

City of Hawk Cove
RN104265848
Docket No. 2011-1708-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions over the prior five year period for the same violations.

Media:

MWD

Small Business:

N/A

Location(s) Where Violation(s) Occurred:

9543 Morris Drive, 3,600 feet southeast of the intersection of County Road 3613 and County Road 3608, Hawk Cove, Hunt 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:	December 7, 2012
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Comments Received:	None
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Penalty Information

Total Penalty Assessed:	\$35,790
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Amount Deferred for Financial Inability to Pay:	\$35,790
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Total Paid to General Revenue:	\$0
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Total Due to General Revenue:	\$0
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SEP Conditional Offset:	N/A
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Compliance History Classifications:

Person/CN – Average
Site/RN – Average

Major Source:	No
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Statutory Limit Adjustment:	None
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Applicable Penalty Policy:	September 2002
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City of Hawk Cove
RN104265848
Docket No. 2011-1708-MWD-E

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: June 21, 2011; October 5, 2011
Date(s) of NOV(s): See Compliance History - 39 related NOVs
Date(s) of NOE(s): August 17, 2011

Violation Information

1. Failed to comply with permitted effluent limits [TEX. WATER CODE § 26.121(a) and (c); 30 TEX. ADMIN CODE § 305.125(1); Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014522001, Effluent Limitations and Monitoring Requirements Nos. 1, 3, and 6; and Agreed Order Docket No. 2008-1821-MWD-E, Ordering Provision No. 2].
2. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2010, by September 1, 2010 [30 TEX. ADMIN CODE § 305.125(17) and TPDES Permit No. WQ0014522001, Sludge Provisions].
3. Failed to prevent an unauthorized discharge from the collection system [TEX. WATER CODE § 26.121(a) and (c) 30 TEX. ADMIN. CODE § 305.125(1); and TPDES Permit No. WQ0014522001, Permit Conditions No. 2.g.].
4. Failed to ensure the flow meter is accurately calibrated [30 TEX. ADMIN. CODE § 305.125(1); and TPDES Permit No. WQ0014522001, Monitoring and Reporting Requirements No. 5].
5. Failed to submit effluent monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0014522001, Monitoring and Reporting Requirements No. 1.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

1. Submitted the annual sludge report for the monitoring period ending July 31, 2010 (violation no. 2); and
2. Cleaned up the discharge from the Amy Street lift station on or about March 3, 2011 (violation no. 3).

Technical Requirements:

1. Within 30 days:
 - a. Submit documentation demonstrating that the flow meter has been calibrated (violation no. 4); and
 - b. Submit the Discharge Monitoring Report for the monitoring period ending May 31, 2011 (violation no. 5).
2. Within 45 days, submit documentation to certify compliance with Technical Requirement No. 1.
3. Within 60 days, develop a solids management plan. The plan shall outline a program of internal process control testing to monitor the efficiency of the Facility and to maintain the proper solids balance within the system. The plan shall provide procedures designed as guidance for the Facility's operator to act on as a result of process control tests, to properly adjust the solids balance, and to determine sludge wasting rates. The plan shall be prepared by a Texas registered professional engineer or an "A" TCEQ Certified Wastewater Operator. At a minimum, the plan should contain the following:
 - a. A schedule of regular and periodic examinations of the wastewater solids within the Facility by the operator to maintain the appropriate quantity and quality of solids;

City of Hawk Cove
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Docket No. 2011-1708-MWD-E

- b. A program to maintain records of the examinations, process control test results and solids removal; and
 - c. Organized, written records of the process control analyses shall be maintained for a period of three years at the Facility in a daily log book and shall be made available to TCEQ representatives upon request.
4. Within 90 days, the engineer or "A" operator shall review the solids management plan in the field with Respondent's operator. Immediately following the field review, Respondent shall implement the plan.
 5. Within 105 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 3 and 4.
 6. Within 180 days, and on a quarterly basis thereafter, submit progress reports documenting actions taken to achieve compliance with permitted effluent limits.
 7. Within 365 days, submit certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014522001, 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 limitations.

Litigation Information

Date Petition(s) Filed: March 1, 2012
Date Answer(s) Filed: March 12, 2012
SOAH Referral Date: May 4, 2012
Hearing Date(s):
Preliminary hearing: July 12, 2012
Evidentiary hearing: November 20, 2012 (scheduled)
Settlement Date: October 29, 2012

Contact Information

TCEQ Attorneys: Tammy L. Mitchell, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Scott Humphrey, Public Interest Counsel, (512) 239-6363
TCEQ SEP Coordinator: N/A
TCEQ Enforcement Coordinator: Cheryl Thompson, Enforcement Division, (817) 588-5800
TCEQ Regional Contact: Sam Barrett, Dallas - Fort Worth Regional Office, (817) 588-5800
Respondent: The Honorable Dwain Moore Moore, Mayor, City of Hawk Cove, 1585 Maria, Hawk Cove, Texas 75474
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	28-Nov-2011	Screening	8-Dec-2011	EPA Due	
	PCW	12-Jan-2012				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Hawk Cove
Reg. Ent. Ref. No.	RN104265848
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	42442	No. of Violations	5
Docket No.	2011-1708-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Cheryl Thompson
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$13,600
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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	235.0% Enhancement	Subtotals 2, 3, & 7	\$31,960
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Notes	Enhancement for 34 self-reported effluent violations, five NOVs for same/similar violations and two orders with denial of liability.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$250
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,781	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$11,625	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$45,310
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-21.0%	Adjustment	-\$9,520
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommend reduction in the penalty so that monthly self-reported effluent violations do not overly-impact the penalty amount and to prevent double enhancement of the penalty for the same violations that were self-reported.
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Final Penalty Amount	\$35,790
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$35,790
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$35,790
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Screening Date 8-Dec-2011

Docket No. 2011-1708-MWD-E

PCW

Respondent City of Hawk Cove

Case ID No. 42442

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104265848

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	39	195%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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) 235%

>> 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 34 self-reported effluent violations, five NOVs for same/similar violations and two orders with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 235%

Screening Date 8-Dec-2011
Respondent City of Hawk Cove
Case ID No. 42442
Reg. Ent. Reference No. RN104265848
Media [Statute] Water Quality
Enf. Coordinator Cheryl Thompson

Docket No. 2011-1708-MWD-E

PCW

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

Violation Number

Rule Cite(s) Agreed Order Docket No. 2008-1821-MWD-E Ordering Provision No. 2; Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014522001, Effluent Limitations and Monitoring Requirements Nos. 1, 3, and 6, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a) and (c)

Violation Description Failed to comply with permitted effluent limits, as documented during an investigation conducted on June 21, 2011 and a record review conducted on October 5, 2011. See attached table.

Base Penalty

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen and carbonaceous biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels that are 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

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="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Eleven quarterly events are recommended, from the effective date of the Agreed Order (May 3, 2009) to the screening date (December 8, 2011).

Good Faith Efforts to Comply

Reduction

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

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

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 VIOLATION TABLE
CITY OF HAWK COVE
DOCKET NO. 2011-1708-MWD-E; RN104265848
TPDES PERMIT NO. WQ0014522001
Violation No. 1

	CBOD5 Daily Avg. Conc. 10 mg/L	CBOD5 Single Grab Conc. 35 mg/L	NH3-N Daily Avg. Conc. 3 mg/L	NH3-N Single Grab Conc. 15 mg/L	NH3-N Daily Avg. Loading 5 lbs/day	DO Monthly Min. 4 mg/L	pH Monthly Min. 6 su	TSS Daily Avg. Conc. 15 mg/L	TSS Single Grab Conc. 60 mg/L
May 2009	c	c	c	c	c	3.5	5.3	40.28	62.9
Jun. 2009	c	c	c	c	c	3.1	5.1	22.2	c
Nov. 2009	c	c	c	c	c	c	c	16.12	c
Dec. 2009	c	c	c	c	c	c	c	18.26	c
Jan. 2010	c	c	c	c	c	c	c	30.75	74.3
May 2010	23.69	72	16.79	36.9	5.82	1.6	c	20	c
Jun. 2010	c	c	11.8	19	c	2.1	c	c	c
Jul. 2010	c	c	c	c	c	3.9	c	c	c
Sept. 2010	c	c	c	c	c	c	5.5	19.75	c
Oct. 2010	c	c	c	c	c	c	4.1	20.46	c
Nov. 2010	c	c	c	c	c	c	3.9	33.5	c
Dec. 2010	10.08	c	24.87	33	33.59	c	c	22.75	c

	CBOD5 Daily Avg. Conc. 10 mg/L	CBOD5 Single Grab Conc. 35 mg/L	NH3-N Daily Avg. Conc. 3 mg/L	NH3-N Single Grab Conc. 15 mg/L .	NH3-N Daily Loading 5 lbs/day	DO Monthly Min. 4 mg/L	pH Monthly Min. 6 su	TSS Daily Avg. Conc. 15 mg/L	TSS Single Grab Conc. 60 mg/L
Jan. 2011	c	c	22.95	26.2	8.36	c	c	16.5	c
Feb. 2011	14.9	c	16	19.7	c	c	c	19.8	c
Apr. 2011	c	c	3.26	c	c	c	c	c	c
Jun. 2011	c	c	4.29	c	c	c	c	c	c
Jul. 2011	c	c	5.57	18.4	c	3.2	c	18.86	c
Aug. 2011	c	c	c	c	c	c	5.7	20.32	c

m = mg/L milligrams per liter; CBOD5 = carbonaceous biochemical oxygen demand (5-day); Avg. = average; Conc. = concentration; lbs/day = pounds per day; TSS = total suspended solids; c = compliant; min. = minimum; DO = dissolved oxygen; su = standard units; NH3-N = ammonia nitrogen

Economic Benefit Worksheet

Respondent City of Hawk Cove
Case ID No. 42442
Reg. Ent. Reference No. RN104265848
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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	3-May-2009	31-Oct-2012	3.50	\$1,749	n/a	\$1,749

Notes for DELAYED costs

The estimated cost to evaluate the causes of the effluent violations and to implement necessary rehabilitation to the wastewater treatment system. Date required is the effective date of the Agreed Order. Final date is the expected 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

\$10,000

TOTAL

\$1,749

Screening Date 8-Dec-2011

Docket No. 2011-1708-MWD-E

PCW

Respondent City of Hawk Cove

Policy Revision 2 (September 2002)

Case ID No. 42442

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104265848

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0014522001, Sludge Provisions

Violation Description Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2010 by September 1, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
				x	

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

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 463 Number of violation days

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

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$265

This violation Final Assessed Penalty (adjusted for limits) \$265

Economic Benefit Worksheet

Respondent City of Hawk Cove
Case ID No. 42442
Reg. Ent. Reference No. RN104265848
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$50	1-Sep-2010	20-Jun-2011	0.80	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to prepare and submit the annual sludge report for the monitoring period ending July 31, 2010. Date required is the date the report was due. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$2

Screening Date 8-Dec-2011
Respondent City of Hawk Cove
Case ID No. 42442
Reg. Ent. Reference No. RN104265848
Media [Statute] Water Quality
Enf. Coordinator Cheryl Thompson

Docket No. 2011-1708-MWD-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number

Rule Cite(s)

Tex. Water Code § 26.121(a) and (c); TPDES Permit No. WQ0014522001, Permit Conditions No. 2.g. and 30 Tex. Admin. Code § 305.125(1)

Violation Description

Failed to prevent an unauthorized discharge from the collection system, as documented during an investigation conducted on June 21, 2011. Specifically, on March 2, 2011 approximately 1,500 gallons of wastewater discharged from the Amy Street lift station to a nearby creek which discharges into Lake Tawakoni.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Human health and the environment has been exposed to insignificant amounts of pollutants as a result of this violation.

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 type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

One quarterly event is recommended.

Good Faith Efforts to Comply

Reduction

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

Notes

The Respondent returned to compliance on March 3, 2011.

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)

Economic Benefit Worksheet

Respondent City of Hawk Cove
Case ID No. 42442
Reg. Ent. Reference No. RN104265848
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	2-Mar-2011	3-Mar-2011	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to vacuum out the lift station and unclog the pumps. Date required is the date of the unauthorized discharge. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$0

Screening Date 8-Dec-2011
Respondent City of Hawk Cove
Case ID No. 42442
Reg. Ent. Reference No. RN104265848
Media [Statute] Water Quality
Enf. Coordinator Cheryl Thompson

Docket No. 2011-1708-MWD-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number

Rule Cite(s)

TPDES Permit No. WQ0014522001, Monitoring and Reporting Requirements No. 5 and 30 Tex. Admin. Code § 305.125(1)

Violation Description

Failed to ensure the flow meter is accurately calibrated, as documented during an investigation conducted on June 21, 2011. Specifically, the measured flow through a 60 degree V-notch observed during the investigation was 0.4 feet and the recorded flow from the meter was 93.5 gallons per minute ("gpm"). The recorded flow of 0.4 feet converts to 0.0944 million gallons per day ("MGD") and 93.5 gpm converts to 0.1346 MGD which is a difference of 42.6%.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/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

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

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)

Economic Benefit Worksheet

Respondent City of Hawk Cove
Case ID No. 42442
Reg. Ent. Reference No. RN104265848
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$300	21-Jun-2011	30-Apr-2012	0.86	\$13	n/a	\$13

Notes for DELAYED costs

Estimated cost to calibrate the flow meter. Date required is the investigation date. Final date is the projected 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

\$300

TOTAL

\$13

Screening Date 8-Dec-2011
Respondent City of Hawk Cove
Case ID No. 42442
Reg. Ent. Reference No. RN104265848
Media [Statute] Water Quality
Enf. Coordinator Cheryl Thompson

Docket No. 2011-1708-MWD-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number 5

Rule Cite(s) TPDES Permit No. WQ0014522001 Monitoring and Reporting Requirements No. 1 and 30 Tex. Admin. Code §§ 305.125(17) and 319.7(d)

Violation Description

Failed to submit effluent monitoring results at the intervals specified in the permit, as documented during an investigation conducted on October 5, 2011. Specifically, the discharge monitoring report ("DMR") for the monitoring period ending May 31, 2011 has not been submitted.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%
100% of the rule requirement was not met.					

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 171 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction
Before NOV NOV to EDPRP/Settlement Offer

\$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$2,646

This violation Final Assessed Penalty (adjusted for limits) \$2,646

Economic Benefit Worksheet

Respondent City of Hawk Cove
Case ID No. 42442
Reg. Ent. Reference No. RN104265848
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	20-Jun-2011	31-Aug-2012	1.20	\$15	n/a	\$15
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	20-Jun-2011	31-Aug-2012	1.20	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to submit the missing DMR, to conduct employee training and to update the Facility's operational guidance. Date required is the date the DMR was due and the final date is the projected 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

\$275

TOTAL

\$17

Compliance History

Customer/Respondent/Owner-Operator:	CN602626699	City of Hawk Cove	Classification: AVERAGE	Rating: 3.98
Regulated Entity:	RN104265848	CITY OF HAWK COVE WWTP	Classification: AVERAGE	Site Rating: 3.98
ID Number(s):		WASTEWATER	PERMIT	WQ0014522001
		WASTEWATER	EPA ID	TX0126691
Location:	9543 MORRIS DRIVE, 3,600 FEET SOUTHEAST OF THE INTERSECTION OF COUNTY ROAD 3613 AND COUNTY ROAD 3608 IN HUNT COUNTY, TEXAS			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	January 12, 2012			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 08, 2006 to December 08, 2011			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name:	Cheryl Thompson		Phone:	(817) 588-5886

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. If **YES**, 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.
- Effective Date: 05/03/2009** ADMINORDER 2008-1821-MWD-E
- Classification: Moderate
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
- Rqmt Prov: Effluent Limits PERMIT
- Description: Failure to comply with permit effluent limits.
- Effective Date: 03/08/2010** ADMINORDER 2009-1193-MWD-E
- Classification: Minor
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
- Rqmt Prov: WQ0014522-001 PERMIT
- Description: Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures, as documented during a record review conducted on June 23, 2009.
- 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 | 12/06/2007 | | 21 | 05/21/2009 | (773720) | 41 | 06/30/2010 | (862540) |
| 2 | 05/19/2008 | (696796) | 22 | 09/16/2009 | (776177) | 42 | 08/23/2010 | (869156) |
| 3 | 04/22/2008 | (696797) | 23 | 12/01/2009 | (784042) | 43 | 09/22/2010 | (876021) |
| 4 | 11/07/2008 | (706046) | 24 | 02/25/2010 | (821548) | 44 | 10/22/2010 | (883603) |
| 5 | 03/20/2008 | (718506) | 25 | 06/22/2009 | (821549) | 45 | 12/17/2010 | (885100) |
| 6 | 04/22/2008 | (718507) | 26 | 07/20/2009 | (821550) | 46 | 11/22/2010 | (889978) |
| 7 | 06/20/2008 | (718508) | 27 | 08/21/2009 | (821551) | 47 | 02/16/2011 | (892791) |
| 8 | 07/23/2008 | (718509) | 28 | 12/09/2009 | (821552) | 48 | 12/22/2010 | (898397) |
| 9 | 08/21/2008 | (718510) | 29 | 09/21/2009 | (821553) | 49 | 01/24/2011 | (904235) |
| 10 | 09/30/2008 | (733738) | 30 | 10/20/2008 | (821554) | 50 | 02/22/2011 | (911107) |
| 11 | 09/22/2008 | (733739) | 31 | 10/21/2009 | (821555) | 51 | 03/21/2011 | (918396) |
| 12 | 12/22/2008 | (733740) | 32 | 11/20/2009 | (821556) | 52 | 04/20/2011 | (931354) |
| 13 | 03/22/2009 | (739173) | 33 | 12/21/2009 | (821557) | 53 | 05/24/2011 | (940129) |
| 14 | 02/24/2009 | (756884) | 34 | 01/21/2010 | (821558) | 54 | 06/07/2011 | (940869) |
| 15 | 01/22/2009 | (756885) | 35 | 03/22/2010 | (836839) | 55 | 10/04/2011 | (944757) |
| 16 | 06/29/2009 | (759600) | 36 | 05/24/2010 | (836840) | 56 | 08/17/2011 | (948747) |
| 17 | 08/27/2009 | (762892) | 37 | 08/24/2010 | (844271) | 57 | 07/22/2011 | (954777) |
| 18 | 08/24/2009 | (766952) | 38 | 08/02/2010 | (845954) | 58 | 11/21/2011 | (958682) |
| 19 | 03/23/2009 | (773718) | 39 | 06/22/2010 | (848092) | 59 | 08/22/2011 | (961357) |
| 20 | 04/22/2009 | (773719) | 40 | 08/17/2010 | (862539) | 60 | 09/22/2011 | (967476) |
| | | | | | | 61 | 10/24/2011 | (973418) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- Date: 02/29/2008 (718506)
- Self Report? Classification: Moderate
YES
- Citation: 2D TWC Chapter 26, SubChapter A 26.1: CN602626699
30 TAC Chapter 305, SubChapter F 305.125(1)
- Description: Failure to meet the limit for one or more permit parameter
- Date: 03/31/2008 (718507)
- Self Report? Classification: Moderate
YES
- Citation: 2D TWC Chapter 26, SubChapter A 26.1: CN602626699
30 TAC Chapter 305, SubChapter F 305.125(1)
- Description: Failure to meet the limit for one or more permit parameter

Date:	04/30/2008	(696796)		
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.1: CN602626699 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	05/31/2008	(718508)		
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.1: CN602626699 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	06/30/2008	(718509)		
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.1: CN602626699 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	07/31/2008	(718510)		
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.1: CN602626699 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	08/31/2008	(821552)		
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.1: CN602626699 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	09/01/2008	(733738)		
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.1: CN602626699 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	09/30/2008	(821554)		
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.1: CN602626699 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	10/31/2008	(733739)		
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.1: CN602626699 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	11/30/2008	(733740)		
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	12/31/2008	(756885)	CN602626699	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	01/31/2009	(756884)	CN602626699	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	02/28/2009	(773718)	CN602626699	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	03/31/2009	(773719)	CN602626699	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	04/30/2009	(773720)	CN602626699	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)			

Description:	30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter		
Date:	05/31/2009 (821549)	CN602626699	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2009 (821550)	CN602626699	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/31/2009 (762892)	CN602626699	
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 317 317.4(a)(8) 30 TAC Chapter 317 317.7(i)		
Description:	Failure to have the RPZ backflow prevention device tested on an annual basis.		
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)		
Description:	Failure to ensure the collection system meets TCEQ design regulations.		
Self Report?	NO		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(5) WQ0014522-001 PERMIT		
Description:	Failure to prevent unauthorized discharges from the wastewater plant or collection system.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014522-001 PERMIT		
Description:	Failure to provide a legible staff gauge.		
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014522-001 PERMIT		
Description:	Failure to comply with the permit flow limits.		
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014522-001 PERMIT		
Description:	Failure to comply with the self-monitoring permit limitations.		
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c) WQ0014522-001 PERMIT		
Description:	Failure to submit the required Discharge Monitoring Reports, as required, by the 20th of the following month.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014522-001 PERMIT		
Description:	Failure to comply with the noncompliance notification reporting requirements.		
Date:	11/30/2009 (821557)	CN602626699	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	12/31/2009 (821558)	CN602626699	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2010 (821548)	CN602626699	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2010 (848092)	CN602626699	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2010 (862540)	CN602626699	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		

Description:	30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter		
Date:	07/31/2010 (869156)	CN602626699	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/02/2010 (845954)	CN602626699	
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Date:	08/24/2010 (844271)	CN602626699	
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014522-001 PERMIT		
Description:	Failure to comply with the peak flow limit due to inflow and infiltration.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014522-001 PERMIT		
Description:	Failure to comply with the self-monitoring permit limitations.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014522-001 PERMIT		
Description:	Failure to comply with the noncompliance notification reporting requirements, specifically when an effluent monitoring parameter exceeds the permitted value by greater than 40% or has the potential of endangering human health or safety, or the environment.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C) WQ0014522-001 PERMIT		
Description:	Failure to submit the annual sludge reports by September 1 as required.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) WQ0014522-001 PERMIT		
Description:	Failure to adequately secure the lift stations serving the plant.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 317 317.4(a)(8) 30 TAC Chapter 317 317.7(i) WQ0014522-001 PERMIT		
Description:	Failure to have the RPZ backflow prevention device tested on an annual basis.		
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014522-001 PERMIT		
Description:	Failure to annually calibrate the secondary flow measuring device.		
Date:	09/30/2010 (883603)	CN602626699	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	10/31/2010 (889978)	CN602626699	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	11/30/2010 (898397)	CN602626699	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	12/31/2010 (904235)	CN602626699	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2011 (911107)	CN602626699	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		

	Description:	30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter		
	Date:	02/28/2011 (918396)	CN602626699	
	Self Report?	YES		Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
	Date:	04/30/2011 (940129)	CN602626699	
	Self Report?	YES		Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
	Date:	06/07/2011 (940869)	CN602626699	
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	Date:	06/30/2011 (954777)	CN602626699	
	Self Report?	YES		Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
	Date:	07/31/2011 (961357)	CN602626699	
	Self Report?	YES		Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
	Date:	08/15/2011 (944757)	CN602626699	
	Self Report?	NO		Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limits PERMIT		
	Description:	Failure to comply with permit effluent limits.		
	Date:	08/31/2011 (967476)	CN602626699	
	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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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF HAWK COVE;
RN104265848**

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§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2011-1708-MWD-E

At its _____ agenda meeting, 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 Hawk Cove ("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 presented this Agreed Order to the Commission.

Respondent understands that it has 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, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement 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 Respondent.

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

FINDINGS OF FACT

1. Respondent owns and operates a wastewater treatment plant located at 9543 Morris Drive, 3,600 feet southeast of the intersection of County Road 3613 and County Road 3608 in Hawk Cove, Hunt 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. During an investigation conducted on June 21, 2011, by a TCEQ Dallas/Fort Worth Regional Office investigator, and a record review conducted on October 5, 2011, by a TCEQ Central Office investigator, it was documented that Respondent failed to comply with permitted effluent limits for:
 - a. Carbonaceous Biochemical Oxygen Demand 5-day ("CBOD₅") Daily Average Concentration in May 2010, December 2010, and February 2011;
 - b. CBOD₅ Single Grab Concentration in May 2010;
 - c. Ammonia-Nitrogen ("NH₃-N") Daily Average Concentration in May 2010, June 2010, December 2010, January 2011, February 2011, April 2011, June 2011, and July 2011;

- d. NH₃-N Single Grab Concentration in May 2010, June 2010, December 2010, January 2011, February 2011, and July 2011;
 - e. NH₃-N Daily Average Loading in May 2010, December 2010, and January 2011;
 - f. Dissolved Oxygen ("DO") Monthly Minimum Concentration in May 2009, June 2009, May 2010, June 2010, July 2010, and July 2011;
 - g. pH Monthly Minimum in May 2009, June 2009, September 2010, October 2010, November 2010, and August 2011;
 - h. Total Suspended Solids ("TSS") Daily Average Concentration in May 2009, June 2009, November 2009, December 2009, January 2010, May 2010, September 2010, October 2010, November 2010, December 2010, January 2011, February 2011, July 2011, and August 2011; and
 - i. TSS Single Grab Sample Concentration in May 2009 and January 2010.
3. During an investigation conducted on June 21, 2011, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Respondent:
- a. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2010, by September 1, 2010.
 - b. Failed to prevent an unauthorized discharge from the collection system. Specifically, on March 2, 2011, approximately 1,500 gallons of wastewater discharged from the Amy Street lift station to a nearby creek, which discharges into Lake Tawakoni; and
 - c. Failed to ensure the flow meter is accurately calibrated. Specifically, the measured flow through a 60 degree V-notch observed during the investigation was 0.4 feet and the recorded flow from the meter was 93.5 gallons per minute ("gpm"). The observed flow of 0.4 feet converts to 0.0944 million gallons per day ("MGD") and 93.5 gpm converts to 0.1346 MGD which is a difference of 42.6%.
4. During a record review conducted on October 5, 2011, a TCEQ Central Office investigator documented that Respondent failed to submit effluent monitoring results at the intervals specified in the permit. Specifically, the discharge monitoring report ("DMR") for the monitoring period ending May 31, 2011, has not been submitted.
5. Respondent received notice of the violations alleged in Findings of Fact Nos. 2 and 3 on or about August 22, 2011. Respondent received notice of the violations alleged in Finding of Fact No. 4 on or about November 26, 2011.
6. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility:
- a. Submitted the annual sludge report for the monitoring period ending July 31, 2010 (Finding of Fact No. 3.a./Conclusion of Law No. 3); and
 - b. Cleaned up the discharge from the Amy Street lift station on or about March 3, 2011 (Finding of Fact No. 3.b./Conclusion of Law No. 4).

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2, Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a) and (c); 30 TEX. ADMIN CODE § 305.125(1); Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014522001, Effluent Limitations and Monitoring Requirements Nos. 1, 3, and 6; and Agreed Order Docket No. 2008-1821-MWD-E, Ordering Provision No. 2.
3. As evidenced by Finding of Fact No. 3.a., Respondent failed to timely submit the annual sludge report for the monitoring period ending July 31, 2010, by September 1, 2010, in violation of 30 TEX. ADMIN CODE § 305.125(17) and TPDES Permit No. WQ0014522001, Sludge Provisions.
4. As evidenced by Finding of Fact No. 3.b., Respondent failed to prevent an unauthorized discharge from the collection system, in violation of TEX. WATER CODE § 26.121(a) and (c) 30 TEX. ADMIN. CODE § 305.125(1); and TPDES Permit No. WQ0014522001, Permit Conditions No. 2.g.
5. As evidenced by Finding of Fact No. 3.c., Respondent failed to ensure the flow meter is accurately calibrated, in violation of 30 TEX. ADMIN. CODE § 305.125(1); and TPDES Permit No. WQ0014522001, Monitoring and Reporting Requirements No. 5.
6. As evidenced by Finding of Fact No. 4, Respondent failed to submit effluent monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0014522001, Monitoring and Reporting Requirements No. 1.
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of thirty-five thousand seven hundred ninety dollars (\$35,790.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Financial Assurance Section of the Commission's Financial Administration Division reviewed the financial documentation submitted by Respondent and determined that Respondent is unable to pay the administrative penalty and qualifies for a deferral of the administrative penalty under TEX. WATER CODE § 7.034. Therefore, thirty-five thousand seven hundred ninety dollars (\$35,790.00) of the administrative penalty is deferred contingent upon Respondent's timely and satisfactory compliance with all the terms of this Agreed Order and shall be waived only upon full compliance with all the terms and conditions contained in this Agreed Order. If Respondent fails to timely and satisfactorily comply with any requirement contained in this Agreed Order, including any payment schedule, the Executive Director may require Respondent to pay all or part of the deferred administrative penalty.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 8, above, for violations of state statutes and rules of the TCEQ. The assessment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the matters set forth by this Agreed Order in this action. 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 Hawk Cove, Docket No. 2011-1708-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 30 days after the effective date of this Agreed Order, Respondent shall:
 - i. Submit documentation demonstrating that the flow meter has been calibrated, in accordance with 30 TEX. ADMIN. CODE § 305.125(1); and TPDES Permit No. WQ0014522001, Monitoring and Reporting Requirements No. 5 (Conclusion of Law No. 5); and
 - ii. Submit the DMR for the monitoring period ending May 31, 2011, in accordance with 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d); and TPDES Permit No. WQ0014522001, Monitoring and Reporting Requirements No. 1 (Conclusion of Law No. 6).
 - b. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification in accordance with Ordering Provision No.2.h., below, to demonstrate compliance with Ordering Provision No. 2.a.
 - c. Within 60 days after the effective date of this Agreed Order, Respondent shall develop a solids management plan. The plan shall outline a program of internal process control testing to monitor the efficiency of the Facility and to maintain the proper solids balance within the system. The plan shall provide procedures designed as guidance for the Facility's operator to act on as a result of process control tests, to properly adjust the solids balance, and to determine sludge wasting rates. The plan shall be prepared by a Texas registered professional engineer or an "A" TCEQ Certified Wastewater Operator. At a minimum, the plan should contain the following (Conclusion of Law No. 6):
 - i. A schedule of regular and periodic examinations of the wastewater solids within the Facility by the operator to maintain the appropriate quantity and quality of solids;
 - ii. A program to maintain records of the examinations, process control test results and solids removal; and

- iii. Organized, written records of the process control analyses shall be maintained for a period of three years at the Facility in a daily log book and shall be made available to TCEQ representatives upon request.
- d. Within 90 days after the effective date of this Agreed Order, the engineer or "A" operator shall review the solids management plan in the field with Respondent's operator. Immediately following the field review, Respondent shall implement the plan.
- e. Within 105 days after the effective date of this Agreed Order, Respondent shall submit written certification in accordance with Ordering Provision No.2.h., below, to demonstrate compliance with Ordering Provisions Nos. 2.c. and 2.d.
- f. Within 180 days after the effective date of Agreed Order, and on a quarterly basis thereafter, Respondent shall submit progress reports to the addresses in Ordering Provision No. 2.h., below, documenting actions taken to achieve compliance with permitted effluent limits (Conclusion of Law No. 6);
- g. Within 365 days after the effective date of this Agreed Order, Respondent shall submit certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014522001, 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 limitations (Conclusion of Law No. 6).
- h. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall 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:

Sid Slocum, Water Section Manager
Dallas - Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

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

4. The provisions of 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. 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 in this Agreed Order.
8. 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.
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. 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 notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Signature]
For the Executive Director

January 11, 2013
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 Hawk Cove, 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 Agreed 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]
Signature - Dwain Moore, Mayor
City of Hawk Cove

10/29/12
Date