

**City of Gruver**  
**RN101920254**  
**Docket No. 2011-2342-MWD-E**

**Order Type:**

Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

N/A

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

0.6 mile west of State Highway 15 and approximately 0.8 mile east of State Highway 136, southeast of Gruver, Hansford County

**Type of Operation:**

wastewater treatment plant

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

**Texas Register Publication Date:** November 9, 2012

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$11,965

**Total Paid to General Revenue:** \$415

**Total Due to General Revenue:** \$11,550

Payment Plan: 35 payments of \$330 each

**SEP Conditional Offset:** N/A

**Compliance History Classifications:**

Person/CN – Average  
 Site/RN – Average

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** September 2002 (PCW 1); September 2011 (PCW 2)

**City of Gruver**  
**RN101920254**  
**Docket No. 2011-2342-MWD-E**

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** November 10, 2011  
**Date(s) of NOV(s):** See Compliance History – 33 related NOVs  
**Date(s) of NOE(s):** November 28, 2011

**Violation Information**

Failed to comply with permitted effluent limits [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0010751001].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

Within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ001075100, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

**Litigation Information**

**Date Petition(s) Filed:** August 22, 2012  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Settlement Date:** October 10, 2012

**Contact Information**

**TCEQ Attorneys:** Jim Sallans, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
James Murphy, Public Interest Counsel, (512) 239-6363

**TCEQ SEP Coordinator:** N/A

**TCEQ Enforcement Coordinator:** Heather Brister, Enforcement Division, (254) 761-3034

**TCEQ Regional Contact:** Eddy Vance, Amarillo Regional Office, (806) 353-9251

**Respondent:** The Honorable Buster Davis, Mayor, City of Gruver, P.O. Box 947, Gruver, Texas 79040

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	5-Dec-2011	<b>Screening</b>	12-Dec-2011	<b>EPA Due</b>	
	<b>PCW</b>	1-Jun-2012				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Gruver		
<b>Reg. Ent. Ref. No.</b>	RN101920254		
<b>Facility/Site Region</b>	1-Amarillo	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	43148	<b>No. of Violations</b>	1
<b>Docket No.</b>	2011-2342-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Heather Brister
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

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

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

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

**Compliance History** **165.0%** Enhancement *Subtotals 2, 3, & 7* **\$6,600**

Notes: Enhancement for 29 months of self-reported effluent violations and four NOV's with same/similar 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* **\$0**

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

Total EB Amounts **\$918**  
 Approx. Cost of Compliance **\$10,000**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** *Final Subtotal* **\$10,600**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **-9.1%** *Adjustment* **-\$960**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommend reduction in penalty so that monthly self-reported violations do not overly-impact the penalty amount and to prevent the double-enhancement of the penalty amount for same/similar violations that were self-reported.

*Final Penalty Amount* **\$9,640**

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty* **\$9,640**

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

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

Notes: Deferral not offered for non-expedited settlement.

**PAYABLE PENALTY** **\$9,640**

<b>Screening Date</b>	12-Dec-2011	<b>Docket No.</b>	2011-2342-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Gruver			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	43148			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN101920254			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	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> )	33	165%
	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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 165%

>> **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 29 months of self-reported effluent violations and four NOVs with same/similar violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 165%

<b>Screening Date</b>	12-Dec-2011	<b>Docket No.</b>	2011-2342-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Gruver	Policy Revision 2 (September 2002)		
<b>Case ID No.</b>	43148	PCW Revision October 30, 2008		
<b>Reg. Ent. Reference No.</b>	RN101920254			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Heather Brister			
<b>Violation Number</b>	1			

**Rule Cite(s)** Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010751001, Effluent Limitations and Monitoring Requirements Nos. 1, 3, and 6

**Violation Description** Failed to comply with permitted effluent limits, as documented during a record review conducted on November 10, 2011. See attached table.

**Base Penalty** \$10,000

>> Environmental, Property and Human Health Matrix

<b>OR</b>	<b>Harm</b>			<b>Percent</b>
	Major	Moderate	Minor	
	Actual		x	
Potential			10%	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	<b>Percent</b>
					0%

**Matrix Notes** A simplified model was used to evaluate 5-day biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Dissolved oxygen, pH, and total suspended solids were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

**Adjustment** \$9,000

\$1,000

Violation Events

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$4,000

Four quarterly events are recommended for the quarters containing the months of October, November, December 2010, March, April, and August 2011.

Good Faith Efforts to Comply  Reduction

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

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

**Violation Subtotal** \$4,000

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$918"/>	Violation Final Penalty Total <input type="text" value="\$9,640"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$9,640"/>	

Effluent Limit Violation Table

table rev.

<b>Respondent</b>	City of Gruver
<b>ID Number(s)</b>	TPDES Permit No. WQ0010751001
<b>Docket Number</b>	2011-2342-MWD-E
<b>Enf. Coordinator</b>	Heather Brister

**Corresponds to Violation Number:** 1

<b>EFFLUENT PARAMETER</b>				
<i>Permit Limit</i>				
	Dissolved Oxygen Minimum Concentration 4 Milligrams per Liter	5-Day Biochemical Oxygen Demand Daily Average Concentration 30 Milligrams per Liter	pH Maximum Concentration 9.0 Standard Units	Total Suspended Solids Daily Maximum Concentration 90 Milligrams per Liter
<b>Month/Year</b>				
October 2010	2	c	c	c
November 2010	3	c	c	c
December 2010	3	c	c	c
March 2011	c	34.1	9.6	c
April 2011	c	36.2	9.4	c
August 2011	c	50.0	9.7	150.75
September 2011	c	48.4	9.2	106.5

c = compliant

# Economic Benefit Worksheet

**Respondent** City of Gruver  
**Case ID No.** 43148  
**Reg. Ent. Reference No.** RN101920254  
**Media Violation No.** Water Quality  
 1

Percent Interest	Years of Depreciation
5.0	15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
**Item Description**   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)	\$10,000	31-Oct-2010	31-Aug-2012	1.84	\$918	n/a	\$918

**Notes for DELAYED costs**  
 Estimated cost to determine the cause of the noncompliances and to make necessary adjustments to achieve compliance with the permitted effluent limits. Date required is the initial month of noncompliance. 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  

**TOTAL**

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# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

<b>DATES</b>	<b>Assigned</b>	5-Dec-2011	<b>Screening</b>	12-Dec-2011	<b>EPA Due</b>	
	<b>PCW</b>	1-Jun-2012				

**RESPONDENT/FACILITY INFORMATION**

<b>Respondent</b>	City of Gruver		
<b>Reg. Ent. Ref. No.</b>	RN101920254		
<b>Facility/Site Region</b>	1-Amarillo	<b>Major/Minor Source</b>	Minor

**CASE INFORMATION**

<b>Enf./Case ID No.</b>	43148	<b>No. of Violations</b>	1
<b>Docket No.</b>	2011-2342-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Heather Brister
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

**Penalty Calculation Section**

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,250
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**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

<b>Compliance History</b>	100.0%	Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$1,250	
<b>Notes</b>	Enhancement for 29 months of self-reported effluent violations and four NOV's with same/similar violations.				
<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
<b>Notes</b>	The Respondent does not meet the culpability criteria.				
<b>Good Faith Effort to Comply Total Adjustments</b>			<b>Subtotal 5</b>	\$0	
<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0	
Total EB Amounts	\$0	*Capped at the Total EB \$ Amount			
Approx. Cost of Compliance	\$0				

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$2,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	-7.0%	<b>Adjustment</b>	-\$175
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Recommend reduction in penalty to prevent the double-enhancement of the penalty amount for same/similar violations that were self-reported.	
	<b>Final Penalty Amount</b>	\$2,325

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$2,325
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

<b>Notes</b>	Deferral not offered for non-expedited settlement.
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<b>PAYABLE PENALTY</b>	\$2,325
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Screening Date 12-Dec-2011

Docket No. 2011-2342-MWD-E

PCW

Respondent City of Gruver

Policy Revision 3 (September 2011)

Case ID No. 43148

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920254

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

## Compliance History Worksheet

## &gt;&gt; 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> )	33	165%
	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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 165%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for 29 months of self-reported effluent violations and four NOVs with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 165%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

<b>Screening Date</b>	12-Dec-2011	<b>Docket No.</b>	2011-2342-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Gruver			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	43148			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN101920254			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Heather Brister			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<b>Percent</b> <input type="text" value="5.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>>> **Programmatic Matrix**

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

Matrix Notes

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

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

Notes

**Violation Subtotal**

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

**Statutory Limit Test**

Estimated EB Amount  Violation Final Penalty Total

**This violation Final Assessed Penalty (adjusted for limits)**

Effluent Limit Violation Table

table rev.

<b>Respondent</b>	City of Gruver
<b>ID Number(s)</b>	TPDES Permit No. WQ0010751001
<b>Docket Number</b>	2011-2342-MWD-E
<b>Enf. Coordinator</b>	Heather Brister

**Corresponds to Violation Number:** 1

<b>EFFLUENT PARAMETER</b>				
<i>Permit Limit</i>				
	Dissolved Oxygen Minimum Concentration 4 Milligrams per Liter	5-Day Biochemical Oxygen Demand Daily Average Concentration 30 Milligrams per Liter	pH Maximum Concentration 9.0 Standard Units	Total Suspended Solids Daily Maximum Concentration 90 Milligrams per Liter
<b>Month/Year</b>				
October 2010	2	c	c	c
November 2010	3	c	c	c
December 2010	3	c	c	c
March 2011	c	34.1	9.6	c
April 2011	c	36.2	9.4	c
August 2011	c	50.0	9.7	150.75
September 2011	c	48.4	9.2	106.5

c = compliant

# Economic Benefit Worksheet

**Respondent** City of Gruver  
**Case ID No.** 43148  
**Reg. Ent. Reference No.** RN101920254  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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

Notes for DELAYED costs

See the Economic Benefit from the Penalty Calculation Worksheet Policy Revision 2.

### 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

**TOTAL**

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# Compliance History

Customer/Respondent/Owner-Operator:	CN600643431	City of Gruver	Classification: AVERAGE	Rating: 2.69
Regulated Entity:	RN101920254	CITY OF GRUVER	Classification: AVERAGE	Site Rating: 2.37
ID Number(s):	WASTEWATER		PERMIT	WQ0010751001
	WASTEWATER		EPA ID	TX0023604
	WASTEWATER LICENSING		LICENSE	WQ0010751001
Location:	LOCATED APPROXIMATELY 0.6 MILE WEST OF STATE HIGHWAY 15 AND APPROXIMATELY 0.8 MILE EAST OF STATE HIGHWAY 136, SOUTHEAST OF THE CITY OF GRUVER, HANSFORD COUNTY, TEXAS			
TCEQ Region:	REGION 01 - AMARILLO			
Date Compliance History Prepared:	December 09, 2011			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 09, 2006 to December 09, 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: 9/1/2011 Repeat Violator: NO   |     |

## Components (Multimedia) for the Site:

- |   |     |
|---|-----|
| A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. | N/A |
| B. Any criminal convictions of the state of Texas and the federal government.                                       | N/A |
| C. Chronic excessive emissions events.  | N/A |

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

1	02/24/2007	(538427)	21	01/19/2010	(806481)	41	02/09/2011	(909298)
2	01/25/2007	(545726)	22	01/19/2010	(806482)	42	03/30/2011	(916557)
3	01/18/2007	(545729)	23	01/19/2010	(806483)	43	05/06/2011	(925438)
4	02/20/2007	(577513)	24	01/18/2010	(806484)	44	11/11/2010	(925439)
5	04/04/2007	(577514)	25	11/16/2009	(806485)	45	12/22/2010	(925440)
6	04/20/2007	(577515)	26	01/18/2010	(806486)	46	01/18/2011	(925441)
7	01/25/2007	(577516)	27	11/16/2009	(806487)	47	05/25/2011	(938244)
8	07/02/2007	(602214)	28	01/18/2010	(806488)	48	06/13/2011	(945620)
9	07/02/2007	(602215)	29	11/16/2009	(806489)	49	08/17/2011	(952860)
10	08/01/2007	(602216)	30	01/18/2010	(806490)	50	11/11/2010	(959525)
11	09/28/2007	(602217)	31	03/09/2010	(831518)	51	09/29/2011	(965562)
12	11/05/2007	(620377)	32	04/14/2010	(831519)	52	11/28/2011	(968409)
13	12/07/2007	(620378)	33	05/10/2010	(831520)	53	10/12/2011	(971600)
14	10/23/2008	(702635)	34	07/14/2010	(846467)			
15	04/23/2009	(743437)	35	07/14/2010	(861032)			
16	11/18/2009	(777755)	36	01/18/2010	(867069)			
17	04/28/2010	(799773)	37	09/22/2010	(874122)			
18	03/09/2010	(806478)	38	11/11/2010	(881727)			
19	11/16/2009	(806479)	39	10/19/2010	(881728)			
20	11/16/2009	(806480)	40	05/26/2011	(907440)			

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

- |   |                         |  |             |                          |
|---|-------------------------|--|-------------|--------------------------|
| 1 | <b>Date:</b> 02/20/2007 | (538427)   | CN600643431 |                          |
|   | Self Report?            | NO   |             | Classification: Moderate |
|   | Citation:               | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>Page 2, No. 1 PERMIT                      |             |                          |
|   | Description:            | Failure by the facility to maintain BOD5 within permit limits.                           |             |                          |
| 2 | <b>Date:</b> 05/31/2007 | (602215)   | CN600643431 |                          |
|   | Self Report?            | YES  |             | Classification: Moderate |
|   | Citation:               | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |             |                          |
|   | Description:            | Failure to meet the limit for one or more permit parameter                               |             |                          |
| 3 | <b>Date:</b> 06/30/2007 | (602216)   | CN600643431 |                          |
|   | Self Report?            | YES  |             | Classification: Moderate |
|   | Citation:               | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |             |                          |
|   | Description:            | Failure to meet the limit for one or more permit parameter                               |             |                          |
| 4 | <b>Date:</b> 08/31/2007 | (602217)   | CN600643431 |                          |
|   | Self Report?            | YES  |             | Classification: Moderate |
|   | Citation:               | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |             |                          |
|   | Description:            | Failure to meet the limit for one or more permit parameter                               |             |                          |

5	<b>Date:</b> 09/30/2007	(620377)	CN600643431	Classification:	Moderate
	Self Report?	YES			
	Description:	30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter			
6	<b>Date:</b> 10/31/2007	(620378)	CN600643431	Classification:	Moderate
	Self Report?	YES			
	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			
7	<b>Date:</b> 10/22/2008	(702635)	CN600643431	Classification:	Moderate
	Self Report?	NO			
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Page 2, No. 6 PERMIT			
	Description:	Failure by the facility to maintain effluent DO within permit limits.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure by the facility to calibrate the secondary flow measuring device at least annually.			
8	<b>Date:</b> 10/31/2008	(806485)	CN600643431	Classification:	Moderate
	Self Report?	YES			
	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			
9	<b>Date:</b> 11/30/2008	(806487)	CN600643431	Classification:	Moderate
	Self Report?	YES			
	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			
10	<b>Date:</b> 07/31/2009	(806482)	CN600643431	Classification:	Moderate
	Self Report?	YES			
	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			
11	<b>Date:</b> 08/31/2009	(806483)	CN600643431	Classification:	Moderate
	Self Report?	YES			
	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			
12	<b>Date:</b> 09/30/2009	(806484)	CN600643431	Classification:	Moderate
	Self Report?	YES			
	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			
13	<b>Date:</b> 10/31/2009	(806486)	CN600643431	Classification:	Moderate
	Self Report?	YES			
	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			
14	<b>Date:</b> 11/19/2009	(777755)	CN600643431	Classification:	Moderate
	Self Report?	NO			
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(i) Operational Requirements PERMIT			
	Description:	The facility failed to control weeds and woody vegetation growth around the ponds and wetlands.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations and Monitoring PERMIT			
	Description:	The facility failed to manually collect flow readings of discharged wastewater while knowingly operating the facility with a malfunctioning electronic flow meter.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations and Monitoring PERMIT			
	Description:	During the last investigation it was noted that the facility had failed to maintain permitted DO limitations for the months of July, August, and September 2009. It was also noted during this investigation that the facility had failed to maintain the minimum DO for the period of March 2010 through December 2010. The facility commenced aeration of the wastewater from the wetland cells prior to discharging in January 2011 and has maintained a DO above 4.0 mg/l for January through March 2011.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 319, SubChapter A 319.5(b) Effluent Limitations and Monitoring PERMIT			
	Description:	The facility failed to collect effluent samples as specified in the permit.			

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Definitions and Standard Permit PERMIT		
Description:	The facility failed to correctly calculate effluent loadings as specified in the permit.		
Self Report?	NO	Classification:	Moderate
Citation:	Monitoring and Reporting Requirements PERMIT 30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	The facility failed to file monthly reports (DMR) for the months of June, July, and August 2009.		
<b>15 Date:</b>	<b>11/30/2009</b>	(806488)	CN600643431
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		
<b>16 Date:</b>	<b>12/31/2009</b>	(806490)	CN600643431
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		
<b>17 Date:</b>	<b>01/31/2010</b>	(806478)	CN600643431
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		
<b>18 Date:</b>	<b>02/28/2010</b>	(831518)	CN600643431
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		
<b>19 Date:</b>	<b>03/31/2010</b>	(831519)	CN600643431
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		
<b>20 Date:</b>	<b>04/30/2010</b>	(831520)	CN600643431
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		
<b>21 Date:</b>	<b>05/31/2010</b>	(846467)	CN600643431
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		
<b>22 Date:</b>	<b>06/30/2010</b>	(861032)	CN600643431
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		
<b>23 Date:</b>	<b>07/31/2010</b>	(867069)	CN600643431
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		
<b>24 Date:</b>	<b>08/31/2010</b>	(874122)	CN600643431
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		
<b>25 Date:</b>	<b>09/30/2010</b>	(881728)	CN600643431
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		
<b>26 Date:</b>	<b>10/31/2010</b>	(925439)	CN600643431
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		

27	<b>Date:</b> 11/30/2010	(925440)	CN600643431		
	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			
28	<b>Date:</b> 12/31/2010	(925441)	CN600643431		
	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			
29	<b>Date:</b> 03/31/2011	(925438)	CN600643431		
	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			
30	<b>Date:</b> 04/30/2011	(938244)	CN600643431		
	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			
31	<b>Date:</b> 05/26/2011	(907440)	CN600643431		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations and Monitoring PERMIT			
	Description:	During the last investigation it was noted that the facility had failed to maintain permitted DO limitations for the months of July, August, and September 2009. It was also noted during this investigation that the facility had failed to maintain the minimum DO for the period of March 2010 through December 2010. The facility commenced aeration of the wastewater from the wetland cells prior to discharging in January 2011 and has maintained a DO above 4.0 mg/l for January through March 2011.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 319, SubChapter A 319.5(b) Effluent Limitations and Monitoring PERMIT			
	Description:	In January 2011, the facility failed to collect and have analyzed a wastewater sample for E. coli.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 319, SubChapter A 319.11(b) Monitoring and Reporting PERMIT			
	Description:	The City of Gruver's WWTP has failed to have the E. coli sample taken in February 2011, analyzed within the required holding time (6 hours).			
32	<b>Date:</b> 08/31/2011	(965562)	CN600643431		
	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			
33	<b>Date:</b> 09/30/2011	(971600)	CN600643431		
	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 GRUVER;  
RN101920254**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

**DOCKET NO. 2011-2342-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding City of Gruver ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent together stipulate that:

1. Respondent owns and operates a wastewater treatment plant located 0.6 mile west of State Highway 15 and approximately 0.8 mile east of State Highway 136, southeast of Gruver in Hansford County, Texas (the "Facility"). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 26.001(5).
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.
3. The Executive Director and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of eleven thousand nine hundred sixty-five dollars (\$11,965.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid four hundred fifteen dollars (\$415.00) of the administrative penalty. The remaining amount of eleven thousand five hundred fifty dollars (\$11,550.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of three hundred thirty dollars (\$330.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Agreed Order.

6. 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.
7. The Executive Director and Respondent agree on a settlement of the matters addressed in this Agreed Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
8. 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 Respondent has not complied with one or more of the terms or conditions contained in this Agreed Order.
9. 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.
10. 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

1. During a record review conducted on November 10, 2011, a TCEQ Amarillo Regional Office investigator documented that Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0010751001, Effluent Limitations and Monitoring Requirements Nos. 1, 3, and 6. Specifically, Respondent failed to comply with permitted effluent limits for the periods ending October 31, November 30, and December 31, 2010, and March 31, April 30, August 31, and September 30, 2011, as documented in the table below:

EFFLUENT PARAMETER	Dissolved Oxygen Minimum Concentration	5-Day Biochemical Oxygen Demand Daily Average Concentration	pH Maximum Concentration	Total Suspended Solids Daily Maximum Concentration
Permit Limit	4 Milligrams per Liter	30 Milligrams per Liter	9.0 Standard Units	90 Milligrams per Liter
Month/Year	<b>c = compliant</b>			
October 2010	2	c	c	c
November 2010	3	c	c	c
December 2010	3	c	c	c
March 2011	c	34.1	9.6	c
April 2011	c	36.2	9.4	c
August 2011	c	50.0	9.7	150.75
September 2011	c	48.4	9.2	106.5

2. Respondent received notice of the violations on or about December 3, 2011.

### III. DENIALS

Respondent generally denies each Allegation in Section II.

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph 5, above. The payment of this administrative penalty and 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 considering or requiring corrective actions or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: City of Gruver, Docket No. 2011-2342-MWD-E" to:

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

2. Respondent shall undertake the following technical requirements:
  - a. Within 90 days after the effective date of this Agreed Order, Respondent shall submit written certification of compliance with the effluent limits of TPDES Permit No. WQ001075100, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Respondent shall submit the written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Eddy Vance, Water Section Manager  
Amarillo Regional Office  
Texas Commission on Environmental Quality  
3818 Canyon Drive  
Amarillo, Texas 79109

3. All relief not expressly granted in this Agreed Order is denied.

4. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If 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, Respondent's failure to comply is not a violation of this Agreed Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until 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 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. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails a copy of the fully executed Agreed Order to Respondent, whichever is earlier.

**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

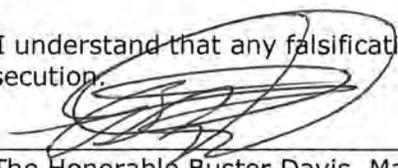
12/17/12  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of City of Gruver, 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 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature - The Honorable Buster Davis, Mayor  
City of Gruver

10-10-12  
Date