Executive Summary – Enforcement Matter – Case No. 43973
City of Olney
RN101610335
Docket No. 2012-0808-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:
City of Olney, located approximately 0.25 mile east of the State Highway 79 and 1.0 mile south of United States Highway 380 in Young 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: January 18, 2013
Comments Received: No

Penalty Information

Total Penalty Assessed: $72,363
Amount Deferred for Expedited Settlement: $0
Amount Deferred for Financial Inability to Pay: $72,363
Total Paid to General Revenue: $0
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 and September 2011

Executive Summary – Enforcement Matter – Case No. 43973
City of Olney
RN101610335
Docket No. 2012-0808-MWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: March 22, 2012 and March 26, 2012
Date(s) of NOE(s): April 3, 2012 and May 13, 2012

Violation Information

1. Failed to prevent the discharge of sewage sludge into water in the state [Tex. Water Code § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), (4) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010050001, Permit Conditions No. 2.d and Operational Requirements No. 1].

2. Failed to operate and maintain the Facility [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0010050001, Operational Requirements No. 1].

3. Failed to comply with permitted effluent limitations for ammonia nitrogen and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010050001, Effluent Limitations and Monitoring Requirements No. 1].

4. Failed to report any effluent violation which deviates from the permitted limitation by more than 40% in writing to the Abliene Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance events [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010050001, Monitoring and Reporting Requirements No. 7.c].

5. Failed to calibrate all flow measuring devices/meters on an annual basis [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0010050001, Monitoring and Reporting Requirements Nos. 3(b) and 5].

6. Failed to maintain accurate monitoring records [30 TEX. ADMIN. CODE §§ 305.125(11)(b) and 319.7(a) and TPDES Permit No. WQ0010050001, Monitoring and Reporting Requirements No. 3].

7. Failed to submit a complete annual sludge report [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010050001, Sludge Provisions].

8. Failed to utilize a wastewater operator holding a Category C license or higher to operate the Facility [30 TEX. ADMIN. CODE §§ 30.331(b) and 30.350(d) and TPDES Permit No. WQ0010050001, Other Requirements No. 1].

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Docket No. 2012-0808-MWD-E

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures at the Facility:

1. By March 30, 2012, wastewater operator renewed his Category C license; and

2. On August 13, 2012, submitted the following:

a. Revised annual sludge report of data from August 1, 2010 through July 31, 2011;

b. Successful calibration results of all flow measuring devices/meters; and

c. Corrected procedures for calculating loading values for carbonaceous biochemical oxygen demand (5-day), total suspended solids, and ammonia nitrogen.

Technical Requirements:

The Order will require Respondent to:

a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that all Facility operational and maintenance procedures and reporting requirements are properly accomplished, and ensure that written reports for effluent violations which deviate by more than 40% from the permitted limits are properly submitted to TCEQ;

b. Within 45 days, after the effective date of this Agreed Order, submit written certification demonstrating compliance with a.;

c. Within 45 days after the effective date of this Agreed Order, complete remediation of the receiving stream by removing and disposing of sludge and related materials ("removed materials") from the impacted portions of the receiving stream. Disposal of any removed materials shall be carried out in accordance with all applicable rules of the TCEQ and in a manner that prevents the contamination of surface or groundwater. The Facility shall maintain written records of the location, nature and amount of each type of sludge or other deposits removed, the technique used for removal and transport, and the ultimate disposal site;

d. Within 60 days, after the effective date of this Agreed Order, submit written certification demonstrating compliance with c.;

e. Within 60 days after the effective date of this Agreed Order, develop and implement a solids management plan ("SMP"). The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solids balance within the system. The plan shall be prepared by a

Texas registered professional engineer. At a minimum, the plan shall include the following items:

i. A schedule for performing the following process control analyses and recommended ranges to be maintained: mixed liquor thirty-minute sludge settleability, mixed liquor suspended solids, mixed liquor dissolved oxygen concentration, clarifier sludge blanket depth, and residual chlorine concentration;

ii. Procedures outlining actions to be taken in the event that any of the above process control analyses fall outside the recommended range;

iii. Specific sampling locations for the above stated process control measurements; and

iv. Organized, written records of the process control analyses shall be maintained for a period of three years at the Facility in a daily log book and shall be made available to TCEQ representatives upon request;

f. Within 60 days after the effective date of this Agreed Order, complete the repair, replacement and/or cleaning of the bar screen, oxidation ditch rotor(s), Return Activated Sludge pumps, clarifier, chlorine contact chamber, and sludge drying beds;

g. Within 75 days, after the effective date of this Agreed Order, submit written certification demonstrating compliance with e. and f.; and

h. Within 90 days after the effective date of this Agreed Order, 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: Jill Russell, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-4564; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: K.C. Blassingame, Director of Public Works, City of Olney, Post Office Box 546, Olney, Texas 76374-0546
Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

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

TCEQ

DATES						
Assigned	21-Mar-2012					
PCW	30-Jul-2012	**Screening**	12-Jun-2012	**EPA Due**		

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Olney		
Reg. Ent. Ref. No.	RN101610335		
Facility/Site Region	3-Abilene	**Major/Minor Source**	Minor

CASE INFORMATION			
Enf./Case ID No.	43973	**No. of Violations**	1
Docket No.	2012-0808-MWD-E	**Order Type**	Findings
Media Program(s)	Water Quality	**Government/Non-Profit**	Yes
Multi-Media		**Enf. Coordinator**	Jill Russell
		EC's Team	Enforcement Team 3

Admin. Penalty $ Limit Minimum $0 Maximum $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1*: **$3,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **90.0%** Enhancement — *Subtotals 2, 3, & 7*: **$3,150**

Notes: Enhancement for 12 months of self-reported effluent violations, two NOVs with same/similar violations, and one order with 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 $24
Approx. Cost of Compliance $175

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal*: **$6,650**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount: **$6,650**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty*: **$6,650**

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: **$6,650**

Screening Date 12-Jun-2012 **Docket No.** 2012-0808-MWD-E **PCW**

Respondent City of Olney

Policy Revision 2 (September 2002)

Case ID No. 43973

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101610335

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

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 (*number of NOVs meeting criteria*)	14	70%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	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) 90%

>> 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 12 months of self-reported effluent violations, two NOVs with same/similar violations, and one order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 90%

Screening Date 12-Jun-2012 **Docket No.** 2012-0808-MWD-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Respondent City of Olney

Case ID No. 43973

Reg. Ent. Reference No. RN101610335

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(11)(c) and 319.7(a) and TPDES Permit No. WQ0010050001, Monitoring and Reporting Requirements No. 3

Violation Description Failed to correctly report effluent data on the discharge monitoring reports ("DMRs"), as documented during an investigation conducted on March 22, 2012. Specifically, loading values for biochemical oxygen demand, total suspended solids, and ammonia nitrogen were not calculated correctly for the monitoring periods ending January 31, 2011 through July 31, 2011.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
		X	

Percent 5%

Matrix Notes: 50% of the rule requirement was not met.

Adjustment $9,500

$500

Violation Events

Number of Violation Events: 7 — 181 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $3,500

Seven single events are recommended for the evaluation period January 2011 through July 2011, one for each DMR.

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 $3,500

Economic Benefit (EB) for this violation

Estimated EB Amount $24

Statutory Limit Test

Violation Final Penalty Total $6,650

This violation Final Assessed Penalty (adjusted for limits) $6,650

Economic Benefit Worksheet

Respondent City of Olney
Case ID No. 43973
Reg. Ent. Reference No. RN101610335
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)	$175	20-Feb-2011	15-Feb-2013	1.99	$1	$23	$24
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	Estimated cost to correct and resubmit the DMRs ($25 X 7 = 175). Date required is the date the first DMR was due. Final date is the expected date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $175

TOTAL $24

Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011) — *PCW Revision August 3, 2011*

TCEQ

DATES					
Assigned	21-May-2012				
PCW	26-Oct-2012	**Screening**	12-Jun-2012	**EPA Due**	

RESPONDENT/FACILITY INFORMATION

Respondent	City of Olney		
Reg. Ent. Ref. No.	RN101610335		
Facility/Site Region	3-Abilene	**Major/Minor Source**	Minor

CASE INFORMATION

Enf./Case ID No.	43973	**No. of Violations**	8
Docket No.	2012-0808-MWD-E	**Order Type**	Findings
Media Program(s)	Water Quality	**Government/Non-Profit**	Yes
Multi-Media		**Enf. Coordinator**	Jill Russell
		EC's Team	Enforcement Team 3

Admin. Penalty $ Limit Minimum $0 Maximum $25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1*: **$38,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **90.0%** Enhancement — *Subtotals 2, 3, & 7*: **$34,650**

Notes: Enhancement for 12 months of self-reported effluent violations, two NOVs with same/similar violations, and one order with 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*: **$312**

Economic Benefit — **0.0%** Enhancement* — *Subtotal 6*: **$0**

Total EB Amounts $2,410
Approx. Cost of Compliance $36,887

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal*: **$72,838**

OTHER FACTORS AS JUSTICE MAY REQUIRE — **-9.8%** — *Adjustment*: **-$7,125**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Reduction is recommended so that the notification violations do not overly impact the penalty.

Final Penalty Amount: **$65,713**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty*: **$65,713**

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: **$65,713**

Screening Date 12-Jun-2012 **Docket No.** 2012-0808-MWD-E **PCW**

Respondent City of Olney

Case ID No. 43973

Reg. Ent. Reference No. RN101610335

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

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 (*number of NOVs meeting criteria*)	14	70%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	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) 90%

>> 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 12 months of self-reported effluent violations, two NOVs with same/similar violations, and one order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 90%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 90%

Screening Date 12-Jun-2012 **Docket No.** 2012-0808-MWD-E **PCW**

Respondent City of Olney *Policy Revision 3 (September 2011)*

Case ID No. 43973 *PCW Revision August 3, 2011*

Reg. Ent. Reference No. RN101610335

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s): Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), (4) and (5), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010050001, Permit Conditions No. 2.d. and Operational Requirements No. 1

Violation Description: Failed to properly operate and maintain the Facility resulting in the discharge of sewage sludge into water in the state. Specifically, during the investigation TCEQ staff observed an inoperable automatic bar screen, inoperable rotor in the oxidation ditch, frequent break downs of the return activated sludge ("RAS") pumps causing sludge and inadequately treated wastewater to exit the Facility. In addition, the clarifier was filled with sludge causing septic conditions, a chlorine contact chamber was covered with a foamy brown-colored film and bottom filled with sludge, and vegetation/old sludge in the sludge drying beds. A significant amount of sludge was observed in the receiving stream. The sludge depth was approximately one foot and continued 25 yards downstream of the outfall. A grab sample taken during the investigation indicated an exceedance of total suspended solids concentration levels.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment has been exposed to a significant amount of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 3 — 82 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $11,250

Three monthly events are recommended from March 22, 2012, the date the violation was documented, to the June 12, 2012 screening date.

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 $11,250

Economic Benefit (EB) for this violation

Estimated EB Amount $1,480

Statutory Limit Test

Violation Final Penalty Total $19,284

This violation Final Assessed Penalty (adjusted for limits) $19,284

Economic Benefit Worksheet

Respondent City of Olney
Case ID No. 43973
Reg. Ent. Reference No. RN101610335
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$16,237	22-Mar-2012	15-Feb-2013	0.90	$49	$979	$1,028
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	22-Mar-2012	15-Feb-2013	0.90	$452	n/a	$452
Notes for DELAYED costs	Estimated cost to develop and implement procedures to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained and to repair/replace any faulty equipment; and to remove, transport, and dispose of discharged sludge. Date required is the investigation date and the final date is the estimated 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 $26,237

TOTAL $1,480

Screening Date 12-Jun-2012 **Docket No.** 2012-0808-MWD-E **PCW**

Respondent City of Olney *Policy Revision 3 (September 2011)*

Case ID No. 43973 *PCW Revision August 3, 2011*

Reg. Ent. Reference No. RN101610335

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 2

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010050001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as documented during a record review conducted on March 26, 2012, and shown in the attached table.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

Percent 30.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids were also evaluated. As a result of these discharges, human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors.

Adjustment $17,500

$7,500

Violation Events

Number of Violation Events 2 — 61 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $15,000

Two monthly events are recommended including the months of October and November 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 $15,000

Economic Benefit (EB) for this violation

Estimated EB Amount $690

Statutory Limit Test

Violation Final Penalty Total $25,712

This violation Final Assessed Penalty (adjusted for limits) $25,712

Economic Benefit Worksheet

Respondent City of Olney
Case ID No. 43973
Reg. Ent. Reference No. RN101610335
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$10,000	30-Sep-2011	15-Feb-2013	1.38	$690	n/a	$690
Notes for DELAYED costs	Estmated cost to determine the cause of noncompliance and take necessary corrective actions to maintain compliance with permitted effluent limits. Date required is the first month of noncompliance. The final date is the estimated 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	$690

Screening Date 12-Jun-2012 **Docket No.** 2012-0808-MWD-E **PCW**

Policy Revision 3 (September 2011)

Respondent City of Olney

PCW Revision August 3, 2011

Case ID No. 43973

Reg. Ent. Reference No. RN101610335

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 3

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010050001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as documented during a record review conducted on March 26, 2012, and shown in the attached table.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			x
	Potential			

Percent 5.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids were also evaluated. As a result of these discharges, human health or the environment has been exposed to an insignificant amount of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment $23,750

$1,250

Violation Events

Number of Violation Events: 2 — 61 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty $2,500

Two quarterly events are recommended for the quarters containing the months of September and December 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 $2,500

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $4,285

This violation Final Assessed Penalty (adjusted for limits) $4,285

Economic Benefit Worksheet

Respondent City of Olney
Case ID No. 43973
Reg. Ent. Reference No. RN101610335
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 economic benefit for 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]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $0

TOTAL $0

Screening Date 12-Jun-2012 **Docket No.** 2012-0808-MWD-E **PCW**

Respondent City of Olney *Policy Revision 3 (September 2011)*

Case ID No. 43973 *PCW Revision August 3, 2011*

Reg. Ent. Reference No. RN101610335

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010050001, Monitoring and Reporting Requirements No. 7.c.

Violation Description Failed to report any effluent violation which deviates from the permitted limitation by more than 40% in writing to the Abilene Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance events for the months of September, October, November and December 2011.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $23,750

$1,250

Violation Events

Number of Violation Events: 4 — 249 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

Four 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 $5,000

Economic Benefit (EB) for this violation

Estimated EB Amount $115

Statutory Limit Test

Violation Final Penalty Total $8,571

This violation Final Assessed Penalty (adjusted for limits) $8,571

Economic Benefit Worksheet

Respondent City of Olney
Case ID No. 43973
Reg. Ent. Reference No. RN101610335
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling	$250	22-Mar-2012	15-Dec-2012	0.73	$9	n/a	$9
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: Estimated cost for updating operational guidance and training of personnel so that all monitoring records are properly maintained and all reporting requirements are met, including procedures to ensure that written reports for effluent violations which deviate by more than 40% from the permitted limit and effluent loading values are properly submitted to TCEQ. Date required is the investigation date and the final date is the estimated 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)	$100	8-Oct-2011	6-Jan-2012	1.16	$6	$100	$106

Notes for AVOIDED costs: Estimated avoided costs to prepare and submit the noncompliance notifications ($25 per notification). Date required is the date that the first noncompliance notification was due and the final date is the date the last notification was due.

Approx. Cost of Compliance $350

TOTAL $115

Screening Date 12-Jun-2012 **Docket No.** 2012-0808-MWD-E **PCW**

Respondent City of Olney *Policy Revision 3 (September 2011)*

Case ID No. 43973 *PCW Revision August 3, 2011*

Reg. Ent. Reference No. RN101610335

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0010050001, Monitoring and Reporting Requirements Nos. 3(b) and 5

Violation Description Failed to calibrate all flow measuring devices/meters on an annual basis. Specifically, during the investigation, TCEQ staff determined that the effluent flow meter was last calibrated on January 14, 2011.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential			x

Percent 3.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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

Adjustment $24,250

$750

Violation Events

Number of Violation Events: 1 — 365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction — $0

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

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

Violation Subtotal $750

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount $113 — **Violation Final Penalty Total** $1,286

This violation Final Assessed Penalty (adjusted for limits) $1,286

Economic Benefit Worksheet

Respondent City of Olney
Case ID No. 43973
Reg. Ent. Reference No. RN101610335
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$50	22-Mar-2012	15-Feb-2013	0.90	$2	n/a	$2
Notes for DELAYED costs	Estimated cost to calibrate and provide accurate flow measurements. Date required is the investigation date and the final date is the estimated 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)	$100	14-Jan-2011	22-Mar-2012	2.10	$11	$100	$111
Notes for AVOIDED costs	Estimated avoided cost to conduct the annual flow meter calibration. Date required is the date of the last calibration and the final date is the investigation date.						

Approx. Cost of Compliance $150

TOTAL $113

Screening Date 12-Jun-2012 **Docket No.** 2012-0808-MWD-E **PCW**

Respondent City of Olney *Policy Revision 3 (September 2011)*

Case ID No. 43973 *PCW Revision August 3, 2011*

Reg. Ent. Reference No. RN101610335

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(11)(c) and 319.7(a) and TPDES Permit No. WQ0010050001, Monitoring and Reporting Requirements No. 3

Violation Description Failed to correctly report effluent data on the discharge monitoring reports ("DMRs"), as documented during an investigation conducted on March 22, 2012. Specifically, loading values for biochemical oxygen demand, total suspended solids, and ammonia nitrogen were not calculated correctly for the monitoring periods ending August 31, 2011 through November 30, 2011.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual			
	Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 2.5%

Matrix Notes: 50% of the rule requirement was not met.

Adjustment $24,375

$625

Violation Events

Number of Violation Events: 4 — 121 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

Four single events are recommended for the evaluation period August 2011 through November 2011, one for each DMR.

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 $2,500

Economic Benefit (EB) for this violation

Estimated EB Amount $10

Statutory Limit Test

Violation Final Penalty Total $4,285

This violation Final Assessed Penalty (adjusted for limits) $4,285

Economic Benefit Worksheet

Respondent City of Olney
Case ID No. 43973
Reg. Ent. Reference No. RN101610335
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)	$100	20-Sep-2011	21-Feb-2013	1.42	$0	$9	$10
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	Estimated cost to correct and resubmit the DMRs ($25 X 4 = $100). Date required is the date the first DMR was due. Final date is the expected date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $100

TOTAL $10

Screening Date 12-Jun-2012 **Docket No.** 2012-0808-MWD-E **PCW**

Respondent City of Olney *Policy Revision 3 (September 2011)*

Case ID No. 43973 *PCW Revision August 3, 2011*

Reg. Ent. Reference No. RN101610335

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0010050001, Sludge Provisions

Violation Description Failed to submit a complete annual sludge report by September 1, 2011, to the Abilene Regional Office for the monitoring period ending July 31, 2011, as documented in an investigation conducted on March 22, 2012.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes: 70% or more of the rule requirement was met.

Adjustment $24,750

$250

Violation Events

Number of Violation Events: 1 — 1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction — $0

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

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

Violation Subtotal $250

Economic Benefit (EB) for this violation

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $429

This violation Final Assessed Penalty (adjusted for limits) $429

Economic Benefit Worksheet

Respondent City of Olney
Case ID No. 43973
Reg. Ent. Reference No. RN101610335
Media Water Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$50	1-Sep-2011	13-Aug-2012	0.95	$2	n/a	$2
Notes for DELAYED costs	Estimated costs to prepare and submit a revised, complete annual sludge report. Date required is the date that the complete annual report was due. The final date is the date the report was submitted.						
Avoided Costs	**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $50

TOTAL $2

Screening Date 12-Jun-2012 **Docket No.** 2012-0808-MWD-E **PCW**

Respondent City of Olney *Policy Revision 3 (September 2011)*

Case ID No. 43973 *PCW Revision August 3, 2011*

Reg. Ent. Reference No. RN101610335

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 30.331(b) and 30.350(d) and TPDES Permit No. WQ0010050001, Other Requirements No. 1

Violation Description Failed to utilize a wastewater operator holding a Category C license or higher to operate the Facility. Specifically, the Respondent allowed an unlicensed/unregistered individual to perform duties at the Facility that should only be performed by a properly licensed individual; the operator's license had expired.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential		x	

Percent 5.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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 $23,750

$1,250

Violation Events

1 | 8 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,250

One quarterly event is recommended, from the investigation date of March 22, 2012, to the date of compliance on March 30, 2012.

Good Faith Efforts to Comply

25.0% Reduction $312

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

Notes: The Respondent achieved compliance on March 30, 2012.

Violation Subtotal $938

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $1,861

This violation Final Assessed Penalty (adjusted for limits) $1,861

Economic Benefit Worksheet

Respondent City of Olney
Case ID No. 43973
Reg. Ent. Reference No. RN101610335
Media Water Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	No economic benefit associated with this violation.						
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

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600652309	City of Olney	Classification: AVERAGE	Rating: 2.24
Regulated Entity:	RN101610335	City of Olney	Classification: AVERAGE	Site Rating: 1.88
ID Number(s):	WASTEWATER		PERMIT	WQ0010050001
	WASTEWATER		EPA ID	TX0024261
	WASTEWATER LICENSING		LICENSE	WQ0010050001

Location: LOCATED APPROXIMATELY 0.25 MILE EAST OF THE STATE HIGHWAY 79 AND 1.0 MILE SOUTH OF US HIGHWAY 380, YOUNG COUNTY, TEXAS

TCEQ Region: REGION 03 - ABILENE

Date Compliance History Prepared: June 15, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 15, 2007 to June 15, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jill Russell Phone: (512) 239 - 4564

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: 12/18/2009 ADMINORDER 2009-1114-MWD-E

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: Operational Requirements PERMIT
Description: Failure to provide adequate safeguards in the event of an electrical power failure.

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: Operational Requirements PERMIT

Description: Failure to properly maintain treatment systems at the WWTP.

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 05/15/2012 (1003219)

2 05/16/2012 (1010322)

3 05/16/2012 (1010323)

4 04/16/2012 (1010324)

5 08/09/2007 (571602)

6 06/21/2007 (577915)

7 10/12/2007 (597055)

8 07/12/2007 (602335)

9 08/21/2007 (602336)

10 09/17/2007 (602337)

11 10/11/2007 (602338)

12 11/16/2007 (620528)

13 12/18/2007 (620529)

14 05/20/2008 (670871)

15 02/12/2008 (672790)

16 03/13/2008 (672791)

17 01/08/2008 (672792)

18 07/10/2008 (682149)

19 04/22/2008 (690816)

20 05/21/2008 (690817)

21 06/11/2008 (690818)

22 07/21/2008 (711688)

23 08/25/2008 (711689)

24 09/24/2008 (711690)

25 02/24/2009 (723412)

26 10/21/2008 (728171)

27 11/20/2008 (728172)

28 12/19/2008 (728173)

29 02/26/2009 (751133)

30 03/23/2009 (751134)

31 01/20/2009 (751135)

32 06/30/2009 (759613)

33 04/23/2009 (768989)

34 05/26/2010 (803371)

35 04/29/2010 (806807)

36 11/23/2009 (806808)

37 12/23/2009 (806809)

38 01/25/2010 (806810)

39 03/24/2010 (831637)

40 04/28/2010 (831638)

41 06/01/2010 (845101)

42 07/01/2010 (861060)

43 07/22/2010 (861061)

44 08/30/2010 (867116)

45 09/20/2010 (874171)

46 11/08/2010 (888261)

47 10/28/2010 (896533)

48 12/21/2010 (896534)

49 03/04/2011 (909337)

50 01/24/2011 (909338)

51 03/21/2011 (916596)

52 04/25/2011 (925568)

53 05/22/2009 (925569)

54 06/23/2009 (925570)

55 07/29/2009 (925571)

56 08/10/2009 (925572)

57 09/21/2009 (925573)

58 10/19/2009 (925574)

59 05/26/2011 (938290)

60 06/24/2011 (952904)

61 08/31/2011 (959564)

62 09/23/2011 (965604)

63 01/05/2012 (984574)

64 01/05/2012 (984575)

65 12/02/2011 (984576)

66 01/05/2012 (990866)

67 04/04/2012 (995552)

68 03/30/2012 (998237)

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

Date: 08/13/2007 (565675) CN600652309
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.6
30 TAC Chapter 319, SubChapter A 319.9(c)
WQ0010050001 PERMIT
Description: Failure to calculate standards for dissolved oxygen readings in order to meet quality assurance/ quality control requirements.

Date: 09/30/2008 (728171) CN600652309
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2009 (751133) CN600652309
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: 02/24/2009 (723412) CN600652309
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirements PERMIT
Description: Failure to provide adequate safeguards in the event of an electrical power failure.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 210, SubChapter B 210.25(g)
Permit No. R10050-001 PERMIT
Description: Failure to properly mark reclaimed water flow lines.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)
Monitoring and Reporting Requirements PERMIT
Description: Failure to provide records for annual calibration of the reclaimed water flow meters.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.9(a)
Definitions and Standard Conditions PERMIT
Description: Failure to properly collect effluent composite samples.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)
Monitoring and Reporting Requirements PERMIT
Description: Failure to maintain an accurate calibration of the primary and secondary flow meters.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 210, SubChapter C 210.33(2)
Specific Uses and Quality Standards PERMIT
Description: Failure to properly calculate the fecal coliform average.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Operational Requirements PERMIT
Description: Failure to provide a NIST traceable thermometer for the sample storage refrigerator.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirements PERMIT
Description: Failure to properly maintain treatment systems at the WWTP.

Date: 04/30/2009 (925569) CN600652309
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: 05/31/2009 (925570) CN600652309
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2010 (888261) CN600652309
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: 09/30/2011 (984575) CN600652309
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: 10/31/2011 (984576) CN600652309
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: 11/30/2011 (990866) CN600652309
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: 12/31/2011 (998237) CN600652309
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: 01/31/2012 (1010322) CN600652309
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: 02/29/2012 (1010323) CN600652309
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: 03/31/2012 (1010324) CN600652309
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

K. Sites Outside of Texas N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING CITY OF OLNEY RN101610335	**§ § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2012-0808-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 Olney ("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 approximately 0.25 mile east of the State Highway 79 and 1.0 mile south of United States Highway 380 in Young County, Texas (the "Facility").

2. The Respondent has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. During an investigation on March 22, 2012, TCEQ staff documented that the Respondent did not prevent the discharge of sewage sludge into water in the state. Specifically, a significant amount of sludge was observed in the receiving stream. The sludge depth was approximately one foot and continued 25 yards downstream of the outfall.

4. During an investigation on March 22, 2012, TCEQ staff documented that the Respondent was not operating and maintaining the Facility. Specifically, TCEQ staff observed several operational malfunctions and lack of maintenance, including an inoperable automatic bar screen, inoperable rotor in the oxidation ditch, frequent break downs of the return activated sludge ("RAS") pumps causing sludge and inadequately treated wastewater to exit the Facility, a clarifier filled with sludge causing septic conditions, one chlorine contact chamber without a pump, a second chlorine contact chamber covered with a foamy brown-colored film and bottom filled with sludge, and vegetation/old sludge in the sludge drying beds. A grab sample taken during the investigation indicated an exceedance of total suspended solids ("TSS") concentration levels.

5. During an investigation on March 22, 2012, and record review on March 26, 2012, TCEQ staff documented that the Facility did not meet the permitted effluent limitations as shown in the following table:

	Ammonia Nitrogen DAV Conc.	Ammonia Nitrogen DMAX Conc.	TSS Solids DAV Conc.	TSS DMAX Conc.	TSS Single Grab Conc.
Month/ Year	Limit = 3 mg/L	Limit = 10 mg/L	Limit = 15 mg/L	Limit = 40 mg/L	Limit = 60 mg/L
September 2011	3.6	15.3	c	c	N/T
October 2011	31.45	125.5	c	c	N/T
November 2011	21.50	56.6	26.75	43	N/T
December 2011	7.40	70.0	66.60	176	N/T
March 22, 2012*	N/T	N/T	N/T	N/T	110

DAV = Daily Average, DMAX = Daily Maximum
mg/L = milligrams per liter
Conc. = concentration
c = compliant
N/T = not tested
*Grab sample taken during the TCEQ investigation on March 22, 2012 by the Region 3 Investigator.

6. During an investigation on March 22, 2012, TCEQ staff documented that the Respondent did not report any effluent violation which deviates from the permitted limitation by

more than 40% in writing to the Abilene Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance events for the months of September, October, November and December 2011.

7. During an investigation on March 22, 2012, TCEQ staff documented that the Respondent was not calibrating all flow measuring devices/meters on an annual basis. Specifically, the effluent flow meter was last calibrated on January 14, 2011.

8. During an investigation on March 22, 2012, TCEQ staff documented that the Respondent was not maintaining accurate monitoring records. Specifically, the loading values for biochemical oxygen demand, total suspended solids, and ammonia nitrogen were not calculated properly for the monitoring periods ending January 31, 2011 through November 20, 2011.

9. During an investigation on March 22, 2012, TCEQ staff documented that the Respondent did not submit the complete annual sludge report by September 1, 2011, to the Abilene Regional Office for the monitoring period ending July 31, 2011.

10. During an investigation on March 22, 2012, TCEQ staff documented that the Respondent was not utilizing a wastewater operator holding a Category C license or higher to operate the Facility. Specifically, the Respondent allowed an unlicensed/unregistered individual to perform duties at the Facility that should only be performed by a properly licensed individual.

11. The Respondent received notices of the violations on April 5, 2012, and May 18, 2012.

12. The Executive Director recognizes the following:

    a. By March 30, 2012, the Respondent's wastewater operator renewed his Category C license; and

    b. On August 13, 2012, the Respondent submitted the following:

        i. Revised annual sludge report of data from August 1, 2010 through July 31, 2011;

        ii. Successful calibration results of all flow measuring devices/meters; and

        iii. Corrected procedures for calculating loading values for carbonaceous biochemical oxygen demand (5-day), total suspended solids, and ammonia nitrogen.

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 prevent the discharge of sewage sludge into water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), (4) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010050001, Permit Conditions No. 2.d and Operational Requirements No. 1.

3. As evidenced by Findings of Fact No. 4, the Respondent failed to operate and maintain the Facility, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0010050001, Operational Requirements No. 1.

4. As evidenced by Findings of Fact No. 5, the Respondent failed to comply 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. WQ0010050001, Effluent Limitations and Monitoring Requirements No. 1.

5. As evidenced by Findings of Fact No. 6, the Respondent failed to report any effluent violation which deviates from the permitted limitation by more than 40% in writing to the Abliene Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance events, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010050001, Monitoring and Reporting Requirements No. 7.c.

6. As evidenced by Findings of Fact No. 7, the Respondent failed to calibrate all flow measuring devices/meters on an annual basis, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0010050001, Monitoring and Reporting Requirements Nos. 3(b) and 5.

7. As evidenced by Findings of Fact No. 8, the Respondent failed to maintain accurate monitoring records, in violation of 30 TEX. ADMIN. CODE §§ 305.125(11)(b) and 319.7(a) and TPDES Permit No. WQ0010050001, Monitoring and Reporting Requirements No. 3.

8. As evidenced by Findings of Fact No. 9, the Respondent failed to submit a complete annual sludge report, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010050001, Sludge Provisions.

9. As evidenced by Findings of Fact No. 10, the Respondent failed to utilize a wastewater operator holding a Category C license or higher to operate the Facility, in violation of 30 TEX. ADMIN. CODE §§ 30.331(b) and 30.350(d) and TPDES Permit No. WQ0010050001, Other Requirements No. 1.

10. 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.

11. An administrative penalty in the amount of Seventy-Two Thousand Three Hundred Sixty-Three Dollars ($72,363) 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 Revenue Operations Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay part of the administrative penalty. Therefore, Seventy-Two Thousand Three Hundred Sixty-Three Dollars ($72,363) of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred 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 Seventy-Two Thousand Three Hundred Sixty-Three Dollars ($72,363) as set forth in Section II, Paragraph 11 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 Olney, Docket No. 2012-0808-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 that all Facility operational and maintenance procedures and reporting requirements are properly accomplished, and ensure that written reports for effluent violations which deviate by more than 40% from the permitted limits are properly submitted to TCEQ;

b. Within 45 days, after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, as described in Ordering Provision No. 2.i below;

c. Within 45 days after the effective date of this Agreed Order, complete remediation of the receiving stream by removing and disposing of sludge and related materials ("removed materials") from the impacted portions of the receiving stream. Disposal of any removed materials shall be carried out in accordance with all applicable rules of the TCEQ and in a manner that prevents the contamination of surface or groundwater. The Facility shall maintain written records of the location, nature and amount of each type of sludge or other deposits removed, the technique used for removal and transport, and the ultimate disposal site;

d. Within 60 days, after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.c, as described in Ordering Provision No. 2.i below;

e. Within 60 days after the effective date of this Agreed Order, develop and implement a solids management plan ("SMP"). The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solids balance within the system. The plan shall be prepared by a Texas registered professional engineer. At a minimum, the plan shall include the following items:

   i. A schedule for performing the following process control analyses and recommended ranges to be maintained: mixed liquor thirty-minute sludge settleability, mixed liquor suspended solids, mixed liquor dissolved oxygen concentration, clarifier sludge blanket depth, and residual chlorine concentration;

   ii. Procedures outlining actions to be taken in the event that any of the above process control analyses fall outside the recommended range; and

   iii. Specific sampling locations for the above stated process control measurements;

   Organized, written records of the process control analyses shall be maintained for a period of three years at the Facility in a daily log book and shall be made available to TCEQ representatives upon request;

f. Within 60 days after the effective date of this Agreed Order, complete the repair, replacement and/or cleaning of the bar screen, oxidation ditch rotor(s), RAS pumps, clarifier, chlorine contact chamber, and sludge drying beds;

g. Within 75 days, after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.e and 2.f, as described in Ordering Provision No. 2.i below;

h. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations and requirements of TPDES Permit No. WQ0010050001, 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 and requirements, as described in Ordering Provision No. 2.i below; and

i. The certifications required by Ordering Provision Nos. 2.b, 2.d, 2.g and 2.h shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations and requirements. 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."

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
Abilene Regional Office
Texas Commission on Environmental Quality
1977 Industrial Boulevard
Abilene, Texas 79602-7833

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

For the Executive Director

3/3/13
Date

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

Danny C Parker
Signature

11/12/2012
Date

DANNY C. PARKER
Name (Printed or typed)
Authorized Representative of
City of Olney

CITY ADMINISTRATOR
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