

Executive Summary – Enforcement Matter – Case No. 46888
Cities of Waco, Woodway, Bellmead, Lacy-Lakeview, Robinson, Hewitt, and
Lorena
RN102097235
Docket No. 2013-0991-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Fish Kill

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Waco Metropolitan Area Regional Sewerage System WWTF, located at 1147 Treatment Plant Road, on the southwest bank of the Brazos River, approximately 4.5 miles downstream from the crossing of IH-35 and the Brazos River, McLennan County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 4, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,125

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$7,125

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

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RN102097235
Docket No. 2013-0991-MWD-E

Date(s) of Investigation: February 19, 2013

Date(s) of NOE(s): April 26, 2013

Violation Information

Failed to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN CODE § 305.125(1) and Texas Pollutant Discharge Elimination System Permit No. WQ0011071001, Permit Conditions 2.g.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondents have implemented the following corrective measures:

- a. By February 18, 2013, installed a sewer plug upstream of the discharge point to stop flow into the ruptured line, diverted flow into a parallel interceptor line, and began dispersing chlorine tablets downstream of the leak;
- b. By February 19, 2013, completed cleanup of the affected area and disposed of the dead fish; and
- c. By April 26, 2013, completed the replacement of the ruptured line.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Lanae Foard, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2554; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondents: Larry Groth, P.E., City Manager, City of Waco, P.O. Box 2570, Waco, Texas 76702

Y. Whary, City Manager, City of Woodway, 922 Estates Drive, Woodway, Texas 76712

Executive Summary – Enforcement Matter – Case No. 46888
Cities of Waco, Woodway, Bellmead, Lacy-Lakeview, Robinson, Hewitt, and
Lorena
RN102097235
Docket No. 2013-0991-MWD-E

Bo Thomas, City Manager, City of Bellmead, 3015 Bellmead Drive, Bellmead, Texas
76705

Keith Bond, City Manager, City of Lacy-Lakeview, 501 East Craven, Waco, Texas 76705

Robert E. Cervenka, City Manager, City of Robinson, 111 West Lyndale, Robinson, Texas
76706

Alan Miles, City Manager, City of Hewitt, 105 Tampico, Hewitt, Texas 76643

Billy Clemons, City Manager, City of Lorena, 107-A South Frontage Road, Lorena, Texas
76635

The Honorable Malcolm Duncan, Jr., Mayor, City of Waco, P.O. Box 2570, Waco, Texas
76702

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	29-Apr-2013	Screening	13-May-2013	EPA Due	
	PCW	16-Aug-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	Cities of Waco, Woodway, Bellmead, Lacy-Lakeview, Robinson, Hewitt, and Lorena				
Reg. Ent. Ref. No.	RN102097235				
Facility/Site Region	9-Waco	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	46888	No. of Violations	1
Docket No.	2013-0991-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Lanae Foard
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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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.

Compliance History	20.0% Enhancement	Subtotals 2, 3, & 7	\$1,500
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Notes: Enhancement recommended for four NOVs with same/similar violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$1,875
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$2,129
 Approx. Cost of Compliance \$167,670
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,125
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$7,125
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,125
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$7,125
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Screening Date 13-May-2013

Docket No. 2013-0991-MWD-E

PCW

Respondent Cities of Waco, Woodway, Bellmead, Lacy-Lakeview, Robinson, Hewitt, and Lorena

Policy Revision 3 (September 2011)

Case ID No. 46888

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102097235

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

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>)	4	20%
	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) 20%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement recommended for four NOVs with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 20%

Screening Date 13-May-2013 Docket No. 2013-0991-MWD-E

PCW

Respondent Cities of Waco, Woodway, Bellmead, Lacy-Lakeview, Robinson, Hewitt, and Lorena

Policy Revision 3 (September 2011)

Case ID No. 46888

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102097235

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0011071001, Permit Conditions 2.g

Violation Description

Failed to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to any water in the state. Specifically, a sewer line rupture resulted in the overflow of approximately 48,000 gallons of wastewater from a 42 inch concrete interceptor line that crosses Cottonwood Creek about 0.5 mile southeast of the intersection of 12th Street and Loop 340, into Cottonwood Creek, resulting in a fish kill of approximately five fish and one crayfish.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

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

Violation Base Penalty \$7,500

One daily event is recommended from the date of the discharge (February 18, 2013) to the date the discharge ceased and the affected area was cleaned up (February 19, 2013).

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

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

Notes The Respondents achieved compliance on April 26, 2013.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,129

Violation Final Penalty Total \$7,125

This violation Final Assessed Penalty (adjusted for limits) \$7,125

Economic Benefit Worksheet

Respondent Cities of Waco, Woodway, Bellmead, Lacy-Lakeview, Robinson, Hewitt, and Lorena
Case ID No. 46888
Reg. Ent. Reference No. RN102097235
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	\$165,670	18-Feb-2013	26-Apr-2013	0.18	\$101	\$2,027	\$2,129
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	\$2,000	18-Feb-2013	19-Feb-2013	0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Actual cost to replace the sewer line and estimated cost to contain the discharge and clean the affected area. Date required is the date of the discharge. Final dates are the date of compliance and the date the discharge ceased and the affected area was cleaned up.

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

\$167,670

TOTAL

\$2,129

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TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600693105, RN102097235, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600693105, City of Hewitt **Classification:** SATISFACTORY **Rating:** 3.54

Regulated Entity: RN102097235, WACO METROPOLITAN AREA REGIONAL SEWERAGE SYSTEM WMARSS **Classification:** SATISFACTORY **Rating:** 5.56

Complexity Points: 9 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: Located at 1147 Treatment Plant Road, on the southwest bank of the Brazos River, approximately 4.5 miles downstream from the crossing of Interstate Highway 35 and the Brazos River in McLennan County, Texas

TCEQ Region: REGION 09 - WACO

ID Number(s):

WASTEWATER PERMIT WQ0011071001

WASTEWATER EPA ID TX0026506

WASTEWATER AUTHORIZATION R11071001

PRETREATMENT EPA ID TX0026506000

PRETREATMENT PERMIT WQ0011071001

WASTEWATER LICENSING LICENSE WQ0011071001

STORMWATER PERMIT TXR05Y207

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: May 20, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 20, 2008 to May 20, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Lanae Foard

Phone: (512) 239-2554

Site and Owner/Operator History:

- 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** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 May 21, 2008 (691130)

Description: Final Effluent Limitations, No. 2 PERMIT
Failure to discharge effluent in compliance with permitted effluent limitations.
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)
Final Effluent Limitations, No. 1 PERMIT

Description: Failure to discharge effluent in compliance with permitted effluent limitations.

3 Date: 07/31/2012 (1062363) CN600693105
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

4 Date: 01/31/2013 (1079738) CN600693105
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

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TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600641765, RN102097235, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600641765, City of Robinson **Classification:** SATISFACTORY **Rating:** 6.59

Regulated Entity: RN102097235, WACO METROPOLITAN AREA REGIONAL SEWERAGE SYSTEM WMARSS **Classification:** SATISFACTORY **Rating:** 5.56

Complexity Points: 9 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: Located at 1147 Treatment Plant Road, on the southwest bank of the Brazos River, approximately 4.5 miles downstream from the crossing of Interstate Highway 35 and the Brazos River in McLennan County, Texas

TCEQ Region: REGION 09 - WACO

ID Number(s):

WASTEWATER PERMIT WQ0011071001	WASTEWATER EPA ID TX0026506
WASTEWATER AUTHORIZATION R11071001	PRETREATMENT EPA ID TX0026506000
PRETREATMENT PERMIT WQ0011071001	WASTEWATER LICENSING LICENSE WQ0011071001
STORMWATER PERMIT TXR05Y207	

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: May 20, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 20, 2008 to May 20, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Lanae Foard

Phone: (512) 239-1000

Site and Owner/Operator History:

- 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** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

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

Item 1	May 21, 2008	(691130)
Item 2	July 10, 2008	(712016)

Item 3	August 29, 2008	(712017)
Item 4	September 16, 2008	(712018)
Item 5	October 20, 2008	(728409)
Item 6	November 20, 2008	(728412)
Item 7	November 24, 2008	(728410)
Item 8	December 15, 2008	(728411)
Item 9	February 20, 2009	(751507)
Item 10	March 18, 2009	(751508)
Item 11	May 20, 2009	(925947)
Item 12	June 17, 2009	(925948)
Item 13	August 19, 2009	(925949)
Item 14	September 18, 2009	(925950)
Item 15	November 16, 2009	(925952)
Item 16	December 21, 2009	(925953)
Item 17	February 19, 2010	(807502)
Item 18	April 23, 2010	(831907)
Item 19	May 21, 2010	(831908)
Item 20	June 21, 2010	(846589)
Item 21	June 28, 2010	(925951)
Item 22	July 22, 2010	(861156)
Item 23	August 18, 2010	(867218)
Item 24	September 21, 2010	(874273)
Item 25	October 27, 2010	(870879)
Item 26	November 03, 2010	(902642)
Item 27	January 05, 2011	(896636)
Item 28	January 13, 2011	(896637)
Item 29	February 24, 2011	(909433)
Item 30	February 25, 2011	(892820)
Item 31	May 25, 2011	(938387)
Item 32	June 21, 2011	(945756)
Item 33	July 21, 2011	(953008)
Item 34	August 22, 2011	(959662)
Item 35	October 21, 2011	(971742)
Item 36	November 21, 2011	(977908)
Item 37	December 02, 2011	(958317)
Item 38	December 21, 2011	(984676)
Item 39	January 23, 2012	(990967)
Item 40	February 21, 2012	(998334)
Item 41	March 21, 2012	(1003853)
Item 42	April 12, 2012	(996242)
Item 43	July 23, 2012	(1031926)
Item 44	September 24, 2012	(1047077)
Item 45	October 22, 2012	(1062364)
Item 46	November 26, 2012	(1062365)
Item 47	December 27, 2012	(1062366)
Item 48	January 22, 2013	(1079739)
Item 49	March 27, 2013	(1089673)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- | | | | |
|---|--------------|---|--------------------------|
| 1 | Date: | 05/31/2012 (1024549) | CN600641765 |
| | 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 | |
| 2 | Date: | 07/30/2012 (1014698) | CN600641765 |
| | 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) | |

Description: Final Effluent Limitations, No. 2 PERMIT
Failure to discharge effluent in compliance with permitted effluent limitations.
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)
Final Effluent Limitations, No. 1 PERMIT
Description: Failure to discharge effluent in compliance with permitted effluent limitations.

3 Date: 07/31/2012 (1062363) CN600641765
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

4 Date: 01/31/2013 (1079738) CN600641765
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

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TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600131940, RN102097235, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600131940, City of Waco **Classification:** SATISFACTORY **Rating:** 2.98

Regulated Entity: RN102097235, WACO METROPOLITAN AREA REGIONAL SEWERAGE SYSTEM WMARSS **Classification:** SATISFACTORY **Rating:** 5.56

Complexity Points: 9 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: Located at 1147 Treatment Plant Road, on the southwest bank of the Brazos River, approximately 4.5 miles downstream from the crossing of Interstate Highway 35 and the Brazos River in McLennan County, Texas

TCEQ Region: REGION 09 - WACO

ID Number(s):

WASTEWATER PERMIT WQ0011071001

WASTEWATER EPA ID TX0026506

WASTEWATER AUTHORIZATION R11071001

PRETREATMENT EPA ID TX0026506000

PRETREATMENT PERMIT WQ0011071001

WASTEWATER LICENSING LICENSE WQ0011071001

STORMWATER PERMIT TXR05Y207

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: May 20, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 20, 2008 to May 20, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Lanae Foard

Phone: (512) 239-2554

Site and Owner/Operator History:

- 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** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 21, 2008	(691130)
Item 2	July 10, 2008	(712016)

Item 3	August 29, 2008	(712017)
Item 4	September 16, 2008	(712018)
Item 5	October 20, 2008	(728409)
Item 6	November 20, 2008	(728412)
Item 7	November 24, 2008	(728410)
Item 8	December 15, 2008	(728411)
Item 9	February 20, 2009	(751507)
Item 10	March 18, 2009	(751508)
Item 11	May 20, 2009	(925947)
Item 12	June 17, 2009	(925948)
Item 13	August 19, 2009	(925949)
Item 14	September 18, 2009	(925950)
Item 15	November 16, 2009	(925952)
Item 16	December 21, 2009	(925953)
Item 17	February 19, 2010	(807502)
Item 18	April 23, 2010	(831907)
Item 19	May 21, 2010	(831908)
Item 20	June 21, 2010	(846589)
Item 21	June 28, 2010	(925951)
Item 22	July 22, 2010	(861156)
Item 23	August 18, 2010	(867218)
Item 24	September 21, 2010	(874273)
Item 25	October 27, 2010	(870879)
Item 26	November 03, 2010	(902642)
Item 27	January 05, 2011	(896636)
Item 28	January 13, 2011	(896637)
Item 29	February 24, 2011	(909433)
Item 30	February 25, 2011	(892820)
Item 31	May 25, 2011	(938387)
Item 32	June 21, 2011	(945756)
Item 33	July 21, 2011	(953008)
Item 34	August 22, 2011	(959662)
Item 35	October 21, 2011	(971742)
Item 36	November 21, 2011	(977908)
Item 37	December 02, 2011	(958317)
Item 38	December 21, 2011	(984676)
Item 39	January 23, 2012	(990967)
Item 40	February 21, 2012	(998334)
Item 41	March 21, 2012	(1003853)
Item 42	April 12, 2012	(996242)
Item 43	July 23, 2012	(1031926)
Item 44	September 24, 2012	(1047077)
Item 45	October 22, 2012	(1062364)
Item 46	November 26, 2012	(1062365)
Item 47	December 27, 2012	(1062366)
Item 48	January 22, 2013	(1079739)
Item 49	March 27, 2013	(1089673)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- | | | | |
|---|---|-------------|--------------------------|
| 1 | Date: 05/31/2012 (1024549) | CN600131940 | |
| | 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 | | |
| 2 | Date: 07/30/2012 (1014698) | CN600131940 | |
| | 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) | | |

Final Effluent Limitations, No. 2 PERMIT
Description: Failure to discharge effluent in compliance with permitted effluent limitations.
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)
Final Effluent Limitations, No. 1 PERMIT
Description: Failure to discharge effluent in compliance with permitted effluent limitations.

3 Date: 07/31/2012 (1062363) CN600131940
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

4 Date: 01/31/2013 (1079738) CN600131940
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

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TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600343842, RN102097235, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600343842, City of Woodway **Classification:** SATISFACTORY **Rating:** 3.31

Regulated Entity: RN102097235, WACO METROPOLITAN AREA REGIONAL SEWERAGE SYSTEM WMARSS **Classification:** SATISFACTORY **Rating:** 4.68

Complexity Points: 12 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: Located at 1147 Treatment Plant Road, on the southwest bank of the Brazos River, approximately 4.5 miles downstream from the crossing of Interstate Highway 35 and the Brazos River in McLennan County, Texas

TCEQ Region: REGION 09 - WACO

ID Number(s):

WASTEWATER PERMIT WQ0011071001

WASTEWATER EPA ID TX0026506

WASTEWATER AUTHORIZATION R11071001

PRETREATMENT EPA ID TX0026506000

PRETREATMENT PERMIT WQ0011071001

WASTEWATER LICENSING LICENSE WQ0011071001

STORMWATER PERMIT TXR05Y207

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: May 20, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 20, 2008 to May 20, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Lanae Foard

Phone: (512) 239-2554

Site and Owner/Operator History:

- 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** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

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

Item 1	May 21, 2008	(691130)
Item 2	July 10, 2008	(712016)

Item 3	August 29, 2008	(712017)
Item 4	September 16, 2008	(712018)
Item 5	October 20, 2008	(728409)
Item 6	November 20, 2008	(728412)
Item 7	November 24, 2008	(728410)
Item 8	December 15, 2008	(728411)
Item 9	February 20, 2009	(751507)
Item 10	March 18, 2009	(751508)
Item 11	May 20, 2009	(925947)
Item 12	June 17, 2009	(925948)
Item 13	August 19, 2009	(925949)
Item 14	September 18, 2009	(925950)
Item 15	November 16, 2009	(925952)
Item 16	December 21, 2009	(925953)
Item 17	February 19, 2010	(807502)
Item 18	April 23, 2010	(831907)
Item 19	May 21, 2010	(831908)
Item 20	June 21, 2010	(846589)
Item 21	June 28, 2010	(925951)
Item 22	July 22, 2010	(861156)
Item 23	August 18, 2010	(867218)
Item 24	September 21, 2010	(874273)
Item 25	October 27, 2010	(870879)
Item 26	November 03, 2010	(902642)
Item 27	January 05, 2011	(896636)
Item 28	January 13, 2011	(896637)
Item 29	February 24, 2011	(909433)
Item 30	February 25, 2011	(892820)
Item 31	May 25, 2011	(938387)
Item 32	June 21, 2011	(945756)
Item 33	July 21, 2011	(953008)
Item 34	August 22, 2011	(959662)
Item 35	October 21, 2011	(971742)
Item 36	November 21, 2011	(977908)
Item 37	December 02, 2011	(958317)
Item 38	December 21, 2011	(984676)
Item 39	January 23, 2012	(990967)
Item 40	February 21, 2012	(998334)
Item 41	March 21, 2012	(1003853)
Item 42	April 12, 2012	(996242)
Item 43	July 23, 2012	(1031926)
Item 44	September 24, 2012	(1047077)
Item 45	October 22, 2012	(1062364)
Item 46	November 26, 2012	(1062365)
Item 47	December 27, 2012	(1062366)
Item 48	January 22, 2013	(1079739)
Item 49	March 27, 2013	(1089673)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- | | | | |
|---|---|-------------|--------------------------|
| 1 | Date: 05/31/2012 (1024549) | CN600343842 | |
| | 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 | | |
| 2 | Date: 07/30/2012 (1014698) | CN600343842 | |
| | 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) | | |

Description: Final Effluent Limitations, No. 2 PERMIT
Failure to discharge effluent in compliance with permitted effluent limitations.
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)
Final Effluent Limitations, No. 1 PERMIT
Description: Failure to discharge effluent in compliance with permitted effluent limitations.

3 Date: 07/31/2012 (1062363) CN600343842
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

4 Date: 01/31/2013 (1079738) CN600343842
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

The TCEQ is committed to accessibility.

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TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600516181, RN102097235, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600516181, City of Bellmead **Classification:** SATISFACTORY **Rating:** 3.34

Regulated Entity: RN102097235, WACO METROPOLITAN AREA REGIONAL SEWERAGE SYSTEM WMARSS **Classification:** SATISFACTORY **Rating:** 5.56

Complexity Points: 9 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: Located at 1147 Treatment Plant Road, on the southwest bank of the Brazos River, approximately 4.5 miles downstream from the crossing of Interstate Highway 35 and the Brazos River in McLennan County, Texas

TCEQ Region: REGION 09 - WACO

ID Number(s):

WASTEWATER PERMIT WQ0011071001

WASTEWATER EPA ID TX0026506

WASTEWATER AUTHORIZATION R11071001

PRETREATMENT EPA ID TX0026506000

PRETREATMENT PERMIT WQ0011071001

WASTEWATER LICENSING LICENSE WQ0011071001

STORMWATER PERMIT TXR05Y207

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: May 20, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 20, 2008 to May 20, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Lanae Foard

Phone: (512) 239-2554

Site and Owner/Operator History:

- 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** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 May 21, 2008 (691130)

Item 2	July 10, 2008	(712016)
Item 3	August 29, 2008	(712017)
Item 4	September 16, 2008	(712018)
Item 5	October 20, 2008	(728409)
Item 6	November 20, 2008	(728412)
Item 7	November 24, 2008	(728410)
Item 8	December 15, 2008	(728411)
Item 9	February 20, 2009	(751507)
Item 10	March 18, 2009	(751508)
Item 11	May 20, 2009	(925947)
Item 12	June 17, 2009	(925948)
Item 13	August 19, 2009	(925949)
Item 14	September 18, 2009	(925950)
Item 15	November 16, 2009	(925952)
Item 16	December 21, 2009	(925953)
Item 17	February 19, 2010	(807502)
Item 18	April 23, 2010	(831907)
Item 19	May 21, 2010	(831908)
Item 20	June 21, 2010	(846589)
Item 21	June 28, 2010	(925951)
Item 22	July 22, 2010	(861156)
Item 23	August 18, 2010	(867218)
Item 24	September 21, 2010	(874273)
Item 25	October 27, 2010	(870879)
Item 26	November 03, 2010	(902642)
Item 27	January 05, 2011	(896636)
Item 28	January 13, 2011	(896637)
Item 29	February 24, 2011	(909433)
Item 30	February 25, 2011	(892820)
Item 31	May 25, 2011	(938387)
Item 32	June 21, 2011	(945756)
Item 33	July 21, 2011	(953008)
Item 34	August 22, 2011	(959662)
Item 35	October 21, 2011	(971742)
Item 36	November 21, 2011	(977908)
Item 37	December 02, 2011	(958317)
Item 38	December 21, 2011	(984676)
Item 39	January 23, 2012	(990967)
Item 40	February 21, 2012	(998334)
Item 41	March 21, 2012	(1003853)
Item 42	April 12, 2012	(996242)
Item 43	July 23, 2012	(1031926)
Item 44	September 24, 2012	(1047077)
Item 45	October 22, 2012	(1062364)
Item 46	November 26, 2012	(1062365)
Item 47	December 27, 2012	(1062366)
Item 48	January 22, 2013	(1079739)
Item 49	March 27, 2013	(1089673)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- | | | | | |
|---|--------------|---|-----------------|----------|
| 1 | Date: | 05/31/2012 (1024549) | CN600516181 | |
| | 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 | | |
| | | | | |
| 2 | Date: | 07/30/2012 (1014698) | CN600516181 | |
| | 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) | | |

Final Effluent Limitations, No. 2 PERMIT
Description: Failure to discharge effluent in compliance with permitted effluent limitations.
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)
Final Effluent Limitations, No. 1 PERMIT
Description: Failure to discharge effluent in compliance with permitted effluent limitations.

3 Date: 07/31/2012 (1062363) CN600516181
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

4 Date: 01/31/2013 (1079738) CN600516181
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

The TCEQ is committed to accessibility.

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TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600637987, RN102097235, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600637987, City of Lacy-Lakeview **Classification:** SATISFACTORY **Rating:** 1.88

Regulated Entity: RN102097235, WACO METROPOLITAN AREA REGIONAL SEWERAGE SYSTEM WMARSS **Classification:** SATISFACTORY **Rating:** 5.56

Complexity Points: 9 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: Located at 1147 Treatment Plant Road, on the southwest bank of the Brazos River, approximately 4.5 miles downstream from the crossing of Interstate Highway 35 and the Brazos River in McLennan County, Texas

TCEQ Region: REGION 09 - WACO

ID Number(s):

WASTEWATER PERMIT WQ0011071001

WASTEWATER EPA ID TX0026506

WASTEWATER AUTHORIZATION R11071001

PRETREATMENT EPA ID TX0026506000

PRETREATMENT PERMIT WQ0011071001

WASTEWATER LICENSING LICENSE WQ0011071001

STORMWATER PERMIT TXR05Y207

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: May 20, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 20, 2008 to May 20, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Lanae Foard

Phone: (512) 239-2554

Site and Owner/Operator History:

- 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** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 May 21, 2008 (691130)

Description: Final Effluent Limitations, No. 2 PERMIT
Failure to discharge effluent in compliance with permitted effluent limitations.
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)
Final Effluent Limitations, No. 1 PERMIT
Description: Failure to discharge effluent in compliance with permitted effluent limitations.

3 Date: 07/31/2012 (1062363) CN600637987
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

4 Date: 01/31/2013 (1079738) CN600637987
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

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600738348, RN102097235, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600738348, City of Lorena **Classification:** SATISFACTORY **Rating:** 2.95

Regulated Entity: RN102097235, WACO METROPOLITAN AREA REGIONAL SEWERAGE SYSTEM WMARSS **Classification:** SATISFACTORY **Rating:** 4.68

Complexity Points: 12 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: Located at 1147 Treatment Plant Road, on the southwest bank of the Brazos River, approximately 4.5 miles downstream from the crossing of Interstate Highway 35 and the Brazos River in McLennan County, Texas

TCEQ Region: REGION 09 - WACO

ID Number(s):

WASTEWATER PERMIT WQ0011071001

WASTEWATER EPA ID TX0026506

WASTEWATER AUTHORIZATION R11071001

PRETREATMENT EPA ID TX0026506000

PRETREATMENT PERMIT WQ0011071001

WASTEWATER LICENSING LICENSE WQ0011071001

STORMWATER PERMIT TXR05Y207

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: May 20, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 20, 2008 to May 20, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Lanae Foard

Phone: (512) 239-2554

Site and Owner/Operator History:

- 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** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 May 21, 2008 (691130)

Item 2	July 10, 2008	(712016)
Item 3	August 29, 2008	(712017)
Item 4	September 16, 2008	(712018)
Item 5	October 20, 2008	(728409)
Item 6	November 20, 2008	(728412)
Item 7	November 24, 2008	(728410)
Item 8	December 15, 2008	(728411)
Item 9	February 20, 2009	(751507)
Item 10	March 18, 2009	(751508)
Item 11	May 20, 2009	(925947)
Item 12	June 17, 2009	(925948)
Item 13	August 19, 2009	(925949)
Item 14	September 18, 2009	(925950)
Item 15	November 16, 2009	(925952)
Item 16	December 21, 2009	(925953)
Item 17	February 19, 2010	(807502)
Item 18	April 23, 2010	(831907)
Item 19	May 21, 2010	(831908)
Item 20	June 21, 2010	(846589)
Item 21	June 28, 2010	(925951)
Item 22	July 22, 2010	(861156)
Item 23	August 18, 2010	(867218)
Item 24	September 21, 2010	(874273)
Item 25	October 27, 2010	(870879)
Item 26	November 03, 2010	(902642)
Item 27	January 05, 2011	(896636)
Item 28	January 13, 2011	(896637)
Item 29	February 24, 2011	(909433)
Item 30	February 25, 2011	(892820)
Item 31	May 25, 2011	(938387)
Item 32	June 21, 2011	(945756)
Item 33	July 21, 2011	(953008)
Item 34	August 22, 2011	(959662)
Item 35	October 21, 2011	(971742)
Item 36	November 21, 2011	(977908)
Item 37	December 02, 2011	(958317)
Item 38	December 21, 2011	(984676)
Item 39	January 23, 2012	(990967)
Item 40	February 21, 2012	(998334)
Item 41	March 21, 2012	(1003853)
Item 42	April 12, 2012	(996242)
Item 43	July 23, 2012	(1031926)
Item 44	September 24, 2012	(1047077)
Item 45	October 22, 2012	(1062364)
Item 46	November 26, 2012	(1062365)
Item 47	December 27, 2012	(1062366)
Item 48	January 22, 2013	(1079739)
Item 49	March 27, 2013	(1089673)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- | | | | | |
|---|--------------|---|-----------------|----------|
| 1 | Date: | 05/31/2012 (1024549) | CN600738348 | |
| | 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 | | |
| | | | | |
| 2 | Date: | 07/30/2012 (1014698) | CN600738348 | |
| | 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) | | |

Description: Final Effluent Limitations, No. 2 PERMIT
Failure to discharge effluent in compliance with permitted effluent limitations.
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)
Final Effluent Limitations, No. 1 PERMIT
Description: Failure to discharge effluent in compliance with permitted effluent limitations.

3 Date: 07/31/2012 (1062363) CN600738348
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

4 Date: 01/31/2013 (1079738) CN600738348
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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
CITIES OF WACO, WOODWAY,	§	TEXAS COMMISSION ON
BELLMEAD, LACY-LAKEVIEW,	§	
ROBINSON, HEWITT, AND LORENA	§	
RN102097235	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2013-0991-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the Cities of Waco, Woodway, Bellmead, Lacy-Lakeview, Robinson, Hewitt, and Lorena ("Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents presented this agreement to the Commission.

The Respondents understand that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondents agree to waive all notice and procedural rights.

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

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

I. FINDINGS OF FACT

1. The Respondents own and operate a wastewater treatment facility located at 1147 Treatment Plant Road, on the southwest bank of the Brazos River, approximately 4.5 miles downstream from the crossing of Interstate Highway 35 and the Brazos River, with an associated collection system that includes an interceptor line that crosses Cottonwood Creek about 0.5 mile southeast of the intersection of 12th Street and Loop 340, in McLennan County, Texas (the "Facility").
2. The Respondents have discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation conducted on February 19, 2013, TCEQ staff documented that a sewer line rupture resulted in the overflow of approximately 48,000 gallons of wastewater from a 42 inch concrete interceptor line that crosses Cottonwood Creek about 0.5 mile southeast of the intersection of 12th Street and Loop 340, into Cottonwood Creek, resulting in a fish kill of approximately five fish and one crayfish.
4. The Respondents received notice of the violations on April 29, 2013.
5. The Executive Director recognizes that the Respondents have implemented the following corrective measures at the Facility:
 - a. By February 18, 2013, installed a sewer plug upstream of the discharge point to stop flow into the ruptured line, diverted flow into a parallel interceptor line, and began dispersing chlorine tablets downstream of the leak;
 - b. By February 19, 2013, completed cleanup of the affected area and disposed of the dead fish; and
 - c. By April 26, 2013, completed the replacement of the ruptured line.

II. CONCLUSIONS OF LAW

1. The Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondents failed to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN CODE § 305.125(1) and Texas Pollutant Discharge Elimination System Permit No. WQ0011071001, Permit Conditions 2.g.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondents for violations of the Texas Water Code.

and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

4. An administrative penalty in the amount of Seven Thousand One Hundred Twenty-Five Dollars (\$7,125) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondents have paid the Seven Thousand One Hundred Twenty-Five Dollar (\$7,125) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondents are assessed an administrative penalty in the amount of Seven Thousand One Hundred Twenty-Five Dollars (\$7,125) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondents' compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Cities of Waco, Woodway, Bellmead, Lacy-Lakeview, Robinson, Hewitt, and Lorena, Docket No. 2013-0991-MWD-E" to:

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

2. The Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondents fail 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 Respondents' failure to comply is not a violation of this Agreed Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become

aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondents if the Executive Director determines that the Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Perry Nove J
For the Executive Director

10/31/13
Date

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

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

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

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

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

Larry D. Groth
Signature AB

Date

Larry D. Groth, P.E.
Name (Printed or typed)
Authorized Representative of
City of Waco

City Manager
Title

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela Davis
For the Executive Director

12/31/13
Date

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

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

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

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

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

[Signature]
Signature

8/29/13
Date

Y. Zakharov
Name (Printed or typed)
Authorized Representative of
City of Woodway

C/M / PSD
Title

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

10/31/13
Date

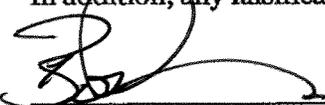
I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Bellmead. I am authorized to agree to the attached Agreed Order on behalf of the City of Bellmead, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting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

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

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

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

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


Signature

8-23-13
Date

BO THOMAS
Name (Printed or typed)
Authorized Representative of
City of Bellmead

CITY MANAGER
Title

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Newberry
For the Executive Director

10/31/13
Date

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

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

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

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

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


Signature

08-26-13
Date

Keith Bond
Name (Printed or typed)
Authorized Representative of
City of Lacy-Lakeview

City Manager
Title

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela Jones
For the Executive Director

10/31/12
Date

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

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

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

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

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

Robert E. Cervenk
Signature

August 25, 2013
Date

Robert E. Cervenk
Name (Printed or typed)
Authorized Representative of
City of Robinson

City Manager
Title

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela Davis
For the Executive Director

10/31/13
Date

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

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

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

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

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

Alan Miles
Signature

8.23.13
Date

Alan Miles
Name (Printed or typed)
Authorized Representative of
City of Hewitt

City Manager
Title

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pommanj
For the Executive Director

10/31/13
Date

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

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

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

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

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

Billy Clemons
Signature

8/23/13
Date

BILLY CLEMONS
Name (Printed or typed)
Authorized Representative of
City of Lorena

CITY MANAGER
Title

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