

Executive Summary – Enforcement Matter – Case No. 43886
City of Thornton
RN102844461
Docket No. 2012-0705-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 Thornton WWTF, located approximately 0.5 mile south of the intersection of State Highway 14 and Farm-to-Market Road 1246 on the southwest side of the city limits of Thornton, Limestone County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: April 5, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$72,012

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$72,012

Name of SEP: Wastewater Treatment Plant Improvements

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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Docket No. 2012-0705-MWD-E

Investigation Information

Complaint Date(s): June 23, 2011

Complaint Information: Alleged an unauthorized discharge had occurred from the oxidation ditch of the Thornton WWTF. The complainant stated that it was located on the grass just outside of the oxidation ditch.

Date(s) of Investigation: September 11, 2012 and December 15, 2011

Date(s) of NOE(s): September 21, 2012 and March 12, 2012

Violation Information

1. Failed to prevent the discharge of waste into or adjacent to water in the state [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010824001 Permit Condition No. 2.d. and Effluent Limitation and Monitoring Requirements No. 4, TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE § 305.125(1) and (4)].
2. Failed to ensure that all systems of collection, treatment and disposal are properly operated and maintained [TPDES Permit No. WQ0010824001 Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(5)].
3. Failed to comply with permitted effluent limits for total suspended solids [TPDES Permit No. WQ0010824001, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a)].
4. Failed to submit the annual sludge report for the monitoring period ending July 31, 2011 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010824001, Sludge Provisions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require Respondent to:
 - a. Within 30 days:
 - i. Submit the annual sludge report for the monitoring period ending July 31, 2011; and

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ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of annual sludge reports.

b. Within 45 days, submit certification demonstrating compliance with Ordering Provisions a.i. and a.ii.

c. Within 60 days, develop and implement a solids management plan. The plan shall outline a program of internal process control testing to monitor the efficiency of the Facility and to maintain the proper solids balance within the system. The plan shall be prepared by a Texas registered professional engineer or an "A" TCEQ Certified Wastewater Operator. At a minimum, the plan should contain the following:

i. A schedule of regular and periodic examinations of the wastewater solids within the Facility by the operator to maintain the appropriate quantity and quality of solids;

ii. A program to maintain records of the examinations, process control test results and solids removal; and

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

d. Within 75 days, submit certification demonstrating compliance with Ordering Provision c.

e. Within 90 days, and on a quarterly basis thereafter, submit progress reports documenting actions taken to achieve compliance with permitted effluent limits.

f. Within 365 days, submit certification demonstrating compliance with the permitted effluent limitations of TPDES Permit No. WQ0010824001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted limitations.

Litigation Information

Date Petition(s) Filed: 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

Executive Summary – Enforcement Matter – Case No. 43886
City of Thornton
RN102844461
Docket No. 2012-0705-MWD-E

TCEQ Enforcement Coordinator: Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: Stephanie Frazee, SEP Coordinator, Litigation Division, MC 175, (512) 239-3693

Respondent: The Honorable Joe Neason, Sr., Mayor, City of Thornton, P.O. Box 396, Thornton, Texas 76687

Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-0705-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Thornton
Penalty Amount:	Seventy-Two Thousand Twelve Dollars (\$72,012)
SEP Offset Amount:	Seventy-Two Thousand Twelve Dollars (\$72,012)
Type of SEP:	Compliance SEP
Project Name:	<i>Wastewater Treatment Plant Improvements</i>
Location of SEP:	Limestone County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at the Respondent’s wastewater treatment facility. Respondent shall purchase and install an adjustable Weir gate, oxidation ditch rotor, variable-speed drives for activated sludge pumps, a standby generator; and construct a building to house electronic equipment and the variable-speed drives for the activated sludge pumps in an environmentally-controlled space. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: Weir gate, oxidation ditch rotor, and variable-speed drives for sludge pumps, standby generator, and a building for electronic equipment (the Project”). Respondent shall solicit bids from qualified contractors to install the equipment and erect a building for the electronic equipment and motor control center. Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity, below. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset

Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform this Project, and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Cost	Quantity	Unit	Total
Adjustable Weir Gate	\$9,033	1	each	\$9,033
Oxidation Ditch Aeration Rotor	\$3,295	1	each	\$3,295
Variable Speed Drives for Activated Sludge Pumps	\$7,500	2	each	\$15,000
Building for Electronic Equipment and Motor Control Center	\$3,169	1	each	\$3,169
Standby Generator	\$43,000	1	each	\$43,000
Total				\$73,497.00

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 365 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 365-day timeframe set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
270	Actions completed during previous 90-day period
365	Notice of SEP completion

B. Final Report

Within 365 days after the effective date of the Agreed Order, or within 30 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity, below);
4. Dated photographs of the purchased equipment; the old equipment being removed; before and after work being performed during the installation process; and photographs of before and after the removal

- and construction of the motor control center building for electronic equipment;
5. Copies of all engineering plans related to work performed pursuant to the Project;
 6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
 7. Any additional information demonstrating compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director (“ED”) may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to “Texas Commission on Environmental Quality,” and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

Respondent shall not include this Project in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	19-Mar-2012	Screening	29-Mar-2012	EPA Due	
	PCW	30-Mar-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Thornton		
Reg. Ent. Ref. No.	RN102844461		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	43886	No. of Violations	2
Docket No.	2012-0705-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Cheryl Thompson
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$32,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$32,500**

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

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Total EB Amounts **\$396**
 Approx. Cost of Compliance **\$9,000**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$65,000**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$65,000**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$65,000**

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

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$65,000**

Screening Date 29-Mar-2012

Docket No. 2012-0705-MWD-E

PCW

Respondent City of Thornton

Policy Revision 3 (September 2011)

Case ID No. 43886

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102844461

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	12	60%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 129%

>> 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 ten months of self-reported effluent violations, two NOVs with same/similar violations, two NOVs with dissimilar violations, two orders with denial of liability and one order without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 129%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 29-Mar-2012

Docket No. 2012-0705-MWD-E

PCW

Respondent City of Thornton

Policy Revision 3 (September 2011)

Case ID No. 43886

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102844461

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s)

Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010824001 Permit Condition No. 2.d. and Effluent Limitation and Monitoring Requirements No. 4, Tex. Water Code § 26.121(a)(1) and 30 Tex. Admin. Code § 305.125(1) and (4)

Violation Description

Failed to prevent a discharge of waste into or adjacent to water in the state. Specifically, at the time of the investigation it was documented that solids, debris and bloodworms were present in the receiving stream and an unnamed tributary which feed into Steel Creek.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 4

105 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$30,000

Four monthly events are recommended from December 15, 2011 (date of investigation) to March 29, 2012 (date of screening).

Good Faith Efforts to Comply

0.0% Reduction Before NOV NQV 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 \$30,000

Economic Benefit (EB) for this violation

Estimated EB Amount \$330

Statutory Limit Test

Violation Final Penalty Total \$60,000

This violation Final Assessed Penalty (adjusted for limits) \$60,000

Economic Benefit Worksheet

Respondent City of Thornton
Case ID No. 43886
Reg. Ent. Reference No. RN102844461
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)	\$7,500	15-Dec-2011	31-Oct-2012	0.88	\$330	n/a	\$330

Notes for DELAYED costs

Estimated cost to remove and dispose of solids and debris from the receiving stream and unnamed tributary and to develop and implement a solids management plan. Date required is the investigation date. Final date is the projected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$7,500

TOTAL \$330

Screening Date 29-Mar-2012
Respondent City of Thornton
Case ID No. 43886
Reg. Ent. Reference No. RN102844461
Media [Statute] Water Quality
Enf. Coordinator Cheryl Thompson
Violation Number 2

Docket No. 2012-0705-MWD-E

PCW

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

Rule Cite(s) TPDES Permit No. WQ0010824001 Operational Requirements No. 1 and 30 Tex. Admin. Code § 305.125(5)
Violation Description Failed to ensure that all systems of collection, treatment and disposal are properly operated and maintained. Specifically, solids were observed in the chlorine contact chamber.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

>> 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 the environment as a result of this violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2 105 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 from December 15, 2011 (date of investigation) to March 29, 2012 (date of screening).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/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

Statutory Limit Test

Estimated EB Amount \$66

Violation Final Penalty Total \$5,000

This violation Final Assessed Penalty (adjusted for limits) \$5,000

Economic Benefit Worksheet

Respondent City of Thornton
Case ID No. 43886
Reg. Ent. Reference No. RN102844461
Media Violation No. Water Quality
 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	15-Dec-2011	31-Oct-2012	0.88	\$66	n/a	\$66

Notes for DELAYED costs

Estimated cost to remove and properly dispose of solids from the chlorine contact chamber and to implement procedures to ensure that all systems of collection, treatment and disposal are properly operated and maintained. Date required is the investigation date and the final date is the projected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$66

Compliance History Report

Customer/Respondent/Owner-Operator: CN600677306 City of Thornton Classification: AVERAGE Rating: 4.83

Regulated Entity: RN102844461 CITY OF THORNTON Classification: AVERAGE Site Rating: 6.65

ID Number(s): WASTEWATER PERMIT WQ0010824001
WASTEWATER EPA ID TX0075639
SLUDGE REGISTRATION 22853
WASTEWATER LICENSING LICENSE WQ0010824001

Location: located approximately 0.5 mile south of the intersection of State Highway 14 and Farm-to-Market Road 1246 on the southwest side of the city limits of Thornton in Limestone County, Texas

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: March 29, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 29, 2007 to March 29, 2012

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

Name: Cheryl Thompson Phone: (817) 588-5886

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 04/20/2009 ADMINORDER 2008-1767-MWD-E
Classification: Moderate
Citation: 30 TAC Chapter 30, SubChapter J 30.350(d)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Other Requirements, No. 1 Pg. 26 PERMIT
Description: Failed to employ or contract a licensed individual to operate the Facility. Specifically, the City does not have a wastewater operator with a "C" or higher license.

Effective Date: 05/22/2009 ADMINORDER 2006-0571-MWD-E
Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 305, SubChapter O 305.535(c)(1)
Rqmt Prov: Permit Conditions; No. 2(d) Pg. 7 PERMIT
Description: Failure to prevent or mitigate the unauthorized discharge of excess solids or sludge.

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

Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits.

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

30 TAC Chapter 319, SubChapter A 319.7(d)
Rqmt Prov: Self-Reporting PERMIT
Description: Failure to submit monitoring results at the intervals specified in the permit.

Effective Date: 08/27/2011 ADMINORDER 2010-1977-MWD-E
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limitations and Monitoring Requ PERMIT
Description: Failed to comply with permitted effluent limits.

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	04/27/2007	(556172)
2	04/20/2007	(585017)
3	05/23/2007	(585018)
4	06/26/2007	(585019)
5	07/26/2007	(604429)
6	08/22/2007	(604430)
7	09/21/2007	(604431)
8	10/22/2007	(623481)
9	11/26/2007	(623482)
10	03/19/2008	(674782)
11	01/02/2008	(674783)
12	01/28/2008	(674784)
13	07/22/2008	(686499)
14	07/23/2008	(686554)
15	03/14/2008	(693110)
16	08/26/2008	(700170)
17	09/19/2008	(702138)
18	10/29/2008	(705339)
19	11/07/2008	(705885)
20	10/13/2008	(714343)
21	01/13/2009	(722373)
22	09/18/2009	(742412)
23	06/10/2009	(743190)
24	06/24/2009	(759102)
25	06/08/2010	(762733)
26	09/18/2009	(775061)
27	11/23/2010	(776739)
28	01/22/2010	(788109)
29	05/19/2010	(833731)
30	05/19/2010	(833732)
31	05/19/2010	(833733)
32	05/25/2010	(833734)
33	08/03/2010	(845922)
34	06/25/2010	(847147)
35	07/23/2010	(861609)
36	08/30/2010	(867948)
37	11/12/2010	(870243)
38	09/29/2010	(874897)
39	11/01/2010	(888940)
40	01/03/2011	(903191)
41	01/27/2011	(903192)
42	03/01/2011	(917315)
43	03/30/2011	(917316)
44	08/06/2010	(927970)
45	08/06/2010	(927971)
46	08/28/2009	(927972)
47	08/28/2009	(927973)
48	08/28/2009	(927974)
49	09/14/2009	(927975)
50	05/19/2010	(927976)
51	05/19/2010	(927977)
52	05/19/2010	(927978)

53 05/19/2010 (927979)
 54 05/06/2011 (939009)
 55 05/27/2011 (939010)
 56 06/29/2011 (953667)
 57 08/02/2011 (953668)
 58 08/29/2011 (960288)
 59 10/06/2011 (972352)
 60 10/25/2011 (972353)
 61 02/21/2012 (983374)
 62 12/01/2011 (985326)
 63 01/03/2012 (991604)

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

Date: 02/29/2008 (674782) CN600677306
Self Report? YES **Classification:** Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/24/2008 (686554) CN600677306
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. 26 PERMIT
Description: Failed to employ or contract a licensed individual to operate the Facility. Specifically, the City does not have a wastewater operator with a "C" or higher license.

Date: 11/07/2008 (705885) CN600677306
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(g)(4)(B)
 Operational Requirements PERMIT
Description: Failure by the permittee to ensure that all 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(5)
 Operational Requirements PERMIT
Description: Failure by the permittee to ensure that all 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)
 Operational Requirements PERMIT

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 Monitoring and Reporting Requirements PERMIT

Description: Failure by the permittee to maintain required records for review for a period of at least three years.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Monitoring and Reporting Requirements PERMIT

Description: Failure by the permittee to maintain completed operations and maintenance records.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(c)
 Monitoring and Reporting Requirements PERMIT

Description: Failure by the permittee to comply with test procedures specified in 319.11 - 319.12.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 317 317.7(e)

Description: Failure by the permittee to provide hazard signs at the plant stating "Danger--Open Tanks--No Trespassing".

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations and Monitoring Req PERMIT

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

Date: 03/31/2009 (927970) CN600677306
Self Report? YES **Classification:** Moderate

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

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

Date: 04/30/2009 (927971) CN600677306

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 (927972) CN600677306

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: 06/17/2009 (743190) CN600677306

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirements PERMIT
Description: Failure by the permittee to ensure that all 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(5)
Operational Requirements PERMIT
Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
Date: 09/30/2009 (927976) CN600677306

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: 03/31/2010 (833733) CN600677306

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 (833734) CN600677306

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 06/30/2010 (861609) CN600677306

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 07/31/2010 (867948) CN600677306

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 08/03/2010 (845922) CN600677306

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Date: 10/31/2010 (888940) CN600677306

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

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	4-Oct-2012	Screening	10-Oct-2012	EPA Due	
	PCW	25-Oct-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Thornton		
Reg. Ent. Ref. No.	RN102844461		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	43886	No. of Violations	2
Docket No.	2012-0705-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Cheryl Thompson
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$3,750**

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** **\$3,375**

Notes: Enhancement for four self-reported NOV's for same/similar violations, one NOV for same/similar violations, two orders with denial of liability and one order without denial of liability.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Total EB Amounts **\$13**
 Approx. Cost of Compliance **\$300**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$7,125**

OTHER FACTORS AS JUSTICE MAY REQUIRE **-1.6%** **Adjustment** **-\$113**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommend reduction in the penalty to prevent double-enhancement of the penalty amount for same violations that were not self-reported.

Final Penalty Amount **\$7,012**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$7,012**

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 **\$7,012**

Screening Date 10-Oct-2012

Docket No. 2012-0705-MWD-E

PCW

Respondent City of Thornton

Policy Revision 3 (September 2011)

Case ID No. 43886

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102844461

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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) 90%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four self-reported NOVs for same/similar violations, one NOV for same/similar violations, two orders with denial of liability and one order without 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 10-Oct-2012

Docket No. 2012-0705-MWD-E

PCW

Respondent City of Thornton

Policy Revision 3 (September 2011)

Case ID No. 43886

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102844461

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s)

Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010824001, Effluent Limitations and Monitoring Requirements Nos. 1, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on September 11, 2012. See attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health has been exposed to insignificant amounts of pollutants which do 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

Number of Violation Events 2

121 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

Two quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/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

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,675

This violation Final Assessed Penalty (adjusted for limits) \$4,675

Economic Benefit Worksheet

Respondent City of Thornton
Case ID No. 43886
Reg. Ent. Reference No. RN102844461
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

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

Notes for DELAYED costs

See economic benefit for violation nos. 1 and 2 of the accompanying PCW.

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 10-Oct-2012

Docket No. 2012-0705-MWD-E

PCW

Respondent City of Thornton

Policy Revision 3 (September 2011)

Case ID No. 43886

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102844461

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0010824001, Sludge Provisions

Violation Description Failed to submit the annual sludge report for the monitoring period ending July 31, 2011 by September 1, 2011.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			5.0%

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 405

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$1,250

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$2,337

This violation Final Assessed Penalty (adjusted for limits) \$2,337

Economic Benefit Worksheet

Respondent City of Thornton
Case ID No. 43886
Reg. Ent. Reference No. RN102844461
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	11-Sep-2012	31-May-2013	0.72	\$9	n/a	\$9
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	1-Sep-2011	31-May-2013	1.75	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to prepare and submit the annual sludge report for the monitoring period ending July 31, 2011 and to update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished. Dates required are the date the report was due and the record review date. Final date is the projected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$13

CITY OF THORNTON
 TPDES PERMIT NO. WQ0010824001; RN102844461
 DOCKET NO. 2012-0705-MWD-E; CASE NO. 43886

	TSS Daily Average Concentration 20 mg/L	TSS Single Grab Concentration 65 mg/L	TSS Daily Average Loading 6.8 lbs/day
January 2012	21.2	c	c
February 2012	20.04	c	c
March 2012	35	74	6.9
April 2012	28	c	8.3

TSS = total suspended solids
 mg/L = milligrams per liter

lbs/day = pounds per day
 c = compliant

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



Compliance History Report

PENDING Compliance History Report for CN600677306, RN102844461, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600677306, City of Thornton **Classification:** SATISFACTORY **Rating:** 21.85
Regulated Entity: RN102844461, CITY OF THORNTON **Classification:** SATISFACTORY **Rating:** 21.85
Complexity Points: 5 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities
Location: located approximately 0.5 mile south of the intersection of State Highway 14 and Farm-to-Market Road 1246 on the southwest side of the city limits of Thornton in Limestone County, Texas
TCEQ Region: REGION 09 - WACO

ID Number(s):
WASTEWATER PERMIT WQ0010824001 **WASTEWATER EPA ID** TX0075639
SLUDGE REGISTRATION 22853 **WASTEWATER LICENSING LICENSE** WQ0010824001

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

Date Compliance History Report Prepared: October 10, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 10, 2007 to October 10, 2012

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

Name: Cheryl Thompson **Phone** (817) 588-5886

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

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

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

- 1 Effective Date: 04/20/2009 ADMINORDER 2008-1767-MWD-E (1660 Order)
Classification: Moderate
Citation: 30 TAC Chapter 30, SubChapter J 30.350(d)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Other Requirements, No. 1 Pg. 26 PERMIT
Description: Failed to employ or contract a licensed individual to operate the Facility. Specifically, the City does not have a wastewater operator with a "C" or higher license.
- 2 Effective Date: 05/22/2009 ADMINORDER 2006-0571-MWD-E (Findings Order)
Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 305, SubChapter O 305.535(c)(1)
Rqmt Prov: Permit Conditions; No. 2(d) Pg. 7 PERMIT
Description: Failure to prevent or mitigate the unauthorized discharge of excess solids or sludge.

Classification: Moderate

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

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.7(d)

Rqmt Prov: Self-Reporting PERMIT

Description: Failure to submit monitoring results at the intervals specified in the permit.

- 3 Effective Date: 08/27/2011 ADMINORDER 2010-1977-MWD-E (1660 Order)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limitations and Monitoring Requ PERMIT
Description: Failed to comply with permitted effluent limits.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	October 22, 2007	(623481)
Item 2	November 26, 2007	(623482)
Item 3	January 02, 2008	(674783)
Item 4	January 28, 2008	(674784)
Item 5	March 14, 2008	(693110)
Item 6	July 22, 2008	(686499)
Item 7	October 13, 2008	(714343)
Item 8	June 24, 2009	(759102)
Item 9	August 28, 2009	(927973)
Item 10	September 14, 2009	(927975)
Item 11	May 19, 2010	(833731)
Item 12	June 25, 2010	(847147)
Item 13	September 29, 2010	(874897)
Item 14	January 03, 2011	(903191)
Item 15	January 27, 2011	(903192)
Item 16	March 01, 2011	(917315)
Item 17	March 30, 2011	(917316)
Item 18	May 06, 2011	(939009)
Item 19	May 27, 2011	(939010)
Item 20	June 29, 2011	(953667)
Item 21	August 02, 2011	(953668)
Item 22	August 29, 2011	(960288)
Item 23	October 06, 2011	(972352)
Item 24	October 25, 2011	(972353)
Item 25	December 01, 2011	(985326)
Item 26	January 03, 2012	(991604)
Item 27	February 01, 2012	(998951)
Item 28	June 22, 2012	(1025210)

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

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

- 1 Date: 01/31/2012 (1004477) CN600677306
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 02/29/2012 (1004478) CN600677306

	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		
3	Date:	03/31/2012 (1011046)	CN600677306	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
4	Date:	04/30/2012 (1017410)	CN600677306	
	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		
5	Date:	09/04/2012 (1014713)	CN600677306	
	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 ensure that all 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 ensure that all systems of collection, treatment, and disposal are properly operated and maintained.		
	Self Report?	NO	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1) Effl. Lmt. and Monit. Reqs., No. 1 Pg. 2 PERMIT		
	Description:	Failure to maintain the effluent within permitted effluent limitations.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(11)(B) Operational Requirements, No. 1 Pg. 9 PERMIT		
	Description:	Failure to maintain records of operations and maintenance on-site and ready for review by a TCEO representative.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 319, SubChapter A 319.11(c) Monit. and Rprt. Reqs., No. 2a Pg. 4 PERMIT		
	Description:	Failure to conduct required test procedures.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(11)(B) Sludge Provisions, Section III. G Pg. 22 PERMIT		
	Description:	Failure to maintain annual sludge records on-site and ready for review by a TCEQ representative.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(11)(B) Operational Requirements, No. 1 Pg. 9 PERMIT		
	Description:	Failure to maintain complete records of operations and maintenance activities at the WWTP.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 319, SubChapter A 319.11(d) Monit. and Rprt. Reqs., No. 2a Pg. 4 PERMIT		
	Description:	Failure by the permittee to properly measure flow of the effluent.		

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

Pending Compliance History Report for CN600677306, RN102844461, Rating Year 2012 which includes Compliance History (CH) components from October 10, 2007, through October 10, 2012.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF THORNTON
RN10284461

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

AGREED ORDER
DOCKET NO. 2012-0705-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 Thornton (“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 they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located approximately 0.5 mile south of the intersection of State Highway 14 and Farm-to-Market Road 1246 on the southwest side of the city limits of Thornton in Limestone County, Texas (the “Facility”).

2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. During an investigation on December 15, 2011, TCEQ staff documented that a discharge of waste into or adjacent to water in the state had occurred. Specifically, at the time of the investigation it was documented that solids, debris and bloodworms were present in the receiving stream and an unnamed tributary which feed into Steel Creek.
4. During an investigation on December 15, 2011, TCEQ staff documented that the Respondent did not properly operate and maintain all systems of collection, treatment and disposal. Specifically, solids were observed in the chlorine contact chamber.
5. During a record review on September 11, 2012, TCEQ staff documented that the Respondent did not comply with permitted effluent limits, as shown in the table below:

	TSS Daily Average Concentration 20 mg/L	TSS Single Grab Concentration 65 mg/L	TSS Daily Average Loading 6.5 lbs/day
January 2012	21.2	c	c
February 2012	20.04	c	c
March 2012	35	74	6.9
April 2012	28	c	8.3

TSS= total suspended solids
 mg/L= milligrams per liter

c= compliant,
 lbs/day= pounds per day

6. During a record review on September 11, 2012, TCEQ staff documented that the Respondent did not submit the annual sludge report for the monitoring period ending July 31, 2011 by September 1, 2011.
7. The Respondent received notices of the violations on March 17, 2012 and September 26, 2012.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent the discharge of waste into or adjacent to water in the state, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010824001 Permit Condition No. 2.d.

and Effluent Limitation and Monitoring Requirements No. 4, TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE § 305.125(1) and (4).

3. As evidenced by Findings of Fact No. 4, the Respondent failed to ensure that all systems of collection, treatment and disposal are properly operated and maintained, in violation of TPDES Permit No. WQ0010824001 Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(5).
4. As evidenced by Findings of Fact No. 5, the Respondent failed to comply with permitted effluent limits, in violation of TPDES Permit No. WQ0010824001, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a).
5. As evidenced by Findings of Fact No. 6, the Respondent failed to submit the annual sludge report for the monitoring period ending July 31, 2011, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010824001, Sludge Provisions.
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 Seventy-Two Thousand Twelve Dollars (\$72,012) 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. Seventy-Two Thousand Twelve Dollars (\$72,012) shall be conditionally offset by Respondent's completion of a Supplemental Environmental Project ("SEP")."

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 Twelve Dollars (\$72,012) 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 Thornton, Docket No. 2012-0705-MWD-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Conclusions of Law Section II, Paragraph 7 above Seventy-Two Thousand Twelve Dollars (\$72,012) of the assessed administrative penalty shall be offset with the condition that Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order,
 - i. Submit the annual sludge report for the monitoring period ending July 31, 2011, in accordance with the requirements of TPDES Permit No. WQ0010824001 to:

Compliance Monitoring Team (MC 224)
Enforcement Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of annual sludge reports, in accordance with TPDES Permit No. WQ0010824001.
 - b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision Nos. 3.a.i. and 3.a.ii as described in Ordering Provision No. 3.g. below;
 - c. Within 60 days after the effective date of this Agreed Order, develop and implement a solids management plan. The plan shall outline a program of internal process control testing to monitor the efficiency of the Facility and to maintain the proper solids balance within the system. The plan shall be prepared by a Texas registered professional engineer or an "A" TCEQ Certified Wastewater Operator. At a minimum, the plan should contain the following:
 - i. A schedule of regular and periodic examinations of the wastewater solids within the Facility by the operator to maintain the appropriate quantity and quality of solids;

- ii. A program to maintain records of the examinations, process control test results and solids removal; and
- iii. Organized, written records of the process control analyses shall be maintained for a period of three years at the Facility in a daily log book and shall be made available to TCEQ representatives upon request.
- d. Within 75 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision No. 3.c. as described in Ordering Provision No. 3.g. below;
- e. Within 90 days after the effective date of Agreed Order, and on a quarterly basis thereafter, submit progress reports documenting actions taken to achieve compliance with permitted effluent limits;
- f. Within 365 days after the effective date of this Agreed Order, submit certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010824001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted limitations; and
- g. Certifications required by Ordering Provisions Nos. 3.b., 3.d., and 3.f. shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

4. 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.
5. 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.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
7. 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.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, 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.
10. 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.

11. 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 Dawing
For the Executive Director

4/25/13
Date

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

Joe W Neason Sr
Signature

2-13-13
Date

JOE NEASON SR
Name (Printed or typed)
Authorized Representative of
City of Thornton

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

Attachment A
Docket Number: 2012-0705-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Thornton
Penalty Amount:	Seventy-Two Thousand Twelve Dollars (\$72,012)
SEP Offset Amount:	Seventy-Two Thousand Twelve Dollars (\$72,012)
Type of SEP:	Compliance SEP
Project Name:	<i>Wastewater Treatment Plant Improvements</i>
Location of SEP:	Limestone County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at the Respondent’s wastewater treatment facility. Respondent shall purchase and install an adjustable Weir gate, oxidation ditch rotor, variable-speed drives for activated sludge pumps, a standby generator; and construct a building to house electronic equipment and the variable-speed drives for the activated sludge pumps in an environmentally-controlled space. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: Weir gate, oxidation ditch rotor, and variable-speed drives for sludge pumps, standby generator, and a building for electronic equipment (the Project”). Respondent shall solicit bids from qualified contractors to install the equipment and erect a building for the electronic equipment and motor control center. Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity, below. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset

Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform this Project, and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Cost	Quantity	Unit	Total
Adjustable Weir Gate	\$9,033	1	each	\$9,033
Oxidation Ditch Aeration Rotor	\$3,295	1	each	\$3,295
Variable Speed Drives for Activated Sludge Pumps	\$7,500	2	each	\$15,000
Building for Electronic Equipment and Motor Control Center	\$3,169	1	each	\$3,169
Standby Generator	\$43,000	1	each	\$43,000
Total				\$73,497.00

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 365 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 365-day timeframe set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
270	Actions completed during previous 90-day period
365	Notice of SEP completion

B. Final Report

Within 365 days after the effective date of the Agreed Order, or within 30 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity, below);
4. Dated photographs of the purchased equipment; the old equipment being removed; before and after work being performed during the installation process; and photographs of before and after the removal

- and construction of the motor control center building for electronic equipment;
5. Copies of all engineering plans related to work performed pursuant to the Project;
 6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
 7. Any additional information demonstrating compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director (“ED”) may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to “Texas Commission on Environmental Quality,” and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

Respondent shall not include this Project in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.