

Executive Summary – Enforcement Matter – Case No. 47221

City of Azle

RN101609873

Docket No. 2013-1333-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:

Ash Creek Plant, located at 816 Park Road, between State Highway 199 (Jacksboro Highway) and Old Ten Mile-Azle Road west of Eagle Mountain Lake on Ash Creek, Tarrant County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 8, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,000

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: \$14,000

Name of SEP: Custom

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Executive Summary – Enforcement Matter – Case No. 47221
City of Azle
RN101609873
Docket No. 2013-1333-MWD-E

Date(s) of Investigation: June 27, 2013

Date(s) of NOE(s): July 11, 2013

Violation Information

Failed to comply with permitted effluent limits for ammonia nitrogen and flow [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011183003, Interim Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent implemented the following:

a. Beginning around February 25, 2013, converted to a new biological nutrient removal process at the Facility capable of handling larger flow volumes; and

b. By April 30, 2013, returned to compliance with all permitted effluent limits.

Technical Requirements:

The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Alejandro Laje, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2547; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

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

Respondent: The Honorable Alan Brundrett, Mayor, City of Azle, 613 Southeast Parkway, Azle, Texas 76020

Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-1333-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Azle
Penalty Amount:	Fourteen Thousand Dollars (\$14,000)
SEP Offset Amount:	Fourteen Thousand Dollars (\$14,000)
Type of SEP:	Custom
Project Name:	<i>Municipal Solid Waste Collection Event</i>
Location of SEP:	Tarrant County, Trinity River Basin, Trinity Aquifer

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to perform 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 shall hold a one-day city-wide collection event to allow residents to dispose of tires, broken furniture, logs, used automotive oil and antifreeze, used paint, junk metal, and other large municipal solid waste items (“Project”). Respondent shall offer a convenient drop-off collection site where citizens can drop off materials for disposal or recycling at no cost. Citizens will be allowed to dispose of the specified items at the supervised drop-off locations. Respondent shall be responsible for completing and submitting, in advance, the 45-day Notification to TCEQ and providing the SEP Coordinator with a copy of the letter of acknowledgement prior to the collection event. Community Waste Disposal Hauler, Permit No. 40196, will take the collected waste and dispose of it at the City of Arlington Landfill, RN104365184, located at 800 Mosier Valley Road, Euless, Texas 76040.

Advertisement for the collection event will be published in a local newspaper with the largest circulation. Printed advertisements, including publication related to the SEP, must include the enforcement statement as stated in Section 6, Publicity, below.

Respondent shall ensure that the event:

- is advertised to the public; and includes the publicity statement that Project is being performed as a Supplemental Environmental Project;
- advertises clearly that there is no cost to the public;

- occurs during daylight hours; and
- offers to the public a convenient drop-off location.

Respondent shall properly collect, transport, dispose of, or recycle the collected materials. The SEP Offset Amount will only be used for heavy equipment such as roll-off bins, vehicles, and trailers; public announcements of the event; signage; and costs of proper disposal and recycling. Respondent shall use the SEP Offset Amount for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule for Project, 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. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

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

B. Environmental Benefit

The SEP will provide a discernible environmental benefit by helping to prevent the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects

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	Quantity	Cost	Units	Total
Back hoe	2	\$240.00	Each	\$480.00
Hydraulic Excavator	1	\$150.00	Each	\$150.00
Roll-off Bins w/disposal fees	13	\$800.00	Each	\$10,400.00
Car Tires, no rims	50	\$5.00	Each	\$250.00
Car Tires, w/rims	15	\$10.00	Each	\$150.00
Pick-up Tires, no rims	50	\$15.00	Each	\$750.00
Pick-up Tires, w/rims	15	\$30.00	Each	\$450.00

Item	Quantity	Cost	Units	Total
Semi-Truck Tires, no rims	25	\$25.00	Each	\$625.00
Semi-Truck Tires, w/rims	5	\$50.00	Each	\$250.00
Utility Tires	10	\$50.00	Each	\$500.00
Total				\$14,005.00

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 60 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. Copies of proof of advertisement of the collection event (the advertisement must include the statement that the SEP was performed as a result of a TCEQ enforcement action);
4. A certified/notarized statement of quantifiable environmental benefit;
5. Detailed map showing specific locations of the collection site(s);
6. Dated photographs of the Project showing the collected materials;
7. A count on the type of items collected, i.e. number of televisions, number of tires (by type, such as passenger, truck, etc.), pounds of metal, gallons of paint, etc.
8. Manifest sufficient to show proof of proper disposal and/or recycling of the collected materials.
9. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate 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 Specialist, 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 15-Jul-2013	Screening 15-Jul-2013	EPA Due 5-Sep-2013
	PCW 5-Sep-2013		

RESPONDENT/FACILITY INFORMATION

Respondent	City of Azle		
Reg. Ent. Ref. No.	RN101609873		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	47221	No. of Violations	2
Docket No.	2013-1333-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Nick Nevid
		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	\$10,000
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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	65.0% Enhancement	Subtotals 2, 3, & 7	\$6,500
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Notes Enhancement for two months of self-reported effluent violations, one NOV with same/similar violations, and two orders without denial language.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$2,500
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$50
 Approx. Cost of Compliance \$1,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$14,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,000
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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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	\$14,000
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Screening Date 15-Jul-2013

Docket No. 2013-1333-MWD-E

PCW

Respondent City of Azle

Policy Revision 3 (September 2011)

Case ID No. 47221

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101609873

Media [Statute] Water Quality

Enf. Coordinator Nick Nevid

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>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
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) 65%

>> 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 two months of self-reported effluent violations, one NOV with same/similar violations, and two orders without denial language.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 65%

Screening Date 15-Jul-2013

Docket No. 2013-1333-MWD-E

PCW

Respondent City of Azle

Policy Revision 3 (September 2011)

Case ID No. 47221

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101609873

Media [Statute] Water Quality

Enf. Coordinator Nick Nevid

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011183003, Interim Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on June 27, 2013, and as shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amount of pollutants exceeded levels protective of human health or the environment. Flow was also considered. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2 Number of violation days 58

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

Violation Base Penalty \$2,500

Two quarterly events are recommended for the quarters containing the months of April 2012 and February 2013.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes: The Respondent achieved compliance by April 30, 2013.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$50

Violation Final Penalty Total \$3,500

This violation Final Assessed Penalty (adjusted for limits) \$3,500

Economic Benefit Worksheet

Respondent City of Azle
Case ID No. 47221
Reg. Ent. Reference No. RN101609873
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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	30-Apr-2012	30-Apr-2013	1.00	\$50	n/a	\$50

Notes for DELAYED costs

Estimated combined cost for additional labor (overtime hours) and pump rental to activate a new biological nutrient removal process at the Facility capable of handling larger flow volumes and return to compliance. Date required is the initial date of noncompliance. Final date is the date of compliance with effluent limits.

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

\$1,000

TOTAL

\$50

Screening Date 15-Jul-2013
Respondent City of Azle
Case ID No. 47221
Reg. Ent. Reference No. RN101609873
Media [Statute] Water Quality
Enf. Coordinator Nick Nevid

Docket No. 2013-1333-MWD-E

PCW

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

Violation Number 2

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011183003, Interim Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on June 27, 2013, and as shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	X				30.0%
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amount of pollutants exceeded levels protective of human health or the environment. Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 31 Number of violation days

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

Violation Base Penalty \$7,500

One monthly event is recommended for the month of March 2013.

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

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

Notes The Respondent achieved compliance by April 30, 2013.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$10,500

This violation Final Assessed Penalty (adjusted for limits) \$10,500

Economic Benefit Worksheet

Respondent City of Azle
Case ID No. 47221
Reg. Ent. Reference No. RN101609873
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
<small>No commas or \$</small>							

Delayed Costs

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

Notes for DELAYED costs

Economic benefit for this violation is included with Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

City of Azle
TPDES Permit No. WQ0011183003
Docket No. 2013-1333-MWD-E

Effluent Violation Table			
Permitted Effluent Limits	Monitoring Period		
	April 2012	February 2013	March 2013
Flow (Limit = 0.941 MGD)	0.965	c	c
Ammonia Nitrogen Daily Average Concentration (Limit = 2 mg/L)	c	2.656	7.148
Ammonia Nitrogen Daily Maximum Concentration (Limit = 10 mg/L)	c	14	24
Ammonia Nitrogen Daily Average Loading (Limit = 16 lbs/day)	c	21.397	40.642

MGD = million gallons per day
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 TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN600244032, RN101609873, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600244032, City of Azle **Classification:** SATISFACTORY **Rating:** 12.11
Regulated Entity: RN101609873, ASH CREEK PLANT **Classification:** SATISFACTORY **Rating:** 12.11
Complexity Points: 13 **Repeat Violator:** NO
CH Group: 08 - Sewage Treatment Facilities
Location: Located at 816 Park Road, between State Highway 199 (Jacksboro Highway) and Old Ten Mile-Azle Road west of Eagle Mountain Lake on Ash Creek in Tarrant County, Texas.
TCEQ Region: REGION 04 - DFW METROPLEX
ID Number(s):
WASTEWATER PERMIT WQ0011183003 **WASTEWATER EPA ID** TX0023116
WASTEWATER AUTHORIZATION R11183003 **WASTEWATER LICENSING LICENSE** WQ0011183003
Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: July 15, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 15, 2008 to July 15, 2013

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

Name: Nick Nevid

Phone: (512) 239-2612

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: 08/29/2008 ADMINORDER 2007-1798-MLM-E (Findings Order-Agreed Order Without Denial)
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 as documented by a TCEQ record review of self reported data.
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 prevent unauthorized discharges.
- 2 Effective Date: 08/13/2011 ADMINORDER 2010-1847-MWD-E (Findings Order-Agreed Order Without Denial)
Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:WQ0011183-003 PERMIT

Description: Failure to properly maintain one of the clarifier units.

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov:WQ0011183-003 PERMIT

Description: Failure to prevent unauthorized discharges from the collection system.

Classification: Moderate

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

Rqmt Prov:Interim I EL&MR Nos. 1 and 6 PERMIT

Description: Failure to comply with permitted effluent limits.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 14, 2008	(711456)
Item 2	August 22, 2008	(700511)
Item 3	September 15, 2008	(711458)
Item 4	September 17, 2008	(711457)
Item 5	November 20, 2008	(727999)
Item 6	December 22, 2008	(728000)
Item 7	March 23, 2009	(750905)
Item 8	May 21, 2009	(768855)
Item 9	June 22, 2009	(925343)
Item 10	August 11, 2009	(765284)
Item 11	August 24, 2009	(925344)
Item 12	September 22, 2009	(925345)
Item 13	October 26, 2009	(925346)
Item 14	December 17, 2009	(925348)
Item 15	February 22, 2010	(925338)
Item 16	March 18, 2010	(925339)
Item 17	April 22, 2010	(925340)
Item 18	May 18, 2010	(925342)
Item 19	July 22, 2010	(861020)
Item 20	August 20, 2010	(867041)
Item 21	September 20, 2010	(874088)
Item 22	September 24, 2010	(881704)
Item 23	November 19, 2010	(888210)
Item 24	January 05, 2011	(896456)
Item 25	February 22, 2011	(909275)
Item 26	March 21, 2011	(916536)
Item 27	April 21, 2011	(925341)
Item 28	May 19, 2011	(938218)
Item 29	June 17, 2011	(945595)
Item 30	August 22, 2011	(959503)
Item 31	September 22, 2011	(965537)
Item 32	November 21, 2011	(977742)
Item 33	December 27, 2011	(984508)
Item 34	February 21, 2012	(998167)
Item 35	June 21, 2012	(1024381)
Item 36	July 23, 2012	(1031762)
Item 37	August 20, 2012	(1038132)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF AZLE
RN101609873**

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

AGREED ORDER DOCKET NO. 2013-1333-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 Azle ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located at 816 Park Road, between State Highway 199 (Jacksboro Highway) and Old Ten Mile-Azle Road west of Eagle Mountain Lake on Ash Creek in Tarrant 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. During a record review conducted on June 27, 2013, TCEQ staff documented the following from self-reported discharge monitoring reports:

Effluent Violation Table			
Permitted Effluent Limits	Monitoring Period		
	April 2012	February 2013	March 2013
Flow (Limit = 0.941 MGD)	0.965	c	c
Ammonia Nitrogen Daily Average Concentration (Limit = 2 mg/L)	c	2.656	7.148
Ammonia Nitrogen Daily Maximum Concentration (Limit = 10 mg/L)	c	14	24
Ammonia Nitrogen Daily Average Loading (Limit = 16 lbs/day)	c	21.397	40.642

MGD = million gallons per day
 mg/L = milligrams per liter
 lbs/day = pounds per day
 c = compliant

4. The Respondent received notice of the violations on July 15, 2013.
5. The Executive Director recognizes that the Respondent:
 - a. Beginning around February 25, 2013, converted to a new biological nutrient removal process at the Facility capable of handling larger flow volumes; and
 - b. By April 30, 2013, returned to compliance with all permitted effluent limits.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011183003, Interim Effluent Limitations and Monitoring Requirements No. 1.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Fourteen Thousand Dollars (\$14,000) 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. Fourteen Thousand Dollars (\$14,000) shall be conditionally offset by the 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 Fourteen Thousand Dollars (\$14,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Azle, Docket No. 2013-1333-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. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Fourteen Thousand Dollars

(\$14,000) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. 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 provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature

affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ramon Danuiz
For the Executive Director

12/6/13
Date

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

[Signature]
Signature

OCTOBER 2, 2013
Date

ALAN BRUNDRETT, MAYOR
Name (Printed or typed)
Authorized Representative of
City of Azle

MAYOR
Title

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

Attachment A
Docket Number: 2013-1333-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Azle
Penalty Amount:	Fourteen Thousand Dollars (\$14,000)
SEP Offset Amount:	Fourteen Thousand Dollars (\$14,000)
Type of SEP:	Custom
Project Name:	<i>Municipal Solid Waste Collection Event</i>
Location of SEP:	Tarrant County, Trinity River Basin, Trinity Aquifer

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to perform 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 shall hold a one-day city-wide collection event to allow residents to dispose of tires, broken furniture, logs, used automotive oil and antifreeze, used paint, junk metal, and other large municipal solid waste items (“Project”). Respondent shall offer a convenient drop-off collection site where citizens can drop off materials for disposal or recycling at no cost. Citizens will be allowed to dispose of the specified items at the supervised drop-off locations. Respondent shall be responsible for completing and submitting, in advance, the 45-day Notification to TCEQ and providing the SEP Coordinator with a copy of the letter of acknowledgement prior to the collection event. Community Waste Disposal Hauler, Permit No. 40196, will take the collected waste and dispose of it at the City of Arlington Landfill, RN104365184, located at 800 Mosier Valley Road, Euless, Texas 76040.

Advertisement for the collection event will be published in a local newspaper with the largest circulation. Printed advertisements, including publication related to the SEP, must include the enforcement statement as stated in Section 6, Publicity, below.

Respondent shall ensure that the event:

- is advertised to the public; and includes the publicity statement that Project is being performed as a Supplemental Environmental Project;
- advertises clearly that there is no cost to the public;

- occurs during daylight hours; and
- offers to the public a convenient drop-off location.

Respondent shall properly collect, transport, dispose of, or recycle the collected materials. The SEP Offset Amount will only be used for heavy equipment such as roll-off bins, vehicles, and trailers; public announcements of the event; signage; and costs of proper disposal and recycling. Respondent shall use the SEP Offset Amount for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule for Project, 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. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

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

B. Environmental Benefit

The SEP will provide a discernible environmental benefit by helping to prevent the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects

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	Quantity	Cost	Units	Total
Back hoe	2	\$240.00	Each	\$480.00
Hydraulic Excavator	1	\$150.00	Each	\$150.00
Roll-off Bins w/disposal fees	13	\$800.00	Each	\$10,400.00
Car Tires, no rims	50	\$5.00	Each	\$250.00
Car Tires, w/rims	15	\$10.00	Each	\$150.00
Pick-up Tires, no rims	50	\$15.00	Each	\$750.00
Pick-up Tires, w/rims	15	\$30.00	Each	\$450.00

Item	Quantity	Cost	Units	Total
Semi-Truck Tires, no rims	25	\$25.00	Each	\$625.00
Semi-Truck Tires, w/rims	5	\$50.00	Each	\$250.00
Utility Tires	10	\$50.00	Each	\$500.00
Total				\$14,005.00

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 60 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. Copies of proof of advertisement of the collection event (the advertisement must include the statement that the SEP was performed as a result of a TCEQ enforcement action);
4. A certified/notarized statement of quantifiable environmental benefit;
5. Detailed map showing specific locations of the collection site(s);
6. Dated photographs of the Project showing the collected materials;
7. A count on the type of items collected, i.e. number of televisions, number of tires (by type, such as passenger, truck, etc.), pounds of metal, gallons of paint, etc.
8. Manifest sufficient to show proof of proper disposal and/or recycling of the collected materials.
9. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate 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 Specialist, 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.