

Executive Summary – Enforcement Matter – Case No. 41057
City of Gregory
RN101917623
Docket No. 2011-0152-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Gregory, located at 300 Sunset Road at the intersection of Sunset Road and Blackwelder Street, approximately 0.5 mile northwest of the convergence of U. S. Highway 181 and State Highway 35 and southwest of Gregory, San Patricio County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 23, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,318

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$15,318

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

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City of Gregory
RN101917623
Docket No. 2011-0152-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 15, 2010 and January 6, 2011

Date(s) of NOE(s): December 30, 2010

Violation Information

1. Failed to employ or contract with a licensed operator [30 TEX. ADMIN. CODE §§ 305.125(1) and 30.350(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010092001, Other Requirements No. 1].

2. Failed to timely submit monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and (17), and 319.7(d), and TPDES Permit No. WQ0010092001, Monitoring and Reporting Requirements No. 1].

3. Failed to monitor effluent at intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.4, and TPDES Permit No. WQ0010092001, Monitoring and Reporting Requirements No. 1].

4. Failed to maintain compliance with permitted effluent limitations for daily average flow, chlorine, total suspended solids and ammonia nitrogen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010092001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures at the Facility:

- a. By April 8, 2011, hired a licensed operator; and

- b. By June 24, 2011, submitted discharge monitoring reports ("DMRs") for the monitoring periods ending August 31, 2010 through November 30, 2010 to the TCEQ.

Technical Requirements:

The Order will require Respondent to:

- a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure timely submittal of signed and certified monthly DMRs, and that each parameter specified in the permit is properly monitored and reported;

- b. Within 45 days, submit written certification of compliance with Ordering Provision a.; and

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c. Within 90 days, submit written certification demonstrating compliance.

Litigation Information

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Heather Brister, Enforcement Division,
Enforcement Team 1, MC R-09, (254) 761-3034; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: The Honorable Freddy R. Garcia, Mayor, City of Gregory, P. O. Box 297,
Gregory, Texas 78359
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	5-Jan-2011	Screening	6-Jan-2011	EPA Due	
	PCW	5-Apr-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Gregory	
Reg. Ent. Ref. No.	RN101917623	
Facility/Site Region	14-Corpus Christi	Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No.	41057	No. of Violations	4
Docket No.	2011-0152-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Heather Brister
		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** **\$6,900**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **125.0%** Enhancement **Subtotals 2, 3, & 7** **\$8,625**

Notes: Enhancement for 16 months of self-reported effluent violations, four NOV's with same/similar violations, 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 \$30,809
 Approx. Cost of Compliance \$79,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$15,525**

OTHER FACTORS AS JUSTICE MAY REQUIRE **-1.3%** **Adjustment** **-\$207**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction to prevent the double-enhancement of the penalty amount for same/similar violations that were self-reported.

Final Penalty Amount **\$15,318**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$15,318**

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

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$15,318**

Screening Date 6-Jan-2011

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PCW

Respondent City of Gregory

Policy Revision 2 (September 2002)

Case ID No. 41057

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101917623

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	20	100%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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%
<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) 125%

>> 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 16 months of self-reported effluent violations, four NOVs with same/similar violations, and one order without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 125%

Screening Date 6-Jan-2011
Respondent City of Gregory
Case ID No. 41057

Docket No. 2011-0152-MWD-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101917623
Media [Statute] Water Quality
Enf. Coordinator Heather Brister
Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 30.350(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010092001, Other Requirements No. 1

Violation Description Failed to employ or contract with a licensed operator, as documented during a record review conducted on December 15, 2010. Specifically, the permit requires that the Facility have an operator holding a Class C license or higher, and at the time of the record review, the Facility was being operated by non-licensed personnel.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				25%
	Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Operating the Facility without a licensed operator may not allow for the proper maintenance and operation of the Facility's equipment and personnel may not be properly trained to address needs of the Facility. As a result, human health or the environment will or could be exposed to significant amounts of pollutants which would exceed protective levels.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events: 1 22 Number of violation days

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

Violation Base Penalty \$2,500

One monthly event is recommended from the record review date (December 15, 2010) to the screening date (January 6, 2011).

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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26,960

Violation Final Penalty Total \$5,550

This violation Final Assessed Penalty (adjusted for limits) \$5,550

Economic Benefit Worksheet

Respondent City of Gregory
Case ID No. 41057
Reg. Ent. Reference No. RN101917623
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	6-Jan-2011	8-Apr-2011	0.25	\$126	n/a	\$126

Notes for DELAYED costs

Estimated cost to hire a contract licensed operator at the Facility until the Respondent can hire a full time operator. Date required is the screening date. Final date is the compliance date.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel	\$44,000	8-Jun-2010	6-Jan-2011	0.58	\$1,278	\$25,556	\$26,834
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

Estimated cost avoided by failing to have a licensed operator at the Facility (at an annual salary of \$44,000/year). Date required is the date the violation was initially documented. Final date is the screening date.

Approx. Cost of Compliance

\$54,000

TOTAL

\$26,960

Screening Date 6-Jan-2011

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PCW

Respondent City of Gregory

Policy Revision 2 (September 2002)

Case ID No. 41057

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101917623

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and (17), and 319.7(d), and TPDES Permit No. WQ0010092001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit monitoring results at the intervals specified in the permit, as documented during a record review conducted on January 6, 2011. Specifically, the discharge monitoring reports ("DMRs") for the monitoring periods ending August 31, 2010 through November 30, 2010, were not submitted by the 20th day of the following month as required.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 4

108 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$400

Four single events are recommended, one for each missing report.

Good Faith Efforts to Comply

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

\$0

Notes

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

Violation Subtotal \$400

Economic Benefit (EB) for this violation

Estimated EB Amount \$33

Statutory Limit Test

Violation Final Penalty Total \$888

This violation Final Assessed Penalty (adjusted for limits) \$888

Economic Benefit Worksheet

Respondent City of Gregory
Case ID No. 41057
Reg. Ent. Reference No. RN101917623
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	\$250	20-Sep-2010	31-Jan-2013	2.37	\$30	n/a	\$30
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	20-Sep-2010	24-Jun-2011	0.76	\$4	n/a	\$4

Notes for DELAYED costs
 Estimated cost to submit the DMRs for the monitoring periods ending August 31, 2010 through November 30, 2010 to the TCEQ and to update operational guidance and conduct employee training to ensure DMRs are submitted as required and each parameter specified in the permit is properly monitored and reported. Date required is the date the first DMR was due. Final dates are the date the Respondent submitted the DMRs and 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 \$350

TOTAL \$33

Screening Date 6-Jan-2011
Respondent City of Gregory
Case ID No. 41057
Reg. Ent. Reference No. RN101917623
Media [Statute] Water Quality
Enf. Coordinator Heather Brister
Violation Number 3

Docket No. 2011-0152-MWD-E

PCW

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

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.4, and TPDES Permit No. WQ0010092001, Monitoring and Reporting Requirements No. 1
Violation Description Failed to monitor effluent at the intervals specified in the permit, as documented during a record review conducted on January 6, 2011. Specifically, the Respondent did not monitor for pH, dissolved oxygen, and chlorine residual for the monitoring periods ending June 30, 2010 and July 31, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				10%
	Potential		x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 170 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,000

Two single events are 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)

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 \$158

Violation Final Penalty Total \$4,440

This violation Final Assessed Penalty (adjusted for limits) \$4,440

Economic Benefit Worksheet

Respondent City of Gregory
Case ID No. 41057
Reg. Ent. Reference No. RN101917623
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
<small>No commas or \$</small>							

Delayed Costs

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

Notes for DELAYED costs

See Violation No. 2.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$150	1-Jun-2010	31-Jul-2010	1.08	\$8	\$150	\$158
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost avoided for failing to monitor at intervals specified in the permit (\$25 per missing parameter). Date required is the start of the monitoring period for June 2010. Final date is the end of the monitoring period for July 2010.

Approx. Cost of Compliance

\$150

TOTAL

\$158

Screening Date 6-Jan-2011
Respondent City of Gregory
Case ID No. 41057
Reg. Ent. Reference No. RN101917623
Media [Statute] Water Quality
Enf. Coordinator Heather Brister
Violation Number 4

Docket No. 2011-0152-MWD-E

PCW

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

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010092001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description Failed to maintain compliance with permitted effluent limitations, as documented during an investigation conducted on December 15, 2010, and as shown in the attached 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 used to evaluate ammonia nitrogen and flow to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids and chlorine were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

	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 \$3,658

Violation Final Penalty Total \$4,440

This violation Final Assessed Penalty (adjusted for limits) \$4,440

Economic Benefit Worksheet

Respondent City of Gregory
Case ID No. 41057
Reg. Ent. Reference No. RN101917623
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	28-Feb-2010	31-Jan-2013	2.93	\$3,658	n/a	\$3,658

Notes for DELAYED costs

Estimated cost to determine the cause of non-compliance and to make necessary adjustments to achieve compliance with the permitted effluent limits. Date required is the first non-compliant month. 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 \$25,000

TOTAL \$3,658

Respondent: City of Gregory
ID Number(s): WQ0010092001
Docket Number: 2011-0152-MWD-E
Enf. Coordinator: Heather Brister

Corresponds to Violation Number: 4

EFFLUENT PARAMETER						
Permit Limit						
	Daily Avg. Flow 0.32 MGD	NH ₃ N Daily Avg. Conc. 3 mg/L	NH ₃ N Single Grab 15 mg/L	TSS Daily Avg. Conc. 15 mg/L	TSS Daily Avg. Loading 40 lbs/day	*Cl Residual Min. Conc. 1.0 mg/L
Month/Year						
February-2010	0.34	c	c	c	c	N/A
April-2010	c	c	c	17.5	42.67	N/A
May-2010	c	c	c	15.67	c	N/A
June-2010	c	c	c	c	c	0.52
July-2010	c	5.4	20.9	c	c	N/A

pounds per day lbs/day concentration Conc.
 million gallons per day MGD minimum Min.
 total suspended solids TSS average Avg.
 milligrams per liter mg/L compliant c
 Not Applicable N/A chlorine Cl
 * Grab Sample collected during the June 8, 2010 ammonia nitrogen NH₃N
 investigation

Compliance History

Customer/Respondent/Owner-Operator:	CN600649594	City of Gregory	Classification: AVERAGE	Rating: 7.87
Regulated Entity:	RN101917623	CITY OF GREGORY	Classification: AVERAGE	Site Rating: 4.60
ID Number(s):	WASTEWATER		PERMIT	WQ0010092001
	WASTEWATER		EPA ID	TX0083062
	WASTEWATER LICENSING		LICENSE	WQ0010092001

Location: Located at 300 Sunset Road at the intersection of Sunset Road and Blackwelder Street, approximately 0.5 mile northwest of the convergence of U.S. Highway 181 and State Highway 35 and southwest of Gregory, San Patricio County, Texas.

TCEQ Region: REGION 14 - CORPUS CHRISTI
 Date Compliance History Prepared: January 06, 2011
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: January 06, 2006 to January 06, 2011
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Heather Brister Phone: (254) 761-3034

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership/operator of the site during the compliance period? | No |
| 3. If Yes, who is the current owner/operator? | N/A |
| 4. If Yes, who was/were the prior owner(s)/operator(s)? | N/A |
| 5. When did the change(s) in owner or operator occur? | N/A |
| 6. Rating Date: 9/1/2010 Repeat Violator: | NO |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
- Effective Date: **09/21/2007** ADMINORDER 2006-2001-MWD-E
 Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.3(a)
 30 TAC Chapter 317 317.7(e)
 Rqmt Prov: Operational Requirements 1. (page 9) OP
 Description: Failure to at all times ensure that the lift stations are properly operated and maintained. Specifically, lift station was ot intruder resistant and plant area was not completely fenced.
- Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(c)
 30 TAC Chapter 319, SubChapter A 319.6
 30 TAC Chapter 319, SubChapter A 319.9(c)
 Rqmt Prov: Monitoring and Reporting 2. (page 4) PERMIT
 Description: Failed to properly calibrate the pH meter and perform a manganese correction.
- Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: Effluent Limitations 6. (page 2) PERMIT
 pH and chlorine residual minimums PERMIT
 Description: Failure to ensure the effluent contains a minimum dissolved oxygen of 4.0 mg/l, 6.0 pH, and 1.0 chlorine residual.
- Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(b)(4)
 Rqmt Prov: Operational Requirements 1. (page 9) PERMIT
 Description: Failure to ensure that the wastewater treatment plant is properly operated and maintained. Specifically, clarifier effluent weirs were not level or cleaned, partially treated wastewater was allowed to remain in the off-line clarifier, sludge was bulking in the clarifier, waste on Facility grounds was not properly disposed of, and suitable containers with lids for holding screenings were not provided.

Classification: Moderate

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

Rqmt Prov: Contributing Industries 1. f. (page 24) PERMIT

Description: Failure to ensure petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or Pass Through, are not introduced into the treatment facility.

- B. Any criminal convictions of the state of Texas and the federal government. N/A
- C. Chronic excessive emissions events. N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	02/08/2006	(451814)
2	07/22/2008	(453473)
3	02/16/2006	(476426)
4	03/13/2006	(476427)
5	01/26/2006	(476432)
6	04/12/2006	(503487)
7	05/18/2006	(503488)
8	06/26/2006	(503489)
9	11/10/2006	(513214)
10	07/21/2006	(525850)
11	08/14/2006	(525851)
12	09/18/2006	(525852)
13	10/09/2006	(550311)
14	11/20/2006	(550312)
15	12/08/2006	(550313)
16	02/20/2007	(586064)
17	03/23/2007	(586065)
18	04/23/2007	(586066)
19	05/14/2007	(586067)
20	01/11/2007	(586068)
21	07/09/2007	(604646)
22	07/16/2007	(604647)
23	08/20/2007	(604648)
24	10/11/2007	(624155)
25	11/26/2007	(624156)
26	12/10/2007	(624157)
27	03/18/2008	(675136)
28	01/18/2008	(675137)
29	04/22/2008	(693496)
30	05/27/2008	(693497)
31	10/31/2008	(706559)
32	07/06/2010	(706663)
33	02/15/2008	(714778)
34	06/23/2008	(714779)
35	07/24/2008	(714780)
36	08/11/2008	(714781)
37	09/18/2008	(714782)
38	11/14/2008	(730688)
39	11/18/2008	(730689)
40	12/19/2008	(730690)
41	02/27/2009	(753917)
42	01/26/2009	(753918)
43	07/01/2009	(760086)
44	04/16/2009	(771273)
45	05/04/2009	(771274)
46	03/01/2010	(813797)
47	06/03/2009	(813798)
48	07/06/2009	(813799)
49	07/28/2009	(813800)
50	10/19/2009	(813801)
51	10/19/2009	(813802)
52	10/19/2009	(813803)
53	11/30/2009	(813804)
54	01/28/2010	(813805)
55	02/22/2010	(813806)
56	04/19/2010	(834073)
57	04/19/2010	(834074)
58	10/14/2010	(865499)
59	11/30/2010	(884331)
60	12/30/2010	(885569)

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

Date: **04/30/2006** (503488) CN600649594
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: **07/31/2006** (525851) CN600649594
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: **08/31/2006** (525852) CN600649594
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: **09/30/2006** (550311) CN600649594
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: **07/31/2007** (604648) CN600649594
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** (624156) CN600649594
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: **11/30/2007** (624157) CN600649594
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** (675137) CN600649594
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** (730688) CN600649594
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	10/31/2008	(706559)	CN600649594	
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) Operational Requirements No. 1, Pg. 9 PERMIT			
Description:	Failure to at times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Final Effluent Limitations No. 2 and 3 PERMIT			
Description:	Failure to comply with the effluent limitations as specified in the permit.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Final Effluent Limitations No. 1 PERMIT			
Description:	Failure to comply with the effluent limitations as specified in the permit.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a) Monitoring Requirements No. 3(c). Pg. 5 PERMIT			
Description:	Failure to maintain complete records of monitoring activities.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Operational Requirements No. 1, Pg. 9 PERMIT			
Description:	Failure to retain process control, maintenance, and operations records at the facility site, or readily available for review by a TCEQ representative, for a period of three years.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Monitoring Requirements No. 2, Pg. 4 PERMIT			
Description:	Failure to accurately accomplish in a representative manner measurement, tests, and calculations.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.9(c) Monitoring Requirements No. 1, Pg. 4 PERMIT			
Description:	Failure to assure the quality of all measurements through the use of blanks, standards, duplicate analyses, and spikes.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.5(e) Monitoring Requirements No. 4, Pg. 5 PERMIT			
Description:	Failure to indicate the increased sampling frequency of the self-report form.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Monitoring Requirements No. 4, Pg. 5 PERMIT			
Description:	Failure to calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows as often as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C) Sludge Provisions Section IIF, Pg. 19-20 PERMIT			
Description:	Failure to report annually to the TCEQ Regional Office (MC Region 14) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 1 of each year items 1-17 listed on pages 19 and 20 of the permit.			

Date	02/28/2009	(771273)	CN600649594		
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	(813800)	CN600649594		
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	09/30/2009	(813803)	CN600649594		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	02/28/2010	(834073)	CN600649594		
Self Report?	YES			Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date	04/30/2010		CN600649594		
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		CN600649594		
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	06/24/2010	(827457)	CN600649594		
Self Report?	NO			Classification	Moderate
Citation:	30 TAC Chapter 30, SubChapter J 30.350(d) 30 TAC Chapter 305, SubChapter F 305.125(1) Other Requirements No. 1; Pg. 23 PERMIT				
Description:	Failure to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations and in particular 30 TAC Chapter 30 Subchapter J, Wastewater Operators and Operations Companies.				
Self Report?	NO			Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Final Effluent Limitations No. 2; Pg. 2 PERMIT				
Description:	Failure to ensure the effluent contains a chlorine residual of at least 1.0 mg/L and does not exceed a chlorine residual of 4.0 mg/L after a detention time of at least 20 minutes (based on peak flow).				
Date	07/31/2010		CN600649594		
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 **10/14/2010** (865499) CN600649594
 Self Report? **NO** Classification **Moderate**
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Operational Requirements No. 1; Pg. 9 PERMIT
 Description: Failure to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? **NO** Classification **Moderate**
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Operational Requirements No. 1; Pg. 9 PERMIT
 Description: Failure to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? **NO** Classification **Moderate**
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Other Requirements No. 4; Pg. 23 PERMIT
 Description: Failure to maintain at the plant site a record of the daily inspections of the facility conducted by a certified operator.

Self Report? **NO** Classification **Moderate**
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Monitoring Requirements No. 2; Pg. 2 PERMIT
 Description: Failure to monitor the chlorine residual of the effluent at least five times per week.

Self Report? **NO** Classification **Moderate**
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Monitoring Requirements No. 3; Pg. 2 PERMIT
 Description: Failure to monitor the pH of the effluent once per month by grab sample.

Self Report? **NO** Classification **Moderate**
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Monitoring Requirements No. 6; Pg. 2 PERMIT
 Description: Failure to monitor the dissolved oxygen of the effluent once per week by grab sample.

Self Report? **NO** Classification **Moderate**
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations No.1; Pg. 2 PERMIT
 Description: Failure to comply with the effluent limitations as specified in the permit.

Date **11/30/2010** (884331) CN600649594
 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

- 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 GREGORY
RN101917623**

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

AGREED ORDER DOCKET NO. 2011-0152-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 Gregory (“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 plant located at 300 Sunset Road at the intersection of Sunset Road and Blackwelder Street, approximately 0.5 mile northwest of the convergence of United States Highway 181 and State Highway 35 and southwest of Gregory, in San Patricio County, Texas (the “Facility”).

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 employ or contract with a licensed operator, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 30.350(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010092001, Other Requirements No. 1.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to timely submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17), and 319.7(d), and TPDES Permit No. WQ0010092001, Monitoring and Reporting Requirements No. 1.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to monitor effluent at intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.4, and TPDES Permit No. WQ0010092001, Monitoring and Reporting Requirements No. 1.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to maintain compliance with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010092001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2.
6. 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.
7. An administrative penalty in the amount of Fifteen Thousand Three Hundred Eighteen Dollars (\$15,318) 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 Fifteen Thousand Three Hundred Eighteen Dollar (\$15,318) 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 Fifteen Thousand Three Hundred Eighteen Dollars (\$15,318) as set forth in Section II, Paragraph 7 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 Gregory, Docket No. 2011-0152-MWD-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure timely submittal of signed and certified monthly DMRs, and that each parameter specified in the permit is properly monitored and reported, in accordance with TPDES Permit No. WQ0010092001;
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.d below;
 - c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010092001, 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; and
 - d. The certification of compliance required by Ordering Provision Nos. 2.b and 2.c, shall be notarized by a State of Texas Notary Public and include the following certification language and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

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.
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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Harris
For the Executive Director

2/18/13
Date

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

Freddy R. Garcia
Signature

10-1-12
Date

Freddy R. Garcia
Name (Printed or typed)
Authorized Representative of
City of Gregory

MAYOR
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.