

Executive Summary – Enforcement Matter – Case No. 46161

City of Corrigan

RN101918464

Docket No. 2013-0274-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Corrigan WWTP, located approximately 2,900 feet northeast of the intersection of U.S. Highway 59 and State Highway 352, Polk 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: June 7, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,300

Amount Deferred for Expedited Settlement: \$1,860

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$7,440

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 46161

City of Corrigan

RN101918464

Docket No. 2013-0274-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 14, 2012

Date(s) of NOE(s): January 8, 2013

Violation Information

Failed to maintain authorization for the discharge of wastewater into or adjacent to any water in the state. Specifically, Respondent did not renew Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010787001, which expired on August 1, 2012, and continued to discharge wastewater from the Facility without authorization [TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent submitted a wastewater permit application by August 27, 2012 and it was declared administratively complete by September 11, 2012.

Technical Requirements:

The Order will require Respondent to:

a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing;

b. Immediately, until such time that authorization to operate is obtained, or until 300 days after the effective date of this Agreed Order, whichever is earlier, comply with the permit limits in expired TPDES Permit No. WQ0010787001; and

b. Within 300 days, submit written certification that either authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is obtained.

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

Executive Summary – Enforcement Matter – Case No. 46161
City of Corrigan
RN101918464
Docket No. 2013-0274-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jennifer Graves, Enforcement Division,
Enforcement Team 1, MC R-15, (956) 430-6023; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Bennett Wayne Geeslin, Mayor, City of Corrigan, 101
West Ben Franklin Street, Corrigan, Texas 75939

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

DATES	Assigned	14-Jan-2013	Screening	28-Jan-2013	EPA Due	
	PCW	6-Feb-2013				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Corrigan		
Reg. Ent. Ref. No.	RN101918464		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	46161	No. of Violations	1
Docket No.	2013-0274-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jennifer Graves
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History	24.0% Enhancement	Subtotals 2, 3, & 7	\$1,800
Notes	Enhancement for one month of self-reported effluent violations, one NOV with dissimilar 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			Subtotal 6
0.0% Enhancement*			\$0
Total EB Amounts	\$666	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$10,000		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,300
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage.			
Notes			
Final Penalty Amount			\$9,300

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,300
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,860
Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)			
Notes	Deferral offered for expedited settlement.		

PAYABLE PENALTY		\$7,440
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Screening Date 28-Jan-2013
Respondent City of Corrigan
Case ID No. 46161
Reg. Ent. Reference No. RN101918464
Media [Statute] Water Quality
Enf. Coordinator Jennifer Graves

Docket No. 2013-0274-MWD-E

PCW

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 (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 24%

>> 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 one month of self-reported effluent violations, one NOV with dissimilar violations, and one order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 24%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 24%

Screening Date 28-Jan-2013

Docket No. 2013-0274-MWD-E

PCW

Respondent City of Corrigan

Policy Revision 3 (September 2011)

Case ID No. 46161

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101918464

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1) and 30 Tex. Admin. Code §§ 305.65 and 305.125(2)

Violation Description Failed to maintain authorization for the discharge of wastewater into or adjacent to any water in the state, as documented during an investigation conducted on November 14, 2012. Specifically, the Respondent did not renew Texas Pollutant Discharge Elimination System Permit No. WQ0010787001, which expired on August 1, 2012, and continued to discharge wastewater from the Facility without authorization.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			5.0%

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 6 Number of violation days 180

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

Violation Base Penalty \$7,500

Six monthly events are recommended based on the date the permit expired (August 1, 2012) to the date of screening (January 28, 2013).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$666

Violation Final Penalty Total \$9,300

This violation Final Assessed Penalty (adjusted for limits) \$9,300

Economic Benefit Worksheet

Respondent City of Corrigan
Case ID No. 46161
Reg. Ent. Reference No. RN101918464
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	\$10,000	1-Aug-2012	30-Nov-2013	1.33	\$666	n/a	\$666
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit a permit application to obtain authorization to discharge wastewater. Date required is the date the previous permit expired. Final date is the anticipated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$666



Compliance History Report

PUBLISHED Compliance History Report for CN600653109, RN101918464, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600653109, City of Corrigan **Classification:** SATISFACTORY **Rating:** 11.58
Regulated Entity: RN101918464, CITY OF CORRIGAN WASTEWATER TREATMENT SYSTEM **Classification:** SATISFACTORY **Rating:** 13.90
Complexity Points: 5 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities
Location: LOCATED APPROX. 2,900 FT NE OF THE INTX OF U.S. HWY 59 AND STATE HWY 352 IN POLK CO, TX
TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):
WASTEWATER EPA ID TX0057002 **WASTEWATER PERMIT WQ0015057001**
WASTEWATER EPA ID TX0133787 **SLUDGE REGISTRATION 22307**
Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 9/1/2012

Date Compliance History Report Prepared: February 05, 2013
Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 05, 2008 to February 05, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Jennifer Graves **Phone** (956) 430-6023

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: 03/18/2012 ADMINORDER 2011-1498-MWD-E (1660 Order-Agreed Order With 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 REQ PERMIT Description: Failure to comply with permitted effluent limitations as documented during a record review conducted on August 3, 2011. Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) Rqmt Prov: Sludge Reporting Requirements PERMIT Description: Failure to timely submit the annual sludge report by September 1, 2010, for the monitoring period ending July 31, 2010, as documented during a record review conducted on August 3, 2011.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	February 19, 2008	(673942)
Item 2	April 18, 2008	(692211)
Item 3	May 15, 2008	(692212)
Item 4	June 23, 2008	(713305)
Item 5	August 20, 2008	(713307)
Item 6	September 24, 2008	(752611)
Item 7	October 20, 2008	(729404)
Item 8	December 01, 2008	(729405)
Item 9	December 15, 2008	(729406)
Item 10	January 16, 2009	(752612)
Item 11	February 19, 2009	(752610)
Item 12	May 18, 2009	(770228)
Item 13	June 17, 2009	(810361)
Item 14	July 15, 2009	(810362)
Item 15	August 17, 2009	(810363)
Item 16	September 18, 2009	(810364)
Item 17	November 23, 2009	(810365)
Item 18	December 17, 2009	(810366)
Item 19	January 14, 2010	(810367)
Item 20	February 16, 2010	(810360)
Item 21	April 26, 2010	(832865)
Item 22	May 20, 2010	(832866)
Item 23	June 21, 2010	(846896)
Item 24	June 30, 2010	(861393)
Item 25	August 19, 2010	(867622)
Item 26	November 29, 2010	(888656)
Item 27	December 22, 2010	(897007)
Item 28	February 14, 2011	(909798)
Item 29	April 07, 2011	(917022)
Item 30	April 28, 2011	(927137)
Item 31	July 18, 2011	(953360)
Item 32	August 22, 2011	(959998)
Item 33	September 21, 2011	(966047)
Item 34	November 18, 2011	(978235)
Item 35	January 19, 2012	(991311)
Item 36	February 16, 2012	(998675)
Item 37	March 23, 2012	(1004198)
Item 38	April 12, 2012	(1010762)
Item 39	June 18, 2012	(1024910)
Item 40	August 20, 2012	(1038687)
Item 41	September 21, 2012	(1038686)

E. Written notices of violations (NOV) (CCEDS 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:	06/30/2012	(1032264)	CN600653109
	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: 07/25/2012 (1015303) CN600653109

Self Report? NO Classification: Moderate
Citation: OpR 1, Pg. 9 PERMIT
Description: Failure by the City of Corrigan to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate
Citation: OpR 1, Pg. 9 PERMIT
Description: Failure by the City of Corrigan to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor
Citation: IEL&MR 1, Pg. 2 PERMIT
Description: Failure by the City of Corrigan to collect ammonia samples once/week during the months of 9/04 and 2/05.

Self Report? NO Classification: Minor
Citation: SP III G PERMIT
Description: Failure by the City of Corrigan to submit the Annual Sludge Report to the TCEQ Regional Office (MC Region 10) and the TCEQ Water Quality Compliance Team (MC 224) of the Enforcement Division by September 1 of each year.

Self Report? NO Classification: Minor
Citation: MRR 1 PERMIT
Description: Failure by the City of Corrigan to provide monitoring results at intervals specified in the permit and submit a monthly effluent report each month to the TCEO Enforcement Division (MC 224) by the 20th day of the following month.

Self Report? NO Classification: Minor
Citation: ELMR 3 PERMIT
Description: Failure by the City of Corrigan to discharge effluent compliant with the pH limits in the water quality permit.

Self Report? NO Classification: Moderate
Citation: MRR 7(c) PERMIT
Description: Failure by the City of Corrigan to submit reports for effluent violations which deviate from the permitted effluent limitation by more than 40%.

Self Report? NO Classification: Moderate
Citation: PC 2(g) PERMIT
Description: Failure by the City of Corrigan to prevent the discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall.

Self Report? NO Classification: Minor
Citation: OpR 1 PERMIT
Description: Failure by the City of Corrigan to properly operate and maintain all units of collection, treatment, and disposal.

Self Report? NO Classification: Minor
Citation: OpR 1 PERMIT
Description: Failure by the City of Corrigan to properly operate and maintain all units of collection, treatment, and disposal.

Self Report? NO Classification: Minor
Citation: ELMR 6 PERMIT
Description: Failure by the City of Corrigan to discharge compliant effluent for dissolved oxygen.

Self Report? NO Classification: Minor
Citation: MRR 4 PERMIT
Description: Failure by the City of Corrigan to include the results of additional pH sampling on the discharge monitoring report.

Self Report? NO Classification: Moderate
Citation: OpR 1 PERMIT
Description: Failure by the City of Corrigan to properly operate and maintain all units of collection, treatment, and disposal.

Self Report? NO Classification: Minor
Citation: ELMR 2 PERMIT
Description: Failure by the City of Corrigan to discharge compliant effluent for chlorine residual.

Self Report? NO Classification: Moderate
Citation: PC 2(d) PERMIT
Description: Failure by the City of Corrigan to prevent the discharge of sludge to the receiving stream.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

Published Compliance History Report for CN600653109, RN101918464, Rating Year 2012 which includes Compliance History (CH) components from February 05, 2008, through February 05, 2013.

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF CORRIGAN
RN101918464**

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

**AGREED ORDER
DOCKET NO. 2013-0274-MWD-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Corrigan ("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 together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located approximately 2,900 feet northeast of the intersection of United States Highway 59 and State Highway 352 in Polk County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 13, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Thousand Three Hundred Dollars (\$9,300) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Four Hundred Forty

Dollars (\$7,440) of the administrative penalty and One Thousand Eight Hundred Sixty Dollars (\$1,860) 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, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent submitted a wastewater permit application by August 27, 2012 and it was declared administratively complete by September 11, 2012.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to maintain authorization for the discharge of wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2), as documented during an investigation conducted on November 14, 2012. Specifically, the Respondent did not renew Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010787001, which expired on August 1, 2012, and continued to discharge wastewater from the Facility without authorization.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Corrigan, Docket No. 2013-0274-MWD-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing;
 - b. Immediately upon the effective date of this Agreed Order, until such time that authorization to operate is obtained, or until 300 days after the effective date of this Agreed Order, whichever is earlier, comply with the permit limits in expired TPDES Permit No. WQ0010787001; and
 - b. Within 300 days after the effective date of this Agreed Order, submit written certification that either authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

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. 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.
7. 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.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Maveic, J
For the Executive Director

7/3/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, 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.

Bennett W. Geeslin
Signature

5 March 13
Date

Bennett Wayne Geeslin

Mayor

Name (Printed or typed)
Authorized Representative of
City of Corrigan

Title

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