

Executive Summary – Enforcement Matter – Case No. 46731
City of Willow Park
RN101920585
Docket No. 2013-0836-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Willow Park WWTP, located at 30 Crown Road, on the southwest corner of Clear Fork Trinity River crossing of Crown Road, approximately 3,000 feet east of Willow Springs Road, Willow Park, Parker 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 1, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$44,038

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,233

Total Due to General Revenue: \$42,805

Payment Plan: 35 payments of \$1,223 each

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 2002 and September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

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Docket No. 2013-0836-MWD-E

Date(s) of Investigation: February 5, 2013 and April 8, 2013
Date(s) of NOE(s): April 26, 2013

Violation Information

1. Failed to comply with permitted effluent limits for ammonia nitrogen, total suspended solids, and 5-day carbonaceous biochemical oxygen demand [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013834001, Effluent Limitations and Monitoring Requirements No. 1].
2. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2012, by September 30, 2012 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0013834001, Sludge Provisions].
3. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal [30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0013834001, Operational Requirements No. 1].
4. Failed to prevent an unauthorized discharge into or adjacent to water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013834001, Permit Conditions No. 2.g.].
5. Failed to notify the TCEQ Regional Office within 24 hours of becoming aware of the noncompliance [30 TEX. ADMIN. CODE § 305.125(9) and TPDES Permit No. WQ0013834001, Monitoring and Reporting Requirements No. 7.a.].
6. Failed to monitor *E. coli* in the effluent as specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.4, and TPDES Permit No. WQ0013834001, Effluent Limitations and Monitoring Requirements No. 1].
7. Failed to submit a noncompliance notification for any effluent violation which deviates from the permitted effluent limitation by greater than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013834001, Monitoring and Reporting Requirements No. 7.c.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

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- a. By October 5, 2012, mitigated the discharge during repairs, fixed the force main, and conducted an environmental assessment of the impact on Squaw Creek.
- b. By February 6, 2013, cleaned up debris around the manhole where the discharge occurred near the Beaver Creek lift station.
- c. By February 8, 2013, began requesting the lab to test for *E. coli* instead of fecal coliforms.
- d. By May 2, 2013, submitted the annual sludge report and updated operational guidance and procedures to ensure that future reports are submitted as required.
- e. By May 20, 2013:
 - i. Submitted noncompliance notifications for the 40% exceedance of total suspended solids in May 2011 and for the unauthorized discharge discovered February 5, 2013;
 - ii. Revised previously submitted discharge monitoring reports ("DMRs") for the Facility to indicate that data previously reported as *E. coli* was for fecal coliforms; and
 - iii. Updated standard operating procedures at the Facility to ensure all future reports are submitted as required.

Technical Requirements:

The Order will require Respondent to:

- a. Within 90 days, develop and implement a solids management plan ("SMP"). The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solids balance within the system. The plan shall include the following items:
 - i. A schedule for performing the following process control analyses and recommended ranges to be maintained: mixed liquor thirty-minute sludge settleability, mixed liquor suspended solids, mixed liquor dissolved oxygen concentration, clarifier sludge blanket depth, and residual chlorine concentration;
 - ii. Procedures outlining actions to be taken in the event that any of the above process control analyses fall outside the recommended range; and
 - iii. Specific sampling locations for the above stated process control measurements.

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

b. Within 105 days, submit written certification of compliance with Ordering Provision a.

c. Within 150 days, submit written certification of compliance with the permitted effluent limitations and requirements of TPDES Permit No. WQ0013834001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations and requirements.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jill Russell, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-4564; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Richard Neverdousky, Mayor, City of Willow Park, 516 Ranch House Road, Willow Park, Texas 76087

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	13-May-2013	Screening	13-May-2013	EPA Due	
	PCW	25-Jul-2013				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Willow Park
Reg. Ent. Ref. No.	RN101920585
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	7
Enf./Case ID No.	46731	Order Type	Findings
Docket No.	2013-0836-MWD-E	Government/Non-Profit	Yes
Media Program(s)	Water Quality	Enf. Coordinator	Jill Russell
Multi-Media		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** **\$25,750**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **70.0%** Enhancement **Subtotals 2, 3, & 7** **\$18,025**

Notes: Enhancement for five months of self-reported effluent violations, one order with denial language, and one order without denial language.

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** **\$1,337**

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

Total EB Amounts: \$1,409
 Approx. Cost of Compliance: \$27,800
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$42,438**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$42,438**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$42,438**

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 **\$42,438**

Screening Date 13-May-2013

Docket No. 2013-0836-MWD-E

PCW

Respondent City of Willow Park

Policy Revision 3 (September 2011)

Case ID No. 46731

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920585

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<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>)	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	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) 70%

>> **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 five months of self-reported effluent violations, one order with denial language, and one order without denial language.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 70%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 70%

Screening Date 13-May-2013

Docket No. 2013-0836-MWD-E

PCW

Respondent City of Willow Park

Policy Revision 3 (September 2011)

Case ID No. 46731

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920585

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013834001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on April 8, 2013, and as shown in the attached violation 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

A simplified model was used to evaluate carbonaceous biochemical oxygen demand and ammonia nitrogen to determine whether the discharged amount of pollutants exceeded levels protective of human health or the environment. In addition, total suspended solids were 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 3

91 Number of violation days

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

Violation Base Penalty \$3,750

Three quarterly events are recommended.

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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$811

Violation Final Penalty Total \$6,375

This violation Final Assessed Penalty (adjusted for limits) \$6,375

Economic Benefit Worksheet

Respondent City of Willow Park
Case ID No. 46731
Reg. Ent. Reference No. RN101920585
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$100	1-Jan-2012	20-May-2013	1.38	\$7	n/a	\$7
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	30-Jun-2012	7-Feb-2014	1.61	\$804	n/a	\$804

Notes for DELAYED costs
 Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility and return to compliance. Date required is the initial date of noncompliance and final date is the anticipated date of compliance with effluent limits.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 **\$10,100** **TOTAL** **\$811**

Screening Date 13-May-2013

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PCW

Respondent City of Willow Park

Policy Revision 3 (September 2011)

Case ID No. 46731

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920585

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0013834001, Sludge Provisions

Violation Description Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2012, by September 30, 2012, as documented during a record review conducted on April 8, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1.0%

Matrix Notes More than 70% of the permit requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 211 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
Single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$25

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

Notes The Respondent achieved compliance by May 2, 2013.

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$400

This violation Final Assessed Penalty (adjusted for limits) \$400

Economic Benefit Worksheet

Respondent: City of Willow Park
Case ID No.: 46731
Reg. Ent. Reference No.: RN101920585
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
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No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$0	\$0
Record Keeping System	\$50	30-Sep-2012	2-May-2013	0.59	\$1	n/a	\$1
Training/Sampling	\$250	30-Sep-2012	2-May-2013	0.59	\$7	n/a	\$7
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the missing annual sludge report and to update operational guidance and procedures to ensure that future reports are submitted as required. Date required is the date the report was due. Final date is the date of compliance.

Avoided Costs

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

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

\$9

Screening Date 13-May-2013

Docket No. 2013-0836-MWD-E

PCW

Respondent City of Willow Park

Policy Revision 3 (September 2011)

Case ID No. 46731

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920585

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0013834001, Operational Requirements No. 1

Violation Description

Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, during an investigation on February 5, 2013, TCEQ staff observed an excessive amount of sludge and surface scum in the chlorine contact basin.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 4

97 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$15,000

Four monthly events are recommended from the February 5, 2013 investigation date to the May 13, 2013 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$585

Violation Final Penalty Total \$25,500

This violation Final Assessed Penalty (adjusted for limits) \$25,500

Economic Benefit Worksheet

Respondent City of Willow Park
Case ID No. 46731
Reg. Ent. Reference No. RN101920585
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment			0.00	\$0	\$0	\$0	
Buildings			0.00	\$0	\$0	\$0	
Other (as needed)			0.00	\$0	\$0	\$0	
Engineering/construction			0.00	\$0	\$0	\$0	
Land			0.00	\$0	N/A	\$0	
Record Keeping System			0.00	\$0	N/A	\$0	
Training/Sampling			0.00	\$0	N/A	\$0	
Remediation/Disposal			0.00	\$0	N/A	\$0	
Permit Costs			0.00	\$0	N/A	\$0	
Other (as needed)	\$10,000	5-Feb-2013	8-Apr-2014	1.17	\$585	N/A	\$585

Notes for DELAYED costs

Estimated cost to develop and implement procedures to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained to prevent excessive build-up of sludge and surface scum in the chlorine contact basin. Date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$585

Screening Date 13-May-2013

Docket No. 2013-0836-MWD-E

PCW

Respondent City of Willow Park

Policy Revision 3 (September 2011)

Case ID No. 46731

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920585

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 4

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013834001, Permit Conditions No. 2.g

Violation Description

Failed to prevent an unauthorized discharge into or adjacent to water in the state. Specifically, on October 4, 2012, an unknown amount of untreated waste was discharged from a force main into Squaw Creek near the western edge of Squaw Creek Downs Race Track.

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 or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$312

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

Notes The Respondent returned to compliance on October 5, 2012.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$1,813

This violation Final Assessed Penalty (adjusted for limits) \$1,813

Economic Benefit Worksheet

Respondent City of Willow Park
Case ID No. 46731
Reg. Ent. Reference No. RN101920585
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$7,000	4-Oct-2012	5-Oct-2012	0.00	\$1	n/a	\$1
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to mitigate the discharge during repairs, to fix the force main, and to perform an environmental assessment of the Impact on Squaw Creek. The date required is the date of the unauthorized discharge and final date is the date of compliance.

Avoided Costs

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

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

\$7,000

TOTAL

\$1

Screening Date 13-May-2013

Docket No. 2013-0836-MWD-E

PCW

Respondent City of Willow Park

Policy Revision 3 (September 2011)

Case ID No. 46731

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920585

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 5

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013834001, Permit Conditions No. 2.g

Violation Description

Failed to prevent an unauthorized discharge into or adjacent to water in the state. Specifically, on February 5, 2013, evidence of an unauthorized discharge of untreated wastewater was observed on the road around a manhole near the Beaver Creek lift station.

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 or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,250

One quarterly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$125

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

Notes

The Respondent returned to compliance on February 6, 2013.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$2,000

This violation Final Assessed Penalty (adjusted for limits) \$2,000

Economic Benefit Worksheet

Respondent City of Willow Park
Case ID No. 46731
Reg. Ent. Reference No. RN101920585
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal	\$200	5-Feb-2013	6-Feb-2013	0.00	\$0	n/a
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to clean up debris around the manhole where the discharge occurred near the Beaver Creek lift station. The date required is the date when the unauthorized discharge was discovered and final date is the 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

\$200

TOTAL

\$0

Screening Date 13-May-2013

Docket No. 2013-0836-MWD-E

PCW

Respondent City of Willow Park

Policy Revision 3 (September 2011)

Case ID No. 46731

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920585

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 305.125(9) and TPDES Permlt No. WQ0013834001, Monitoring and Reporting Requirements No. 7.a

Violation Description Failed to notify the TCEQ Regional Office within 24 hours of becoming aware of the noncompliance. Specifically, the unauthorized discharge from a manhole near the Beaver Creek lift station that was discovered on February 5, 2013 was not reported until May 20, 2013.

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 of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 96

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

10.0% Reduction

\$125

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

Notes The Respondent achieved compliance for this violation by May 20, 2013.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$2,000

This violation Final Assessed Penalty (adjusted for limits) \$2,000

Economic Benefit Worksheet

Respondent City of Willow Park
Case ID No. 46731
Reg. Ent. Reference No. RN101920585
Media Water Quality
Violation No. 6

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$100	6-Feb-2013	20-May-2013	0.28	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to properly notify the TCEQ Regional Office within 24 hours of becoming aware of a noncompliance and to update its standard operating procedures to ensure that all unauthorized discharges are reported on time. Date required is the date the notification was due and the final date is the compliance date.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$1

Screening Date 13-May-2013

Docket No. 2013-0836-MWD-E

PCW

Respondent City of Willow Park

Policy Revision 3 (September 2011)

Case ID No. 46731

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920585

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 319.4, and TPDES Permit No. WQ0013834001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to monitor Escherichia coli ("E. coli") in the effluent as specified in the permit, as documented during an investigation conducted on February 5, 2013. Specifically, a review of laboratory reports indicate that fecal coliform tests were being conducted rather than E. coli tests for the October 2012, November 2012, December 2012, and January 2013 monitoring periods.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 4

123 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$3,000

Four single events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$750

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

Notes The Respondent returned to compliance by February 8, 2013.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$4,350

This violation Final Assessed Penalty (adjusted for limits) \$4,350

Economic Benefit Worksheet

Respondent City of Willow Park
Case ID No. 46731
Reg. Ent. Reference No. RN101920585
Media Water Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$100	1-Oct-2012	8-Feb-2013	0.36	\$2	n/a	\$2
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update operational procedures to ensure effluent is monitored as specified in the permit. Date required is the first violation date and final date is the date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$2





Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	13-May-2013	Screening	13-May-2013	EPA Due	
	PCW	8-Jul-2013				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Willow Park		
Reg. Ent. Ref. No.	RN101920585		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	46731	No. of Violations	1
Docket No.	2013-0836-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jill Russell
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,000
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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	70.0% Enhancement	Subtotals 2, 3, & 7	\$700
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Notes: Enhancement for five months of self-reported effluent violations, one order with denial language, and one order 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	\$100
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$29; Approx. Cost of Compliance: \$300; *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,600
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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	\$1,600
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,600
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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	\$1,600
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Screening Date 13-May-2013

Docket No. 2013-0836-MWD-E

PCW

Respondent City of Willow Park

Policy Revision 2 (September 2002)

Case ID No. 46731

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101920585

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<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>)	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	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) 70%

>> **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 five months of self-reported effluent violations, one order with denial language, and one order without denial language.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 70%

Screening Date 13-May-2013
Respondent City of Willow Park
Case ID No. 46731
Reg. Ent. Reference No. RN101920585
Media [Statute] Water Quality
Enf. Coordinator Jill Russell
Violation Number 1

Docket No. 2013-0836-MWD-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System Permit No. WQ0013834001, Monitoring and Reporting Requirements No. 7.c

Violation Description

Failed to submit noncompliance notifications for any effluent violation which deviates from the permitted effluent limitation by greater than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, the noncompliance notification for the total suspended solids daily average exceedance was not submitted for the monitoring period of May 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 693 Number of violation days

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

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$100

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

Notes

The Respondent returned to compliance by May 20, 2013.

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$29

Violation Final Penalty Total \$1,600

This violation Final Assessed Penalty (adjusted for limits) \$1,600

Economic Benefit Worksheet

Respondent City of Willow Park
Case ID No. 46731
Reg. Ent. Reference No. RN101920585
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	25-Jun-2011	20-May-2013	1.90	\$24	n/a	\$24
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	25-Jun-2011	20-May-2013	1.90	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to submit the required noncompliance notification (\$50 per notification) and to update operational guidance and procedures to ensure future reports are submitted as required. Date required is the date when the noncompliance notification was due and the final date is the compliance date.

Avoided Costs

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

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

\$29



Effluent Violations Table					
City of Willow Park					
RN101920585; Docket 2013-0836-MWD-E					
TPDES Permit No. WQ0013834001					
Permitted Effluent Limits	Monitoring Period				
	June 2012	October 2012	November 2012	December 2012	January 2013
CBOD ₅ Daily Average Concentration (Limit = 10 mg/L)	10.4	c	10.18	26.5	11.63
CBOD ₅ Single Grab Concentration (Limit = 35 mg/L)	c	c	c	37	c
Ammonia Nitrogen Daily Average Concentration (Limit = 3 mg/L)	c	4.45	3.84	9.3	9.19
Ammonia Nitrogen Single Grab Concentration (Limit = 15 mg/L)	c	c	c	23	16
TSS Daily Average Concentration (Limit = 15 mg/L)	c	c	c	26.25	16.18

Table abbreviations: CBOD₅ = five-day carbonaceous biochemical oxygen demand; TSS = total suspended solids; mg/L = milligrams per liter; c = compliant.



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Compliance History Report

PUBLISHED Compliance History Report for CN600666374, RN101920585, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600666374, City of Willow Park **Classification:** SATISFACTORY **Rating:** 5.37

Regulated Entity: RN101920585, CITY OF WILLOW PARK WWTP **Classification:** SATISFACTORY **Rating:** 10.08

Complexity Points: 8 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: Located at 30 Crown Road, on the southwest corner of Clear Fork Trinity River crossing of Crown Road, approximately 3,000 feet east of Willow Springs Road, in the City of Willow Park in Parker County, Texas 76087.

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

WASTEWATER PERMIT WQ0013834001

WASTEWATER EPA ID TX0099732

WASTEWATER AUTHORIZATION R13834001

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

Date Compliance History Report Prepared: May 13, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 13, 2008 to May 13, 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: 10/18/2009 | ADMINORDER 2009-0864-MWD-E (1660 Order-Agreed Order With 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. | |
| 2 | Effective Date: 02/05/2012 | ADMINORDER 2011-1238-MWD-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. | |

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	October 20, 2008	(716027)
Item 2	October 22, 2008	(716029)
Item 3	November 18, 2008	(731613)
Item 4	December 18, 2008	(731614)
Item 5	June 12, 2009	(816463)
Item 6	August 17, 2009	(816465)
Item 7	September 14, 2009	(816466)
Item 8	October 12, 2009	(816467)
Item 9	December 16, 2009	(816469)
Item 10	January 12, 2010	(816470)
Item 11	March 15, 2010	(834994)
Item 12	April 19, 2010	(834995)
Item 13	July 19, 2010	(861933)
Item 14	August 13, 2010	(868482)
Item 15	September 13, 2010	(875374)
Item 16	October 08, 2010	(882932)
Item 17	November 11, 2010	(889324)
Item 18	February 15, 2011	(910497)
Item 19	September 16, 2011	(966786)
Item 20	October 17, 2011	(972769)
Item 21	February 16, 2012	(999408)
Item 22	March 06, 2012	(1004935)
Item 23	April 17, 2012	(1011495)
Item 24	May 18, 2012	(1017863)
Item 25	June 18, 2012	(1025633)
Item 26	August 16, 2012	(1039478)
Item 27	September 17, 2012	(1048393)
Item 28	October 17, 2012	(1068247)

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 (1032975)	CN600666374	
	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: 10/31/2012 (1068248)	CN600666374	
	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: 11/30/2012 (1068249)	CN600666374	
	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: 12/31/2012 (1082073)	CN600666374	
	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: 01/31/2013 (1082072) CN600666374
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

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

8 Date: 02/28/2009 (772140) CN600666374
Classification: Moderate

Self Report? YES For Informational Purposes Only
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

9 Date: 03/31/2009 (772141) CN600666374
Classification: Moderate

Self Report? YES For Informational Purposes Only
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

10 Date: 04/30/2009 (772142) CN600666374
Classification: Moderate

Self Report? YES For Informational Purposes Only
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

11 Date: 06/30/2009 (816464) CN600666374
Classification: Moderate

Self Report? YES For Informational Purposes Only
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

12 Date: 10/31/2009 (816468) CN600666374
Classification: Moderate

Self Report? YES For Informational Purposes Only
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

13 Date: 01/31/2010 (816462) CN600666374
Classification: Moderate

Self Report? YES For Informational Purposes Only
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

14 Date: 04/30/2010 (834996) CN600666374
Classification: Moderate

Self Report? YES For Informational Purposes Only
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

15 Date: 05/31/2010 (847521) CN600666374
Classification: Moderate

Self Report? YES For Informational Purposes Only
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

16 Date: 11/30/2010 (897718) CN600666374
Classification: Moderate

Self Report? YES For Informational Purposes Only

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

17 Date: 12/31/2010 (903603) CN600666374
 Classification: Moderate
 Self Report? YES For Informational Purposes Only
 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

18 Date: 02/28/2011 (917736) CN600666374
 Classification: Moderate
 Self Report? YES For Informational Purposes Only
 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

19 Date: 03/31/2011 (929213) CN600666374
 Classification: Moderate
 Self Report? YES For Informational Purposes Only
 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

20 Date: 04/30/2011 (939447) CN600666374
 Classification: Moderate
 Self Report? YES For Informational Purposes Only
 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

21 Date: 05/31/2011 (946856) CN600666374
 Classification: Moderate
 Self Report? YES For Informational Purposes Only
 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

22 Date: 06/30/2011 (954113) CN600666374
 Classification: Moderate
 Self Report? YES For Informational Purposes Only
 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

23 Date: 07/31/2011 (960696) CN600666374
 Classification: Moderate
 Self Report? YES For Informational Purposes Only
 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

24* Date: 10/31/2011 (978912) CN600666374
 Classification: Moderate
 Self Report? YES For Informational Purposes Only
 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

25* Date: 11/30/2011 (985744) CN600666374
 Classification: Moderate

	Self Report?	YES	For Informational Purposes Only	
	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		
26*	Date:	12/31/2011 (992081)	CN600666374	Classification: Moderate
	Self Report?	YES	For Informational Purposes Only	
	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		
27*	Date:	06/30/2012 (1032975)	CN600666374	Classification: Moderate
	Self Report?	YES	For Informational Purposes Only	
	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		
28	Date:	10/31/2012 (1068248)	CN600666374	Classification: Moderate
	Self Report?	YES	For Informational Purposes Only	
	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		
29	Date:	11/30/2012 (1068249)	CN600666374	Classification: Moderate
	Self Report?	YES	For Informational Purposes Only	
	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		
30	Date:	12/31/2012 (1082073)	CN600666374	Classification: Moderate
	Self Report?	YES	For Informational Purposes Only	
	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		
31	Date:	01/31/2013 (1082072)	CN600666374	Classification: Moderate
	Self Report?	YES	For Informational Purposes Only	
	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		

* NOVs applicable for the Compliance History rating period 9/1/2007 to 8/31/2012

Appendix B

All Investigations Conducted During Component Period April 29, 2008 and April 29, 2013

Item 1	May 12, 2008**	(694583) For Informational Purposes Only
Item 2	June 16, 2008**	(716025) For Informational Purposes Only
Item 3	July 18, 2008**	(716026) For Informational Purposes Only
		(716024)

Item 4 October 13, 2008** For Informational Purposes Only
(716027)

Item 5* October 20, 2008** For Informational Purposes Only
(716029)

Item 6* October 22, 2008** For Informational Purposes Only
(707771)

Item 7 November 13, 2008** For Informational Purposes Only
(731613)

Item 8* November 18, 2008** For Informational Purposes Only
(709886)

Item 9 December 08, 2008** For Informational Purposes Only
(731614)

Item 10* December 18, 2008** For Informational Purposes Only
(754974)

Item 11 January 20, 2009** For Informational Purposes Only
(772139)

Item 12 February 12, 2009** For Informational Purposes Only
(772140)

Item 13 March 17, 2009** For Informational Purposes Only
(772141)

Item 14 April 09, 2009** For Informational Purposes Only
(772142)

Item 15 May 14, 2009** For Informational Purposes Only
(742762)

Item 16 May 29, 2009** For Informational Purposes Only
(816463)

Item 17* June 12, 2009** For Informational Purposes Only
(816464)

Item 18 July 17, 2009** For Informational Purposes Only
(816465)

Item 19* August 17, 2009** For Informational Purposes Only
(816466)

Item 20* September 14, 2009** For Informational Purposes Only
(816467)

Item 21* October 12, 2009** For Informational Purposes Only
(816468)

Item 22 November 16, 2009** For Informational Purposes Only
(816469)

Item 23* December 16, 2009** For Informational Purposes Only
(816470)

Item 24* January 12, 2010** For Informational Purposes Only
(816462)

Item 25 February 09, 2010** For Informational Purposes Only

Item 26	February 24, 2010**	(785525) For Informational Purposes Only
Item 27*	March 15, 2010**	(834994) For Informational Purposes Only
Item 28*	April 19, 2010**	(834995) For Informational Purposes Only
Item 29	May 10, 2010**	(801932) For Informational Purposes Only
Item 30	May 17, 2010**	(834996) For Informational Purposes Only
Item 31	June 16, 2010**	(847521) For Informational Purposes Only
Item 32*	July 19, 2010**	(861933) For Informational Purposes Only
Item 33*	August 13, 2010**	(868482) For Informational Purposes Only
Item 34*	September 13, 2010**	(875374) For Informational Purposes Only
Item 35*	October 08, 2010**	(882932) For Informational Purposes Only
Item 36*	November 11, 2010**	(889324) For Informational Purposes Only
Item 37	December 13, 2010**	(897718) For Informational Purposes Only
Item 38	January 17, 2011**	(903603) For Informational Purposes Only
Item 39	February 07, 2011**	(886763) For Informational Purposes Only
Item 40*	February 15, 2011**	(910497) For Informational Purposes Only
Item 41	March 15, 2011**	(917736) For Informational Purposes Only
Item 42	May 18, 2011**	(929213) For Informational Purposes Only
Item 43	June 16, 2011**	(946856) For Informational Purposes Only
Item 44	July 01, 2011**	(933602) For Informational Purposes Only
Item 45	July 18, 2011**	(954113) For Informational Purposes Only
Item 46*	September 16, 2011**	(966786) For Informational Purposes Only

Item 47	September 27, 2011**	(960696) For Informational Purposes Only
Item 48*	October 17, 2011**	(972769) For Informational Purposes Only
Item 49	November 16, 2011**	(978912) For Informational Purposes Only
Item 50	December 16, 2011**	(985744) For Informational Purposes Only
Item 51	January 17, 2012**	(992081) For Informational Purposes Only
Item 52*	February 16, 2012**	(999408) For Informational Purposes Only
Item 53*	March 06, 2012**	(1004935) For Informational Purposes Only
Item 54*	April 17, 2012**	(1011495) For Informational Purposes Only
Item 55*	May 18, 2012**	(1017863) For Informational Purposes Only
Item 56*	June 18, 2012**	(1025633) For Informational Purposes Only
Item 57	July 17, 2012**	(1032975) For Informational Purposes Only
Item 58*	August 16, 2012**	(1039478) For Informational Purposes Only
Item 59*	September 17, 2012	(1048393) For Informational Purposes Only
Item 60*	October 17, 2012	(1068247) For Informational Purposes Only
Item 61	November 15, 2012	(1068248) For Informational Purposes Only
Item 62	November 27, 2012	(1044361) For Informational Purposes Only
Item 63	December 21, 2012	(1068249) For Informational Purposes Only
Item 64	January 21, 2013	(1082073) For Informational Purposes Only
Item 65	February 19, 2013	(1082072) For Informational Purposes Only
Item 66	April 26, 2013	(1078189) For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2007 and 08/31/2012.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF WILLOW PARK
RN101920585**

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

AGREED ORDER DOCKET NO. 2013-0836-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 Willow Park ("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 30 Crown Road, on the southwest corner of Clear Fork Trinity River crossing of Crown Road, approximately 3,000 feet east of Willow Springs Road, in Willow Park, Parker 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 April 8, 2013, TCEQ staff documented the following from self-reported discharge monitoring reports ("DMRs"):

Effluent Violation Table					
Permitted Effluent Limits	Monitoring Period				
	June 2012	October 2012	November 2012	December 2012	January 2013
CBOD ₅ Daily Average Concentration (Limit = 10 mg/L)	10.4	c	10.18	26.5	11.63
CBOD ₅ Single Grab Concentration (Limit = 35 mg/L)	c	c	c	37	c
Ammonia Nitrogen Daily Average Concentration (Limit = 3 mg/L)	c	4.45	3.84	9.3	9.19
Ammonia Nitrogen Single Grab Concentration (Limit = 15 mg/L)	c	c	c	23	16
TSS Daily Average Concentration (Limit = 15 mg/L)	c	c	c	26.25	16.18

Table abbreviations: CBOD₅ = five-day carbonaceous biochemical oxygen demand; TSS = total suspended solids; mg/L = milligrams per liter; c = compliant.

4. During a record review conducted on April 8, 2013, TCEQ staff documented that the annual sludge report for the monitoring period ending July 31, 2012 was not submitted by September 30, 2012.
5. During an investigation conducted on February 5, 2013, TCEQ staff observed an excessive amount of sludge and surface scum in the chlorine contact basin.
6. During an investigation conducted on February 5, 2013, TCEQ staff documented that on October 4, 2012, the Respondent reported that an unknown amount of untreated waste

was discharged from a force main into Squaw Creek near the western edge of Squaw Creek Downs Race Track.

7. During an investigation conducted on February 5, 2013, TCEQ staff observed evidence of an unauthorized discharge of untreated wastewater on the road around a manhole near the Beaver Creek lift station.
8. During an investigation conducted on February 5, 2013, TCEQ staff observed that the unauthorized discharge from a manhole near the Beaver Creek lift station that was discovered on February 5, 2013 was not reported until May 20, 2013.
9. During an investigation conducted on February 5, 2013, TCEQ staff observed that the laboratory reports of effluent data indicated that fecal coliform tests were being conducted rather than *Escherichia coli* ("*E. coli*") tests for the October 2012, November 2012, December 2012, and January 2013 monitoring periods.
10. During an investigation conducted on February 5, 2013, TCEQ staff observed that the Respondent did not submit the noncompliance notification for the total suspended solids daily average exceedance for the monitoring period of May 2011.
11. The Respondent received notices of the violations on May 1, 2013 and on May 13, 2013.
12. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By October 5, 2012, mitigated the discharge during repairs, fixed the force main, and conducted an environmental assessment of the impact on Squaw Creek.
 - b. By February 6, 2013, cleaned up debris around the manhole where the discharge occurred near the Beaver Creek lift station.
 - c. By February 8, 2013, began requesting the lab to test for *E. coli* instead of fecal coliforms.
 - d. By May 2, 2013, submitted the annual sludge report and updated operational guidance and procedures to ensure that future reports are submitted as required.
 - e. By May 20, 2013:
 - i. Submitted noncompliance notifications for the 40% exceedance of total suspended solids in May 2011 and for the unauthorized discharge discovered February 5, 2013;
 - ii. Revised previously submitted DMRs for the Facility to indicate that data previously reported as *E. coli* was for fecal coliforms; and

- iii. Updated standard operating procedures at the Facility to ensure all future reports are submitted as required.

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. WQ0013834001, Effluent Limitations and Monitoring Requirements No. 1.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to timely submit the annual sludge report for the monitoring period ending July 31, 2012, by September 30, 2012, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0013834001, Sludge Provisions.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0013834001, Operational Requirements No. 1.
5. As evidenced by Findings of Fact Nos. 6 and 7, the Respondent failed to prevent an unauthorized discharge into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013834001, Permit Conditions No. 2.g.
6. As evidenced by Findings of Fact No. 8, the Respondent failed to notify the TCEQ Regional Office within 24 hours of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(9) and TPDES Permit No. WQ0013834001, Monitoring and Reporting Requirements No. 7.a.
7. As evidenced by Findings of Fact No. 9, the Respondent failed to monitor *E. coli* in the effluent as specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.4, and TPDES Permit No. WQ0013834001, Effluent Limitations and Monitoring Requirements No. 1.
8. As evidenced by Findings of Fact No. 10, the Respondent failed to submit a noncompliance notification for any effluent violation which deviates from the permitted effluent limitation by greater than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013834001, Monitoring and Reporting Requirements No. 7.c.

9. 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.
10. An administrative penalty in the amount of Forty-Four Thousand Thirty-Eight Dollars (\$44,038) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid One Thousand Two Hundred Thirty-Three Dollars (\$1,233) of the administrative penalty. The remaining amount of Forty-Two Thousand Eight Hundred Five Dollars (\$42,805) of the administrative penalty shall be payable in 35 monthly payments of One Thousand Two Hundred Twenty-Three Dollars (\$1,223) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

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 Forty-Four Thousand Thirty-Eight Dollars (\$44,038) as set forth in Section II, Paragraph 10 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 Willow Park, Docket No. 2013-0836-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 undertake the following technical requirements:

- a. Within 90 days after the effective date of this Agreed Order, develop and implement a solids management plan ("SMP"). The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solids balance within the system. The plan shall include the following items:
 - i. A schedule for performing the following process control analyses and recommended ranges to be maintained: mixed liquor thirty-minute sludge settleability, mixed liquor suspended solids, mixed liquor dissolved oxygen concentration, clarifier sludge blanket depth, and residual chlorine concentration;
 - ii. Procedures outlining actions to be taken in the event that any of the above process control analyses fall outside the recommended range; and
 - iii. Specific sampling locations for the above stated process control measurements.

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

- b. Within 105 days, after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, as described in Ordering Provision No. 2.d below;
- c. Within 150 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations and requirements of TPDES Permit No. WQ0013834001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations and requirements, as described in Ordering Provision No. 2.d below; and
- d. The certifications required by Ordering Provision Nos. 2.b and 2.c shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations and requirements. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I

am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Moore
For the Executive Director

12/12/13
Date

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

Richard Neberdousky
Signature

9/25/2013
Date

Richard Neberdousky
Name (Printed or typed)
Authorized Representative of
City of Willow Park

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.