

Executive Summary – Enforcement Matter – Case No. 42232

City of Hubbard

RN101918480

Docket No. 2011-1381-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 Hubbard WWTP, located south of Hubbard, approximately two miles south of the intersection of State Highway 31 and 171, Hill 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: September 21, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$52,708

Amount Deferred for Expedited Settlement: \$10,541

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$42,167

Name of SEP: Installation of Course Screening Device and Bypass Channel (Custom)

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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City of Hubbard
RN101918480
Docket No. 2011-1381-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 27, 2011

Date(s) of NOE(s): August 8, 2011

Violation Information

1. Failed to maintain adequate management records for all sludge removed from any wastewater treatment process. Specifically, the transporter manifests did not include the transporter truck permit number [Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0010534001, Operational Requirements No. 11.f. and 30 TEX. ADMIN. CODE § 305.125(1)].
2. Failed to maintain annual sludge records on-site and have them readily available for review by a TCEQ representative. Specifically, Respondent failed to have available the annual sludge reports for fiscal years 2010, 2008, 2007, and 2006 [TPDES Permit No. WQ0010534001, Monitoring and Reporting Requirements No. 3.b. and Sludge Provisions and 30 TEX. ADMIN. CODE § 305.125(1)].
3. Failed to analyze for carbonaceous biochemical oxygen demand (“CBOD”). Specifically, Respondent has been analyzing effluent for biochemical oxygen demand instead [TPDES Permit No. WQ0010534001, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.4].
4. Failed to prevent an unauthorized discharge of wastewater into or adjacent to water in the state. Specifically, accumulations of aged black sludge were noted approximately 100 yards upstream from Outfall 001 due to a broken wastewater collection pipe that crosses over the creek [TPDES Permit No. WQ0010534001, Permit Conditions No. 2.g. and TEX. WATER CODE § 26.121(a)].
5. Failed to ensure that flow measuring devices were properly installed and calibrated annually. Specifically, the automatic flow measuring device had not been calibrated within the past year [TPDES Permit No. WQ0010534001, Monitoring and Reporting Requirements No. 5 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d)].
6. Failed to employ or contract a licensed individual holding the appropriate level of license to operate the Facility. Specifically, Respondent employed two individuals who did not hold a wastewater license [TPDES Permit No. WQ0010534001, Other Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 30.331(b) and 30.350(d)].
7. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the screenings from the bar screen were not kept in a covered receptacle [TPDES Permit No. WQ0010534001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(1)].

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8. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the lift stations at 5th Street, Cedar Street, and Davis Street did not have functional audio/visual alarms [TPDES Permit No. WQ0010534001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(1)].

9. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the 5th Street Lift Station was not intruder-resistant as the fence gate was broken and the lid to the lift station did not have a lock [TPDES Permit No. WQ0010534001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(1)].

10. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained which resulted in the unauthorized discharge of sludge into the receiving stream. Specifically, the clarifier was filled with sludge and the water in the chlorine contact chamber (“CCC”) was tinted brown with sludge, resulting in fresh sludge accumulation in the receiving stream for approximately 400 yards downstream [TPDES Permit No. WQ0010534001, Operational Requirements No. 1, Effluent Limitations and Monitoring Requirements No. 4 and Permit Conditions No. 2.g. and TEX. WATER CODE § 26.121(a)].

11. Failed to maintain a scale for determining the amount of chlorine used daily at the Facility [30 TEX. ADMIN. CODE § 317.6(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures at the Facility:

- a. By June 1, 2011, began utilizing a staff gauge to measure the flow at the Facility;
- b. By June 6, 2011, submitted documentation stating that the two individuals who did not hold a wastewater license will not be conducting maintenance at the Facility until properly licensed;
- c. By June 17, 2011:
 - i. Began including the transporter truck permit number on all transporter manifests;
 - ii. Implemented procedures to begin testing for CBOD;
 - iii. Repaired the broken wastewater collection pipe that crosses over the creek and removed and properly disposed of accumulations of sludge in the receiving stream;

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- iv. Properly equipped the 5th Street lift station with intruder-resistant security by repairing the fence and providing a lock at the lift station; and
- v. Purchased a chlorine scale to determine the amount of chlorine being used at the Facility.
- d. By August 24, 2011, began maintaining annual sludge records on-site.
- e. By August 29, 2011:
 - i. Began utilizing a covered receptacle to place the screenings from the bar screen;
 - ii. Installed audio/visual alarms at the 5th Street and Davis Street lift stations; and
- f. By September 28, 2011, installed an audio/visual alarm at Cedar Street lift station.

Technical Requirements:

- 1. The Order will require Respondent to implement and complete a Supplemental Environmental Project (“SEP”). (See SEP Attachment A)
- 2. The Order will also require Respondent to:
 - a. Within 30 days:
 - i. Ensure that all systems of collection, treatment, and disposal are properly operated and maintained, to include proper operation of the clarifier and the CCC as to minimize the presence of sludge;
 - ii. Remove and properly dispose of all new accumulations of sludge in the receiving stream downstream of the outfall; and
 - b. Within 45 days, submit written certification of compliance with Ordering Provision a. The written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.

Litigation Information

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

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City of Hubbard

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Docket No. 2011-1381-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jorge Ibarra, P.E., Enforcement Division,
Enforcement Team 3, MC R-04, (817) 588-5890; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: Sharon Blue, SEP Coordinator, Litigation Division, MC 175,
(512) 239-2223

Respondent: Dorothy Jackson, City Manager, City of Hubbard, 118 North Magnolia
Avenue, Hubbard, Texas 76648

The Honorable Terry Reddell, Mayor, City of Hubbard, 118 North Magnolia Avenue,
Hubbard, Texas 76648

Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-1381-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Hubbard
Penalty Amount:	Forty-Two Thousand One Hundred Sixty-Seven Dollars (\$42,167)
SEP Offset Amount:	Forty-Two Thousand One Hundred Sixty-Seven Dollars (\$42,167)
Type of SEP:	Compliance SEP
Project Name:	<i>Installation of Course Screening Device and Bypass Channel</i>
Location of SEP:	Hill County

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

1. Project Description

A. Project

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at the Respondent's wastewater treatment facility. Respondent shall hire a contractor to remove the existing bar screen and install a manually-cleaned course screening device and a bypass channel at the Wastewater Treatment Plant. Specifically, the SEP Offset Amount shall be used for materials, supplies, equipment, and engineering services (the "Project"). Respondent shall solicit bids from qualified contractors to install the device and construct a bypass channel. Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity, below. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform this Project and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols

(inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Quantity	Cost	Total
Construction Contract, including:	1	\$42,767	\$42,767
Equipment			
Labor			
Testing			
Total			\$42,767

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 365 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 365-day time-frame set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period

Days from Effective Order Date	Information Required
180	Actions completed during previous 90-day period
270	Actions completed during previous 90-day period
365	Notice of SEP completion

B. Final Report

Within 365 days after the effective date of the Agreed Order, or within 60 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity, below);
4. Copies of all engineering plans related to work performed pursuant to the Project;
5. Dated photographs of the purchased equipment; the equipment being removed; before and after work being performed during the installation process; and include photographs of the completed Project;
6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
7. Any additional information demonstrating compliance with this Attachment A.

C. Address

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

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in

Sections 2 through 4, above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

Respondent shall not include this Project in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	8-Aug-2011	Screening	8-Aug-2011	EPA Due	
	PCW	8-Nov-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Hubbard
Reg. Ent. Ref. No.	RN101918480
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	42232	No. of Violations	9
Docket No.	2011-1381-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jorge Ibarra, P.E.
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$21,700

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 154.0% Enhancement **Subtotals 2, 3, & 7** \$33,418

Notes Enhancement for one order without denial of liability, one NOV with same/similar violations, two NOV with dissimilar violations, and 24 months of self-reported effluent violations.

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

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$2,410

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

Total EB Amounts \$27,022
 Approx. Cost of Compliance \$38,950
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$52,708

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$52,708

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$52,708

DEFERRAL 20.0% Reduction **Adjustment** -\$10,541

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$42,167

Screening Date 8-Aug-2011

Docket No. 2011-1381-MWD-E

PCW

Respondent City of Hubbard

Policy Revision 2 (September 2002)

Case ID No. 42232

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918480

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	25	125%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

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) 154%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order without denial of liability, one NOV with same/similar violations, two NOV with dissimilar violations, and 24 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 154%

Screening Date 8-Aug-2011
Respondent City of Hubbard
Case ID No. 42232
Reg. Ent. Reference No. RN101918480
Media [Statute] Water Quality
Enf. Coordinator Jorge Ibarra, P.E.
Violation Number 1

Docket No. 2011-1381-MWD-E

PCW

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

Rule Cite(s) Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010534001, Operational Requirements No. 11.f. and 30 Tex. Admin. Code § 305.125(1)

Violation Description Failed to maintain adequate management records for all sludge removed from any wastewater treatment process. Specifically, the transporter manifests did not include the transporter truck permit number.

Base Penalty \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> **Programmatic Matrix**

Falsification	Harm			Percent
	Major	Moderate	Minor	
			x	1%

Matrix Notes Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events: 1 1 Number of violation days

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

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$25

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

Notes The Respondent achieved compliance by June 17, 2011 for this violation.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$229

This violation Final Assessed Penalty (adjusted for limits) \$229

Economic Benefit Worksheet

Respondent City of Hubbard
Case ID No. 42232
Req. Ent. Reference No. RN101918480
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				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	27-May-2011	17-Jun-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 maintain adequate management records for all sludge removed from any wastewater treatment process. 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

\$100

TOTAL

\$0

Screening Date 8-Aug-2011

Docket No. 2011-1381-MWD-E

PCW

Respondent City of Hubbard

Policy Revision 2 (September 2002)

Case ID No. 42232

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918480

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 2

Rule Cite(s)

TPDES Permit No. WQ0010534001, Monitoring and Reporting Requirements No. 3.b. and Sludge Provisions and 30 Tex. Admin. Code § 305.125(1)

Violation Description

Failed to maintain annual sludge records on-site and have them readily available for review by a TCEQ representative. Specifically, the Respondent failed to have available the annual sludge reports for fiscal years 2010, 2008, 2007, and 2006.

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 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

Number of violation days 1

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$10

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

Notes

The Respondent achieved compliance by August 24, 2011 for this violation.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$244

This violation Final Assessed Penalty (adjusted for limits) \$244

Economic Benefit Worksheet

Respondent City of Hubbard
Case ID No. 42232
Req. Ent. Reference No. RN101918480
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	27-May-2011	24-Aug-2011	0.24	\$1	n/a	\$1
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 maintain annual sludge reports on-site and ready for review by a TCEQ representative.
Date required is the investigation date; and 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

\$100

TOTAL

\$1

Screening Date 8-Aug-2011

Docket No. 2011-1381-MWD-E

PCW

Respondent City of Hubbard

Policy Revision 2 (September 2002)

Case ID No. 42232

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918480

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 3

Rule Cite(s)

TPDES Permit No. WQ0010534001, Monitoring and Reporting Requirements No. 1 and 30. Tex. Admin. Code §§ 305.125(1) and 319.4

Violation Description

Failed to analyze for carbonaceous biochemical oxygen demand ("CBOD"). Specifically, the Respondent has been analyzing effluent for biochemical oxygen demand instead.

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

Failure to sample for CBOD could result in the release of insignificant amounts of pollutants as a result of the violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

1 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

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

Notes

The Respondent achieved compliance by June 17, 2011 for this violation.

Violation Subtotal \$375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$1,145

This violation Final Assessed Penalty (adjusted for limits) \$1,145

Economic Benefit Worksheet

Respondent City of Hubbard
Case ID No. 42232
Reg. Ent. Reference No. RN101918480
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)	\$500	27-May-2011	17-Jun-2011	0.06	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to sample for CBOD as required by the permit. Date required is the investigation date; and 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

\$500

TOTAL

\$1

Screening Date 8-Aug-2011

Docket No. 2011-1381-MWD-E

PCW

Respondent City of Hubbard

Policy, Revision 2 (September 2002)

Case ID No. 42232

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918480

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 4

Rule Cite(s)

TPDES Permit No. WQ0010534001, Permit Conditions No. 2.g. and Tex. Water Code § 26.121(a)

Violation Description

Failed to prevent an unauthorized discharge of wastewater into or adjacent to water in the state. Specifically, during the May 27, 2011 investigation, accumulations of aged black sludge were noted approximately 100 yards upstream from Outfall 001 due to a broken wastewater collection pipe that crosses over the creek.

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 as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

21 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One monthly event is recommended from the investigation date of May 27, 2011 to the compliance date of June 17, 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes

The Respondent achieved compliance by June 17, 2011 for this violation.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Estimated EB Amount \$6

Statutory Limit Test

Violation Final Penalty Total \$5,725

This violation Final Assessed Penalty (adjusted for limits) \$5,725

Economic Benefit Worksheet

Respondent City of Hubbard
Case ID No. 42232
Req. Ent. Reference No. RN101918480
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$1,000	27-May-2011	17-Jun-2011	0.06	\$3	n/a	\$3
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	27-May-2011	17-Jun-2011	0.06	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to repair the broken wastewater collection pipe and to properly remove and dispose of all accumulations of sludge in the receiving stream. Date required is the investigation date; and 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

\$2,000

TOTAL

\$6

Screening Date 8-Aug-2011

Docket No. 2011-1381-MWD-E

PCW

Respondent City of Hubbard

Policy Revision 2 (September 2002)

Case ID No. 42232

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918480

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 5

Rule Cite(s) TPDES Permit No. WQ0010534001, Monitoring and Reporting Requirements No. 5 and 30 Tex. Admin. Code §§ 305.125(1) and 319.11(d)

Violation Description

Failed to ensure that flow measuring devices were properly installed and calibrated annually. Specifically, the automatic flow measuring device had not been calibrated within the past year.

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

Failure to ensure that flow measuring devices were properly installed and calibrated annually could result in the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an 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 achieved compliance by June 1, 2011 for this violation.

Violation Subtotal \$375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$548

Violation Final Penalty Total \$1,145

This violation Final Assessed Penalty (adjusted for limits) \$1,145

Economic Benefit Worksheet

Respondent City of Hubbard
Case ID No. 42232
Reg. Ent. Reference No. RN101918480
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
<i>No commas or \$</i>							

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	27-May-2011	1-Jun-2011	0.01	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to begin utilizing a staff gauge to measure the flow at the Facility. Date required is the investigation date; and 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]	\$500	27-May-2010	27-May-2011	1.92	\$48	\$500	\$548
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to utilize a staff gauge to measure the flow at the Facility. Date required is 12 months prior to the investigation date; and final date is the investigation date.

Approx. Cost of Compliance

\$750

TOTAL

\$548

Screening Date 8-Aug-2011

Docket No. 2011-1381-MWD-E

PCW

Respondent City of Hubbard

Policy Revision 2 (September 2002)

Case ID No. 42232

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918480

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 6

Rule Cite(s)

TPDES Permit No. WQ0010534001, Other Requirements No. 1 and 30 Tex. Admin. Code §§ 30.331(b) and 30.350(d)

Violation Description

Failed to employ or contract a licensed individual holding the appropriate level of license to operate the Facility. Specifically, the Respondent employed two individuals who did not hold a wastewater license.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to employ or contract a licensed individual to operate the Facility could result in poor operation of the Facility, which in turn could result in the exposure of pollutants which would exceed levels that are protective of human health or the environment.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 10

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

Violation Base Penalty \$2,500

One monthly event is recommended from the investigation date of May 27, 2011 to the date the operators ceased conducting maintenance activities at the Facility, June 6, 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes

The Respondent achieved compliance by June 6, 2011 for this violation.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26,178

Violation Final Penalty Total \$5,725

This violation Final Assessed Penalty (adjusted for limits) \$5,725

Economic Benefit Worksheet

Respondent City of Hubbard
Case ID No. 42232
Reg. Ent. Reference No. RN101918480
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel	\$25,000	27-May-2010	27-May-2011	1.00	\$1,250	\$25,000	\$26,250
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

Annual salary for a license C wastewater operator (\$12,500 per operator) during weekends and holidays.
Date required is a year prior to the investigation date; and final date is the investigation date.

Approx. Cost of Compliance

\$25,000

TOTAL

\$26,250

Screening Date 8-Aug-2011

Docket No. 2011-1381-MWD-E

PCW

Respondent City of Hubbard

Policy Revision 2 (September 2002)

Case ID No. 42232

PCW Revision October 30, 2006

Reg. Ent. Reference No. RN101918480

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 7

Rule Cite(s) TPDES Permit No. WQ0010534001, Operational Requirements No. 1 and 30 Tex. Admin. Code § 305.125(1)

Violation Description

Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, during the May 27, 2011 investigation, the screenings from the bar screen were not kept in a covered receptacle, the lift stations at 5th Street, Cedar Street, and Davis Street did not have functional audio/visual alarms, and the 5th Street lift station was not intruder-resistant as the fence gate was broken and the lid to the lift station did not have a lock.

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

Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained could result in the release of pollutants which would exceed protective levels.

Adjustment \$7,500

\$2,500

Violation Events

3

73 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Three monthly events are recommended from the investigation date of May 27, 2011 to the screening date of August 8, 2011.

Good Faith Efforts to Comply

10.0% Reduction

\$750

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

Notes The Respondent achieved compliance by September 28, 2011 for this violation.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$85

Violation Final Penalty Total \$18,300

This violation Final Assessed Penalty (adjusted for limits) \$18,300

Economic Benefit Worksheet

Respondent City of Hubbard
Case ID No. 42232
Reg. Ent. Reference No. RN101918480
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

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	27-May-2011	28-Sep-2011	0.34	\$85	n/a	\$85

Notes for DELAYED costs

Estimated cost to keep the screenings from the bar screen in a covered receptacle, to install audio/visual alarms at the lift stations, and to repair the fence at the 5th Street lift station. Date required is the investigation date; and 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

\$5,000

TOTAL

\$85

Screening Date 8-Aug-2011

Docket No. 2011-1381-MWD-E

PCW

Respondent City of Hubbard

Policy Revision 2 (September 2002)

Case ID No. 42232

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918480

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 8

Rule Cite(s)

TPDES Permit No. WQ0010534001, Operational Requirements No. 1, Effluent Limitations and Monitoring Requirements No. 4 and Permit Conditions No. 2.g. and Tex. Water Code § 26.121(a)

Violation Description

Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained which resulted in the unauthorized discharge of sludge into the receiving stream. Specifically, during the May 27, 2011 investigation, the clarifier was filled with sludge and the water in the chlorine contact chamber ("CCC") was tinted brown with sludge, resulting in fresh sludge accumulation in the receiving stream for approximately 400 yards downstream.

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 as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

3

73 Number of violation days

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

Violation Base Penalty \$7,500

Three monthly events are recommended from the investigation date of May 27, 2011 to the screening date of August 8, 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$201

Violation Final Penalty Total \$19,050

This violation Final Assessed Penalty (adjusted for limits) \$19,050

Economic Benefit Worksheet

Respondent City of Hubbard
Case ID No. 42232
Reg. Ent. Reference No. RN101918480
Media Water Quality
Violation No. 8

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				0.00	\$0	n/a	\$0
Remediation/Disposal	\$2,500	27-May-2011	15-Mar-2012	0.80	\$100	n/a	\$100
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	27-May-2011	15-Mar-2012	0.80	\$100	n/a	\$100

Notes for DELAYED costs
 Estimated cost to determine cause of the unauthorized discharge, to implement corrective measures, and to properly remove and dispose of all accumulations of sludge in the receiving stream. Date required is the investigation date; and final date is the expected 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	\$5,000	TOTAL	\$201
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Screening Date 8-Aug-2011
Respondent City of Hubbard
Case ID No. 42232
Reg. Ent. Reference No. RN101918480
Media [Statute] Water Quality
Enf. Coordinator Jorge Ibarra, P.E.

Docket No. 2011-1381-MWD-E

PCW

Policy Revision 2 (September 2002)
 PCW Revision October 30, 2009

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 317.6(c)

Violation Description Failed to maintain a scale for determining the amount of chlorine used daily at the Facility.

Base Penalty \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Failure to maintain a scale for determining the amount of chlorine used daily could result in the release of insignificant amounts of pollutants which would not exceeded 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 1 Number of violation days 1

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 achieved compliance by June 17, 2011 for this violation.

Violation Subtotal \$375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$1,145

This violation Final Assessed Penalty (adjusted for limits) \$1,145

Economic Benefit Worksheet

Respondent City of Hubbard
Case ID No. 42232
Reg. Ent. Reference No. RN101918480
Media Water Quality
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	27-May-2011	17-Jun-2011	0.06	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to maintain a scale for at the Facility to determine the amount of chlorine used daily. Date required is the investigation date; and 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

\$500

TOTAL

\$1

Compliance History

Customer/Respondent/Owner-Operator:	CN600626311	City of Hubbard	Classification: AVERAGE	Rating: 3.56
Regulated Entity:	RN101918480	CITY OF HUBBARD	Classification: AVERAGE	Site Rating: 3.56
ID Number(s):	WASTEWATER	PERMIT		WQ0010534001
	WASTEWATER	EPA ID		TX0053295
	WATER QUALITY NON PERMITTED	ID NUMBER		090100311
	WATER QUALITY NON PERMITTED	ID NUMBER		090100312
	WASTEWATER LICENSING	LICENSE		WQ0010534001
Location:	South of Hubbard approximately two miles south of the intersection of State Highways 31 and 171 in Hill County, Texas			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	August 24, 2011			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 24, 2006 to August 24, 2011			

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

Name: Jorge Ibarra Phone: (817) 588-5890

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. 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.
- | | |
|---|----------------------------|
| Effective Date: 05/25/2007 | ADMINORDER 2004-1696-MWD-E |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 305, SubChapter F 305.125(4) | |
| 30 TAC Chapter 305, SubChapter F 305.125(5) | |
| TWC Chapter 26 26.121 | |
| Rqmt Prov: 2g PERMIT | |
| Description: Failure to prevent an unauthorized discharge of wastewater from the collection system. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 305, SubChapter F 305.125(9) | |
| Rqmt Prov: M/R req 7.b.i. PERMIT | |
| Description: Failure by the permittee to orally notify the TCEQ of an unauthorized discharge within 24 hours and provide written notification within 5 days of becoming aware of the noncompliance. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 305, SubChapter F 305.124 | |
| 30 TAC Chapter 317 317.7(e) | |
| Rqmt Prov: No. 2001-0373-MWD-E, ID No.85373-3 ORDER | |
| Description: Failure to maintain the condition of the intruder-resistant fence at the facility. | |

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	07/10/2008	(407030)
2	09/21/2006	(523477)
3	10/23/2006	(548379)
4	11/21/2006	(548380)
5	12/27/2006	(548381)
6	06/05/2007	(562964)
7	02/23/2007	(581481)
8	03/20/2007	(581482)
9	04/26/2007	(581483)
10	05/23/2007	(581484)
11	06/26/2007	(581485)

12	01/19/2007	(581486)
13	07/24/2007	(608137)
14	07/24/2007	(608139)
15	09/25/2007	(608140)
16	10/26/2007	(621719)
17	11/27/2007	(621720)
18	02/26/2008	(673669)
19	01/03/2008	(673670)
20	01/17/2008	(673671)
21	04/17/2008	(691922)
22	04/17/2008	(691923)
23	05/16/2008	(691924)
24	03/10/2009	(701834)
25	06/17/2008	(712929)
26	07/28/2008	(712930)
27	09/04/2008	(712931)
28	09/24/2008	(712932)
29	10/21/2008	(729142)
30	11/13/2008	(729143)
31	12/29/2008	(729144)
32	03/19/2009	(736222)
33	05/11/2009	(742269)
34	05/11/2009	(743928)
35	02/26/2009	(752311)
36	01/23/2009	(752312)
37	03/23/2009	(769963)
38	04/20/2009	(769964)
39	05/13/2009	(769965)
40	02/02/2010	(785366)
41	02/25/2010	(809521)
42	06/16/2009	(809522)
43	07/24/2009	(809523)
44	08/24/2009	(809524)
45	09/21/2009	(809525)
46	10/29/2009	(809526)
47	11/30/2009	(809527)
48	12/23/2009	(809528)
49	01/12/2010	(809529)
50	03/24/2010	(832605)
51	04/23/2010	(832606)
52	04/30/2010	(845203)
53	06/28/2010	(846810)
54	09/14/2010	(848863)
55	09/29/2010	(867501)
56	08/25/2010	(867502)
57	09/27/2010	(874508)
58	11/03/2010	(888556)
59	12/02/2009	(896900)
60	12/23/2010	(896901)
61	02/08/2011	(909699)
62	08/05/2011	(923737)
63	04/28/2011	(926799)
64	06/24/2011	(932683)
65	04/15/2011	(938633)
66	07/13/2011	(945999)
67	06/03/2011	(946000)

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

Date:	08/31/2007	(608140)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	09/30/2007	(621719)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	10/31/2007	(621720)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	11/30/2007	(673670)	CN600626311		
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	(712930)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	08/31/2008	(712932)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	12/31/2008	(752312)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	03/24/2009	(736222)	CN600626311		
Self Report?	NO			Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(9) Reporting Requirements; No. 7(a), Pg. 5 PERMIT				
Description:	Failure by the permittee to notify the TCEQ Waco Regional Office of an unauthorized discharge within 24 hours of becoming aware of the noncompliance.				
Date:	04/06/2009	(737387)	CN600626311		
Self Report?	NO			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1) Permit Conditions; Section 2(g), Page 7 PERMIT				
Description:	Failure by the permittee to prevent the unauthorized discharge of wastewater into or adjacent to water in the state without authorization from the Commission.				
Date:	05/13/2009	(742269)	CN600626311		
Self Report?	NO			Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(9) Reporting Requirements; No. 7(a), Pg. 5 PERMIT				
Description:	Failure by the permittee to notify the TCEQ Waco Regional Office of an unauthorized discharge within 24 hours of becoming aware of the noncompliance.				
Date:	08/31/2009	(809525)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				

Date	10/31/2009	(809527)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	11/30/2009	(809528)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	12/31/2009	(809529)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	01/31/2010	(809521)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	02/28/2010	(832605)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	03/31/2010	(832606)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	04/30/2010	(845203)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	06/30/2010	(867501)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	07/31/2010	(867502)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	08/31/2010	(874508)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	09/30/2010	(888556)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	12/31/2010	(909699)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	01/31/2011	(945999)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				

Date	02/28/2011	(938633)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	03/31/2011	(926799)	CN600626311		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	04/30/2011	(946000)	CN600626311		
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 HUBBARD
RN101918480

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

AGREED ORDER
DOCKET NO. 2011-1381-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 Hubbard ("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 south of Hubbard, approximately two miles south of the intersection of State Highways 31 and 171 in Hill County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 13, 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 Fifty-Two Thousand Seven Hundred Eight Dollars (\$52,708) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Ten Thousand Five Hundred Forty-One Dollars (\$10,541) 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. Forty-Two Thousand One Hundred Sixty-Seven Dollars (\$42,167) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP")."

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By June 1, 2001, began utilizing a staff gauge to measure the flow at the Facility;
 - b. By June 6, 2011, submitted documentation stating that the two individuals who did not hold a wastewater license will not be conducting maintenance at the Facility until properly licensed;
 - c. By June 17, 2011:
 - i. Began including the transporter truck permit number on all transporter manifests;
 - ii. Implemented procedures to begin testing for carbonaceous biochemical oxygen demand ("CBOD");
 - iii. Repaired the broken wastewater collection pipe that crosses over the creek and removed and properly disposed of accumulations of sludge in the receiving stream;
 - iv. Properly equipped the 5th Street lift station with intruder-resistant security by repairing the fence and providing a lock at the lift station; and
 - v. Purchased a chlorine scale to determine the amount of chlorine being used at the Facility.
 - d. By August 24, 2011, began maintaining annual sludge records on-site;
 - e. By August 29, 2011,
 - i. Began utilizing a covered receptacle to place the screenings from the bar screen;
 - ii. Installed audio/visual alarms at the 5th Street and Davis Street lift stations; and

- f. By September 28, 2011, installed an audio/visual alarm at Cedar Street lift station.
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 adequate management records for all sludge removed from any wastewater treatment process, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010534001, Operational Requirements No. 11.f. and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on May 27, 2011. Specifically, the transporter manifests did not include the transporter truck permit number.
2. Failed to maintain annual sludge records on-site and have them readily available for review by a TCEQ representative, in violation of TPDES Permit No. WQ0010534001, Monitoring and Reporting Requirements No. 3.b. and Sludge Provisions and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on May 27, 2011. Specifically, the Respondent failed to have available the annual sludge reports for fiscal years 2010, 2008, 2007, and 2006.
3. Failed to analyze for CBOD, in violation of TPDES Permit No. WQ0010534001, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.4, as documented during an investigation conducted on May 27, 2011. Specifically, the Respondent has been analyzing effluent for biochemical oxygen demand instead.
4. Failed to prevent an unauthorized discharge of wastewater into or adjacent to water in the state, in violation of TPDES Permit No. WQ0010534001, Permit Conditions No. 2.g. and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on May 27, 2011. Specifically, accumulations of aged black sludge were noted approximately 100 yards upstream from Outfall 001 due to a broken wastewater collection pipe that crosses over the creek.
5. Failed to ensure that flow measuring devices were properly installed and calibrated annually, in violation of TPDES Permit No. WQ0010534001, Monitoring and Reporting Requirements No. 5 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d), as

documented during an investigation conducted on May 27, 2011. Specifically, the automatic flow measuring device had not been calibrated within the past year.

6. Failed to employ or contract a licensed individual holding the appropriate level of license to operate the Facility, in violation of TPDES Permit No. WQ0010534001, Other Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 30.331(b) and 30.350(d), as documented during an investigation conducted on May 27, 2011. Specifically, the Respondent employed two individuals who did not hold a wastewater license.
7. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of TPDES Permit No. WQ0010534001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on May 27, 2011. Specifically, the screenings from the bar screen were not kept in a covered receptacle.
8. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of TPDES Permit No. WQ0010534001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on May 27, 2011. Specifically, the lift stations at 5th Street, Cedar Street, and Davis Street did not have functional audio/visual alarms.
9. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of TPDES Permit No. WQ0010534001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on May 27, 2011. Specifically, the 5th Street Lift Station was not intruder-resistant as the fence gate was broken and the lid to the lift station did not have a lock.
10. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained which resulted in the unauthorized discharge of sludge into the receiving stream, in violation of TPDES Permit No. WQ0010534001, Operational Requirements No. 1, Effluent Limitations and Monitoring Requirements No. 4 and Permit Conditions No. 2.g. and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on May 27, 2011. Specifically, the clarifier was filled with sludge and the water in the chlorine contact chamber ("CCC") was tinted brown with sludge, resulting in fresh sludge accumulation in the receiving stream for approximately 400 yards downstream.
11. Failed to maintain a scale for determining the amount of chlorine used daily at the Facility, in violation of 30 TEX. ADMIN. CODE § 317.6(c), as documented during an investigation conducted on May 27, 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 Hubbard, Docket No. 2011-1381-MWD-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Forty-Two Thousand One Hundred Sixty-Seven Dollars (\$42,167) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Ensure that all systems of collection, treatment, and disposal are properly operated and maintained, to include proper operation of the clarifier and the CCC as to minimize the presence of sludge, in accordance with TPDES Permit No. WQ0010534001, Operational Requirements;
 - ii. Remove and properly dispose of all new accumulations of sludge in the receiving stream downstream of the outfall; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.a. The written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who

manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Jansen
For the Executive Director

11/16/12
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.

Dorothy Jackson
Signature

7-30-2012
Date

Dorothy Jackson
Name (Printed or typed)
Authorized Representative of
City of Hubbard

City Manager
Title

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

Attachment A
Docket Number: 2011-1381-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Hubbard
Penalty Amount:	Forty-Two Thousand One Hundred Sixty-Seven Dollars (\$42,167)
SEP Offset Amount:	Forty-Two Thousand One Hundred Sixty-Seven Dollars (\$42,167)
Type of SEP:	Compliance SEP
Project Name:	<i>Installation of Course Screening Device and Bypass Channel</i>
Location of SEP:	Hill County

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

1. Project Description

A. Project

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at the Respondent's wastewater treatment facility. Respondent shall hire a contractor to remove the existing bar screen and install a manually-cleaned course screening device and a bypass channel at the Wastewater Treatment Plant. Specifically, the SEP Offset Amount shall be used for materials, supplies, equipment, and engineering services (the "Project"). Respondent shall solicit bids from qualified contractors to install the device and construct a bypass channel. Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity, below. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform this Project and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols

(inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Quantity	Cost	Total
Construction Contract, including:	1	\$42,767	\$42,767
Equipment			
Labor			
Testing			
Total			\$42,767

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 365 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 365-day time-frame set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period

Days from Effective Order Date	Information Required
180	Actions completed during previous 90-day period
270	Actions completed during previous 90-day period
365	Notice of SEP completion

B. Final Report

Within 365 days after the effective date of the Agreed Order, or within 60 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity, below);
4. Copies of all engineering plans related to work performed pursuant to the Project;
5. Dated photographs of the purchased equipment; the equipment being removed; before and after work being performed during the installation process; and include photographs of the completed Project;
6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
7. Any additional information demonstrating compliance with this Attachment A.

C. Address

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

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in

Sections 2 through 4, above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

Respondent shall not include this Project in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

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