significant amounts of weeds were noted along the pond's berms and sludge accumulation was noted within the stabilization pond.
7. Failed to submit the 2010 annual sludge report to the TCEQ, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010226001, Section III. G, as documented during an investigation conducted on July 20, 2011.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Morton, Docket No. 2011-1700-MWD-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order:

- i. Update the Facility's operational guidance and conduct employee training to ensure that all records of monitoring and operational activities, which include sludge management records and/or disposal records, are kept on site for a period of three years; to ensure that soil samples from the root zones of the irrigation area are collected and analyzed between December and February of each year, and to ensure that the annual sludge report is submitted to TCEQ by September 1 of each year;
- ii. Remove and properly dispose of sludge from the Imhoff tanks and the stabilization pond;
- iii. Remove vegetation from the pond berms; and
- iv. Submit the 2010 annual sludge report to:

Compliance Monitoring Team
Enforcement Division, MC 224
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision Nos. 2.a.i through 2.a.iv, in accordance with Ordering Provision No. 2.g, below;
- c. Within 60 days after the effective date of this Agreed Order:

- i. Install equipment to determine the application rate of effluent applied to the land application area;
 - ii. Develop and implement irrigation practices to prevent ponding of effluent in the land application area; and
 - iii. Establish and maintain an appropriate cover crop throughout the land application area, in accordance with TCEQ Permit No. WQ0010226001, Special Provisions No. 8.
- d. Within 75 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision Nos. 2.c.i through 2.c.iii, in accordance with Ordering Provision No. 2.g, below;
- e. Within 90 days after the effective date of this Agreed Order, develop and implement a solids management plan that outlines a program of internal process control testing to monitor the efficiency of treatment and to maintain a proper level of solids at the Facility. The plan should include regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control, in accordance with TCEQ Permit No. WQ0010226001, Operational Requirements No. 1;
- f. Within 105 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision No. 2.e, in accordance with Ordering Provision No. 2.g, below; and
- g. The certification of compliance required by Ordering Provision Nos. 2.b, 2.d, and 2.f, shall be notarized by a State of Texas Notary Public and include the following certification language and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance:

"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
Lubbock Regional Office
Texas Commission on Environmental Quality
5012 50th Street, Suite 100
Lubbock, Texas 79414-3421

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature

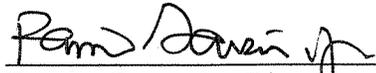
could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

5/16/12

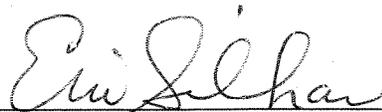
Date

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

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

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

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



Signature

2-29-12

Date

Eric Silhan

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

MAYOR

Title

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