

Executive Summary – Enforcement Matter – Case No. 43812
City of Big Lake
RN101611820
Docket No. 2012-0634-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Big Lake WTP, located approximately 530 feet south of U.S. Highway 67, approximately 1.14 miles east of the intersection of U.S. Highway 67 and State Highway 137, Reagan 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: November 16, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$18,340

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$18,340

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 43812
City of Big Lake
RN101611820
Docket No. 2012-0634-MWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: February 8, 2012
Date(s) of NOE(s): February 29, 2012

Violation Information

Failed to comply with permitted effluent limits for ammonia nitrogen and 5-day carbonaceous biochemical oxygen demand [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0010038001, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require Respondent to, within 90 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010038001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: 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: Jacquelyn Green, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2587; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

Executive Summary – Enforcement Matter – Case No. 43812
City of Big Lake
RN101611820
Docket No. 2012-0634-MWD-E

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Terry Jones, Mayor, City of Big Lake, P.O. Box 310, Big Lake, Texas 76932

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	5-Mar-2012	Screening	15-Mar-2012	EPA Due	
	PCW	20-Mar-2012				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Big Lake
Reg. Ent. Ref. No.	RN101611820
Facility/Site Region	8-San Angelo
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	2
Enf./Case ID No.	43812	Order Type	Findings
Docket No.	2012-0634-MWD-E	Government/Non-Profit	Yes
Media Program(s)	Water Quality	Enf. Coordinator	Jacquelyn Green
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$7,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **162.0%** Enhancement **Subtotals 2, 3, & 7** **\$11,340**

Notes Enhancement for two NOVs with same/similar violations, one NOV with dissimilar violation, 21 months of self-reported effluent violations, one order with denial of liability, and one order without denial of liability.

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

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

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

Total EB Amounts **\$899**
 Approx. Cost of Compliance **\$10,000**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$18,340**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$18,340**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$18,340**

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

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$18,340**

Screening Date 15-Mar-2012

Docket No. 2012-0634-MWD-E

PCW

Respondent City of Big Lake

Policy Revision 2 (September 2002)

Case ID No. 43812

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611820

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

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>)	23	115%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 162%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for two NOVs with same/similar violations, one NOV with dissimilar violation, 21 months of self-reported effluent violations, one order with denial of liability, and one order without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 162%

Screening Date 15-Mar-2012

Docket No. 2012-0634-MWD-E

PCW

Respondent City of Big Lake

Policy Revision 2 (September 2002)

Case ID No. 43812

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611820

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

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 ("TPDES") Permit No. WQ0010038001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as documented in a record review on February 8, 2012, and shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

A simplified model was utilized to evaluate the values for ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. The amounts discharged at the time of the violation were insignificant and did not exceed levels that are protective of human health or the environment.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 59 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,000

Two quarterly events are recommended for the quarters containing the months of February and May 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$899

Violation Final Penalty Total \$5,240

This violation Final Assessed Penalty (adjusted for limits) \$5,240

Economic Benefit Worksheet

Respondent City of Big Lake
Case ID No. 43812
Reg. Ent. Reference No. RN101611820
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	28-Feb-2011	15-Dec-2012	1.80	\$899	n/a	\$899

Notes for DELAYED costs

Estimated cost to evaluate the cause of non-compliance and to implement corrective actions. Date required is the first date of non-compliance. Final date is the anticipated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$899

Screening Date 15-Mar-2012

Docket No. 2012-0634-MWD-E

PCW

Respondent City of Big Lake

Policy Revision 2 (September 2002)

Case ID No. 43812

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101611820

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010038001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as documented in a record review on February 8, 2012, and shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was utilized to evaluate the values for ammonia nitrogen and carbonaceous biochemical oxygen demand (five-day) to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. The amounts discharged at the time of the violation exceeded levels that are protective of human health or the environment.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

30 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

One monthly event is recommended for the month of April 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$13,100

This violation Final Assessed Penalty (adjusted for limits) \$13,100

Economic Benefit Worksheet

Respondent City of Big Lake
Case ID No. 43812
Reg. Ent. Reference No. RN101611820
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
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No commas or \$

Delayed Costs

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

Notes for DELAYED costs

Economic benefit is included in Violation No. 1.

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

\$0

TOTAL

\$0

**City of Big Lake WWTP
 TPDES Permit No. WQ0010038001
 DOCKET NO. 2012-0634-MWD-E**

	Ammonia Nitrogen Daily Average Concentration	Ammonia Nitrogen Single Grab Concentration	Ammonia Nitrogen Daily Average Loading	CBOD₅ Daily Average Concentration	CBOD₅ Single Grab Concentration
Months:	Limit = 3 (mg/L)	Limit = 15 (mg/L)	Limit = 8.8 (lbs/day)	Limit = 10 (mg/L)	Limit = 35 (mg/L)
February 2011	5.54	15.4	11.95	c	c
April 2011	14.08	21.8	33.28	12.55	44.1
May 2011	6.23	c	14.51	c	c

mg/L = milligrams per liter

c = compliant

lbs/day = pounds per day

CBOD₅ = carbonaceous biochemical oxygen demand (5-day)

Compliance History Report

Customer/Respondent/Owner-Operator: CN600671341 City of Big Lake Classification: AVERAGE Rating: 3.37

Regulated Entity: RN101611820 BIG LAKE WTP Classification: AVERAGE Site Rating: 7.49

ID Number(s): WASTEWATER PERMIT WQ0010038001
WASTEWATER EPA ID TX0023426
WASTEWATER LICENSING LICENSE WQ0010038001

Location: approximately 530 feet south of United States Highway 67, approximately 1.14 miles east of the intersection of United States Highway 67 and the State Highway 137 in Reagan County, Texas

TCEQ Region: REGION 08 - SAN ANGELO

Date Compliance History Prepared: March 22, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 22, 2007 to March 22, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Jacquelyn Green Phone: (512) 239 - 2587

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: 11/09/2007

ADMINORDER 2007-0018-MWD-E

Classification: Moderate

Citation: 30 TAC Chapter 210, SubChapter C 210.34

Rqmt Prov: Auth. for Reclaimed Water, Gen'l Req. IV PERMIT

Description: Failure to monitor fecal coliform at least once per week as required by the City of Big Lake's Authorization for Reclaimed Water No. R10038-001, Part IV.

Classification: Moderate

Citation: 30 TAC Chapter 210, SubChapter C 210.36(2)

Rqmt Prov: Reclaimed Water Auth. Genl Req. V(a)(2) PERMIT

Description: Failure to complete and submit Monthly Effluent Reports (MERs) for January 2006 through September 2006 as required by the City of Big Lake's Reclaim Water Authorization.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: Sludge Provisions PERMIT

Description: Failure to timely submit annual sludge report for the period ending July 31, 2006 by September 1, 2006.

Classification: Moderate

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

Rqmt Prov: Monitoring and Reporting Reqs. No. 7a. PERMIT

Description: Failure to submit written noncompliance notification for effluent violations which deviate from the permitted effluent limitation by more than 40%.

Classification: Moderate
 Citation: 30 TAC Chapter 210, SubChapter C 210.33
 Rqmt Prov: Reclaimed Water Auth. , Gen'l Req. III PERMIT
 Description: Failure to only transfer water meeting the limits described for Type II Reclaimed Water use.

Effective Date: 06/20/2011 ADMINORDER 2010-1984-MWD-E
 Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: Reporting Requirement No. 1 PERMIT
 Description: Failure to properly complete DMRs. Specifically, the DMR for the month of March 2010 did not indicate the number of exceedances in the exceedance column for the 7-day average for total ammonia nitrogen and the DMR for the month of June 2010 did not indicate two exceedances in the number of exceedance column for the 7-day average and the daily maximum for total suspended solids.

Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PP II.1 PERMIT
 Description: Failure to comply with permitted effluent limits.

Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.126(a)
 Rqmt Prov: PP VI.8.a PERMIT

Description: Failure initiate engineering and financial planning for expansion or obtain a waiver after exceeding 75% of the permitted daily flow for more than three consecutive months. Specifically, a waiver was issued on May 19, 2009 with an effective date through the next permit action (renewal or amendment). The Facility's permit was renewed on September 11, 2009 resulting in the expiration of the waiver. The Facility's flow was exceeded by more than 75% for the months of 01/2010 through 06/2010.

Classification: Moderate
 Citation: 30 TAC Chapter 317 317.4(a)(8)
 30 TAC Chapter 317 317.7(i)

Description: Failure to install atmospheric vacuum breakers on potable water connections.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	07/08/2008	(431474)	12	12/27/2007	(620345)
2	04/20/2007	(577447)	13	01/22/2008	(672669)
3	05/23/2007	(577448)	14	02/29/2008	(690663)
4	06/26/2007	(577449)	15	03/17/2008	(690664)
5	05/29/2007	(577451)	16	04/28/2008	(690665)
6	07/19/2007	(602195)	17	05/22/2008	(690666)
7	09/04/2007	(602196)	18	11/04/2008	(704528)
8	09/20/2007	(602197)	19	02/09/2009	(710008)
9	12/04/2007	(610825)	20	06/18/2008	(711510)
10	10/22/2007	(620343)	21	07/21/2008	(711511)
11	11/26/2007	(620344)			

22	09/02/2008	(711512)	49	09/20/2010	(874104)
23	09/22/2008	(711513)	50	11/29/2010	(877300)
24	10/22/2008	(711514)	51	10/25/2010	(881717)
25	12/29/2008	(722186)	52	11/18/2010	(888224)
26	12/29/2008	(728046)	53	12/08/2010	(896479)
27	03/05/2009	(737544)	54	02/17/2011	(909293)
28	03/27/2009	(739869)	55	03/23/2011	(916551)
29	04/30/2009	(744209)	56	04/18/2011	(925410)
30	05/29/2009	(747438)	57	06/22/2009	(925411)
31	12/01/2008	(750950)	58	07/22/2009	(925412)
32	01/20/2009	(750951)	59	09/17/2009	(925413)
33	03/03/2009	(768887)	60	02/19/2010	(925414)
34	03/23/2009	(768888)	61	10/19/2009	(925415)
35	04/20/2009	(768889)	62	05/18/2011	(938234)
36	05/18/2009	(768890)	63	08/17/2011	(945099)
37	11/30/2009	(778935)	64	06/20/2011	(945609)
38	02/23/2010	(792085)	65	01/20/2010	(945610)
39	02/16/2010	(806408)	66	09/23/2011	(950486)
40	11/24/2009	(806409)	67	07/18/2011	(952852)
41	02/19/2010	(806410)	68	08/15/2011	(959517)
42	01/20/2010	(806411)	69	09/22/2011	(965554)
43	03/15/2010	(831497)	70	10/17/2011	(971593)
44	04/19/2010	(831498)	71	11/14/2011	(977759)
45	05/17/2010	(831499)	72	03/01/2012	(984184)
46	06/14/2010	(846461)	73	12/20/2011	(984525)
47	07/19/2010	(861029)	74	01/19/2012	(990813)
48	08/18/2010	(867056)			

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

Date: 03/31/2007 (577447) CN600671341
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2007 (577448) CN600671341
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2007 (577449) CN600671341
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2007 (602195) CN600671341
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: 07/31/2007 (602196) CN600671341
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: 08/31/2007 (602197) CN600671341
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2007 (620343) CN600671341
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2007 (620344) CN600671341
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: 12/31/2007 (672669) CN600671341
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: 01/31/2008 (690663) CN600671341
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: 02/29/2008 (690664) CN600671341
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: 03/31/2008 (690665) CN600671341
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2008 (711514) CN600671341
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: 11/04/2008 (704528) CN600671341
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.126(a)
PP VI.8.a PERMIT
Description: Failure to initiate engineering and financial planning for expansion or obtain a waiver.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PP VII,III,F,1 PERMIT
Description: Failure to maintain records of the results of liquid paint filter tests.

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)
PPVII,III,G PERMIT
Description: Failure to report annually by September 1 sludge disposal information for sewage sludge disposed in a municipal solid waste landfill to the TCEQ Region Office and the Water Quality Compliance Monitoring Team.09/

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
PPVI,1 PERMIT
Description: Failure to properly operate the sequential batch reactor basins.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failure to prevent storm water runoff from entering the drying beds.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPII,6 PERMIT
Description: Failure to meet the permitted effluent limitation for minimum dissolved oxygen (DO).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPII,1 PERMIT
Description: Failure to meet the permitted effluent limitation for one or more parameters.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.4
PPII,1 PERMIT
Description: Failure to monitor the correct parameter.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
Description: Failure to monitor a parameter at the required frequency.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)

PPIV,2 PERMIT
 Description: Failure to ensure samples are analyzed within the required hold time.
 Self Report? **NO** Classification: **Minor**
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)

Description: Failure to maintain adequate records for fecal coliform analysis conducted at the facility.
 Self Report? **NO** Classification: **Moderate**
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPVI,1 PERMIT

Description: Failure to maintain operation and maintenance records.
 Self Report? **NO** Classification: **Moderate**
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPVI,1 PERMIT

Description: Failure to maintain process control records.
 Self Report? **NO** Classification: **Minor**
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPIII,2,e PERMIT

Description: Failure to correctly calculate the geometric mean for fecal coliform monitoring results.
 Self Report? **NO** Classification: **Minor**
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(e)
PPIV,7,d PERMIT

Description: Failure to report the correct fecal coliform monitoring results on several Discharge Monitoring Reports (DMRs).
 Self Report? **NO** Classification: **Minor**
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPIV,7,3 PERMIT

Description: Failure to submit noncompliance notification for effluent noncompliances that deviated from the permitted effluent limit by more than 40%.
 Self Report? **NO** Classification: **Moderate**
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
 30 TAC Chapter 319, SubChapter A 319.7(c)
PPIV,3 PERMIT

Description: Failure to maintain calibration records of pH and dissolved oxygen instrumentation used for monitoring activities.
 Self Report? **NO** Classification: **Minor**
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to maintain temperature logs for the sample incubator and storage refrigerator.
 Self Report? **NO** Classification: **Minor**
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 319, SubChapter A 319.11(c)
PPIV,2 PERMIT

Description: Failure to ensure m-FC broth ampoules used for fecal coliform analysis are not expired.

Date: 01/31/2009 (768887) CN600671341
 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 (768888) CN600671341
 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: 03/27/2009 (739869) CN600671341
 Self Report? **NO** Classification: **Moderate**
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
PPVI.4 PERMIT

Description: Failure to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

Date: 03/31/2009 (768889) CN600671341

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2009 (778935) CN600671341

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11

Description: Failure to use pH calibration solution that is not expired.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 317 317.4(a)(8)

Description: Failure to have the facility's reduced pressure zone (RPZ) backflow prevention device tested annually.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPVI.3b. PERMIT

Description: Failure to submit a closure plan for review and approval for the closure of the ponds.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPVII.III.D PERMIT

Description: Failure to conduct sewage sludge testing, specifically, Toxicity Characteristic Leaching Procedure (TCLP) for all the required listed contaminants listed in 40 CFR 261.24, Table 1.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPVII.III.G PERMIT

Description: Failure to report annually by September 1 sludge disposal information for sewage sludge disposed in a municipal solid waste landfill to the TCEQ Region Office.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPIV.5 PERMIT

Description: Failure to calibrate the automatic flow measuring device at least annually.

Self Report? NO Classification: Moderate

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

Description: Failure to meet the permitted effluent limitation for one or more parameters.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
PPII.6 PERMIT

Description: Failure to monitor a parameter at the required frequency.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to maintain copies of records related to monitoring activities.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
PPIV.3.c PERMIT

Description: Failure to maintain complete records of monitoring activities.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(e)

Description: Failure to report the correct ammonia nitrogen monitoring results on discharge monitoring reports (DMRs).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPIV.7.c. PERMIT

Description: Failure to submit noncompliance notification for effluent noncompliances that deviated from the permitted effluent limit by more than 40%.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to maintain calibration records of dissolved oxygen instrumentation used for monitoring activities during the period between December 27, 2008 and February 6, 2009.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPII.4 PERMIT

Description: Failure to prevent the discharge of floating solids and visible foam to the receiving stream.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11
PPIII.2.e PERMIT

Description: Failure to correctly calculate the geometric mean for fecal coliform/E. coli monitoring results.

Date: 03/31/2010 (831498) CN600671341

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 (861029) CN600671341

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2011 (916551) CN600671341

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 (938234) CN600671341

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: 05/31/2011 (945609) CN600671341

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF BIG LAKE
RN101611820

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

AGREED ORDER
DOCKET NO. 2012-0634-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 City of Big Lake ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The 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, the Respondent agrees 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 Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located approximately 530 feet south of United States Highway 67, approximately 1.14 miles east of the intersection of United States Highway 67 and State Highway 137 in Reagan County, Texas (the "Facility").

City of Big Lake
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2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26
3. During a record review conducted on February 8, 2012, TCEQ staff documented the following from self-reported monthly discharge monitoring reports ("DMRs"):

	Ammonia Nitrogen Daily Average Concentration	Ammonia Nitrogen Single Grab Concentration	Ammonia Nitrogen Daily Average Loading	CBOD ₅ Daily Average Concentration	CBOD ₅ Single Grab Concentration
Months:	Limit = 3 (mg/L)	Limit = 15 (mg/L)	Limit = 8.8 (lbs/day)	Limit = 10 (mg/L)	Limit = 35 (mg/L)
February 2011	5.54	15.4	11.95	c	c
April 2011	14.08	21.8	33.28	12.55	44.1
May 2011	6.23	c	14.51	c	c

mg/L = milligrams per liter c = compliant
 lbs/day = pounds per day
 CBOD₅ = carbonaceous biochemical oxygen demand (5-day)

4. The Respondent received notice of the violations on March 5, 2012.

II. CONCLUSIONS OF LAW

1. The Respondent is 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 Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010038001, Effluent Limitations and Monitoring Requirements No. 1.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent 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.

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4. An administrative penalty in the amount of Eighteen Thousand Three Hundred Forty Dollars (\$18,340) 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 Respondent has paid the Eighteen Thousand Three Hundred Forty Dollar (\$18,340) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Eighteen Thousand Three Hundred Forty Dollars (\$18,340) 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 Respondent's 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: City of Big Lake, Docket No. 2012-0634-MWD-E" to:

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

2. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010038001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

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The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
San Angelo Regional Office
Texas Commission on Environmental Quality
622 South Oakes, Suite K
San Angelo, Texas 76903-7013

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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 Respondent if the Executive Director determines that the Respondent has 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.

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8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
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.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Permitt Renee J.
For the Executive Director

1/18/13
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Big Lake. I am authorized to agree to the attached Agreed Order on behalf of the City of Big Lake, 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 Big Lake 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.

Terry Jones
Signature

8-28-12
Date

TERRY JONES
Name (Printed or typed)
Authorized Representative of
City of Big Lake

Mayor, City of Big Lake.
Title

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