

Executive Summary – Enforcement Matter – Case No. 46881
City of Refugio
RN103913935
Docket No. 2013-0973-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:

Town of Refugio WWTF, located approximately one mile east of U.S. Highway 77 and 0.75 mile south of Farm-to-Market Road 774, Refugio 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 29, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$11,050

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: \$11,050

Name of SEP: City of Portland

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

**Executive Summary – Enforcement Matter – Case No. 46881
City of Refugio
RN103913935
Docket No. 2013-0973-MWD-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: April 17, 2013
Date(s) of NOE(s): April 26, 2013

Violation Information

1. Failed to comply with permitted effluent limitations for ammonia nitrogen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010255001, Effluent Limitations and Monitoring Requirements No. 1].
2. Failed to submit results at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(17) and 319.4 and TPDES Permit No. WQ0010255001, Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require Respondent to:
 - a. Within 30 days, submit a revised discharge monitoring report for the monitoring period ending December 31, 2012, to include the data for the dissolved oxygen monthly minimum parameter;
 - b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.; and
 - c. Within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010255001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

**Executive Summary – Enforcement Matter – Case No. 46881
City of Refugio
RN103913935
Docket No. 2013-0973-MWD-E**

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: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: The Honorable Joey Heard, Mayor, City of Refugio, P.O. Box 1020, Refugio, Texas 78377
Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-0973-MWD-E
Supplemental Environmental Project

Respondent:	City of Refugio
Penalty Amount:	Eleven Thousand Fifty Dollars (\$11,050)
SEP Offset Amount:	Eleven Thousand Fifty Dollars (\$11,050)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	City of Portland
Project Name:	<i>Violet Andrews Park Erosion Control and Habitat Restoration</i>
Location of SEP:	San Patricio County

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

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the City of Portland for the Violet Andrews Park Erosion Control and Habitat Restoration SEP. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used for habitat restoration and erosion control in Violet Andrews Park. This SEP will restore native vegetation in strategic areas that are denuded within the park site which will reduce erosion and sedimentation, and enhance and restore native habitat for numerous bird species protected under the Migratory Bird Treaty Act.

The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

City of Refugio
Agreed Order - Attachment A

b. Environmental Benefit

This project will reduce and prevent pollution by stabilizing the un-vegetated sandy substrate with native forbs, grasses, shrubs, and tree species, by enhancing the ecologically important native plant communities, by providing important resident and migratory bird habitat, by reducing soil erosion and sedimentation, and by providing opportunities for public awareness of environmental matters.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator. Respondent shall make the check payable to the City of Portland SEP and shall mail the contribution with a copy of the Agreed Order to:

Kristin Connor, Director
Parks & Recreation Department
City of Portland
2000 Billy G. Webb
Portland, Texas 78374

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP agreement in any way, including full expenditure of the SEP Offset Amount and submittal of the required

City of Refugio
Agreed Order - Attachment A

reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to complete the project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. Respondent 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

5. Publicity

Any public statements concerning this SEP 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.

6. Clean Texas Program

Respondent shall not include this SEP 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.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this 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

DATES	Assigned	29-Apr-2013	Screening	8-May-2013	EPA Due	
	PCW	7-Jun-2013				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Refugio		
Reg. Ent. Ref. No.	RN103913935		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	46881	No. of Violations	3
Docket No.	2013-0973-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jill Russell
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$6,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	70.0% Enhancement	Subtotals 2, 3, & 7	\$4,550
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Notes: Enhancement due to five months of self-reported effluent violations, one NOV with same/similar violations and two agreed final enforcement orders containing denial of liability.

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	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$667
 Approx. Cost of Compliance \$10,025
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,050
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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	\$11,050
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,050
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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	\$11,050
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Screening Date 8-May-2013

Docket No. 2013-0973-MWD-E

PCW

Respondent City of Refugio

Policy Revision 3 (September 2011)

Case ID No. 46881

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103913935

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>)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 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 due to five months of self-reported effluent violations, one NOV with same/similar violations and two agreed final enforcement orders containing denial of liability.

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

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 70%

Screening Date 8-May-2013

Docket No. 2013-0973-MWD-E

PCW

Respondent City of Refugio

Policy Revision 3 (September 2011)

Case ID No. 46881

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103913935

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. WQ0010255001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as documented in a record review on April 17, 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 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amount of pollutants exceeded levels protective of human health and the environment. As a result of these discharges, human health or the environment has been exposed to a significant amount of contaminants which do not exceed levels protective of human health or the environment.

Adjustment \$21,250

\$3,750

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 \$3,750

One monthly event is recommended for December 2012.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$666

Violation Final Penalty Total \$6,375

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

Economic Benefit Worksheet

Respondent City of Refugio
Case ID No. 46881
Req. Ent. Reference No. RN103913935
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Oct-2012	1-Mar-2014	1.33	\$666	n/a	\$666

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 with permitted effluent limits. Date required is the initial date of noncompliance. Final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$666

Screening Date 8-May-2013

Docket No. 2013-0973-MWD-E

PCW

Respondent City of Refugio

Policy Revision 3 (September 2011)

Case ID No. 46881

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103913935

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010255001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as documented in a record review on April 17, 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 ammonia nitrogen to determine whether the discharged amount of pollutants exceeded levels protective of human health and the environment. As a result of these discharges, human health or the environment has been exposed to an insignificant amount of contaminants which do not exceed levels protective of human health or the environment.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2

122 Number of violation days

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

Violation Base Penalty \$2,500

Two quarterly events are recommended for the quarters containing the months of October 2012, November 2012 and January 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,250

This violation Final Assessed Penalty (adjusted for limits) \$4,250

Economic Benefit Worksheet

Respondent City of Refugio
Case ID No. 46881
Reg. Ent. Reference No. RN103913935
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

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

The delayed costs are associated 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

Screening Date 8-May-2013

Docket No. 2013-0973-MWD-E

PCW

Respondent City of Refugio

Policy Revision 3 (September 2011)

Case ID No. 46881

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103913935

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1), 305.125(17) and 319.4 and TPDES Permit No. WQ0010255001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to submit results at the intervals specified in the permit, as documented during a record review conducted on April 17, 2013. Specifically, the Respondent failed to include the data for dissolved oxygen monthly minimum on the discharge monitoring report ("DMR") for the monitoring period ending December 31, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
More than 70% of the rule requirement was met.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 31

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

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$425

This violation Final Assessed Penalty (adjusted for limits) \$425

Economic Benefit Worksheet

Respondent City of Refugio
Case ID No. 46881
Reg. Ent. Reference No. RN103913935
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	20-Jan-2013	1-Jan-2014	0.95	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to submit a revised DMR to the TCEQ, calculated from the date the DMR data was due to the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$1

City of Refugio
 TPDES Permit No. WQ0010255001
 Docket No. 2013-0973-MWD-E

	NH₃-N Daily Avg. Conc.	NH₃-N Daily Max. Conc.	NH₃-N Daily Avg. Loading
	Limit = 3 mg/L	Limit = 10 mg/L	Limit = 14 lbs/day
October 2012	11.7	16.3	c
November 2012	8.3	17.5	c
December 2012	20	34	15.8
January 2013	7.3	11.5	18.98

NH₃-N = ammonia nitrogen
 Max. = maximum
 c = compliant

Avg. = average
 mg/L = milligrams per liter

Conc. = concentration
 lbs/day = pounds per day

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 CN600624225, RN103913935, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600624225, City of Refugio **Classification:** SATISFACTORY **Rating:** 17.11

Regulated Entity: RN103913935, TOWN OF REFUGIO **Classification:** SATISFACTORY **Rating:** 17.11

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: APPROX 1 MI E OF US HWY 77 AND 0.75 MI S OF FM 774, REFUGIO COUNTY, TX

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

WASTEWATER PERMIT WQ0010255001

WASTEWATER EPA ID TX0032492

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

Date Compliance History Report Prepared: May 08, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 08, 2008 to May 08, 2013

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

Name: Stephen Thompson

Phone: (512) 239-2558

Site and Owner/Operator History:

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

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

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

1 Effective Date: 03/07/2011 ADMINORDER 2010-1391-MWD-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125
Rqmt Prov:Permit Conditions (2) (g) PERMIT
Description: Failure to prevent an unauthorized discharge of wastewater or any other waste.

2 Effective Date: 04/05/2012 ADMINORDER 2011-1768-MWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov:Effluent Limits PERMIT
Description: Failure to comply with permitted effluent limitations, as documented during a record review conducted on August 18, 2011.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Reporting Requirements PERMIT

Description: Failure to submit complete effluent monitoring results at the intervals specified in the permit, as documented in a record review conducted on August 18, 2011. Specifically, data for Escherichia coli, daily average and daily maximum colonies per 100 milliliters, were not included on the data monitoring report for the monitoring period ending November 30, 2010.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 02, 2008	(957386)
Item 2	July 02, 2008	(957391)
Item 3	August 01, 2008	(957396)
Item 4	October 01, 2008	(957407)
Item 5	October 28, 2008	(957402)
Item 6	October 31, 2008	(957413)
Item 7	December 01, 2008	(957418)
Item 8	December 19, 2008	(957423)
Item 9	March 03, 2009	(957372)
Item 10	March 24, 2009	(957376)
Item 11	April 23, 2009	(957382)
Item 12	May 15, 2009	(957387)
Item 13	July 02, 2009	(957392)
Item 14	July 23, 2009	(957397)
Item 15	August 26, 2009	(746707)
Item 16	August 31, 2009	(957403)
Item 17	October 05, 2009	(957408)
Item 18	December 03, 2009	(957419)
Item 19	January 04, 2010	(957424)
Item 20	February 01, 2010	(957429)
Item 21	March 01, 2010	(957373)
Item 22	March 31, 2010	(957377)
Item 23	April 19, 2010	(957383)
Item 24	May 21, 2010	(957388)
Item 25	June 23, 2010	(957393)
Item 26	August 25, 2010	(957404)
Item 27	September 20, 2010	(957410)
Item 28	October 07, 2010	(957398)
Item 29	November 17, 2010	(957420)
Item 30	December 22, 2010	(957425)
Item 31	January 24, 2011	(957430)
Item 32	April 20, 2011	(957384)
Item 33	May 23, 2011	(957389)
Item 34	August 24, 2011	(959774)
Item 35	March 12, 2012	(1003973)
Item 36	June 18, 2012	(1024669)
Item 37	October 25, 2012	(1047262)

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:	05/24/2012 (996872)	CN600624225
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 30, SubChapter J 30.350(j) 30 TAC Chapter 305, SubChapter F 305.125(1) Other Requirements; No. 1, Pg. 23 PERMIT	

Description: Failed to operate the wastewater treatment plant (WWTP) a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Operational Requirements; No 4, Pg. 10 PERMIT

Description: Failed to install prior to plant start-up, and subsequently maintain, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Other Requirements; No.10, Pg. 25 PERMIT

Description: Failed to submit a quarterly report by the 15th day of the month following each quarter during the reporting period.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5) Operational Requirements; No. 1, Pg. 9 PERMIT

Description: Failed to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Final Effluent Limitations; No. 2, Pg. 2 PERMIT

Description: Failed to maintain a chlorine residual in the effluent of at least 1.0 mg/l and not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b) Effluent Monitoring Req.; No. 1, Pg. 2 PERMIT

Description: Failed to monitor the effluent characteristic (E. coli) at the frequency specified in the permit.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b) Monitoring and Report Req. No.2.a, Pg. 4 PERMIT

Description: Failed to follow test procedures for the analysis of pollutants in compliance with procedures specified in 30 TAC 319.11 - 319.12.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a) Monitor. & Report. Req., No 3c, Pg 5, PERMIT

Description: Failed to maintain records of monitoring activities for the date, time and place of sample or measurement and the identity of individual who collected the sample or made the measurement.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(12) 30 TAC Chapter 319, SubChapter A 319.1 Monitor & Reporting Req.; No. 7.d., Pg. PERMIT

Description: Failed to accurately report information on the Discharge Monitoring Reports (DMRs).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Reporting Requirement; No. 2.c., Pg. 6 PERMIT

Description: Failed to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b) 30 TAC Chapter 319, SubChapter A 319.11(c) Reporting Requirements; No. 2.a., Pg. 4 PERMIT

Description: Failed to analyze the effluent according to test methods specified in 40 CFR Part 136 or more recent editions of Standard Methods for the Examination of Water and Wastewater than those cited in Part 136.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Other Requirements; No.12, Pg. 25 PERMIT

Description: Failed to post a sign that is visible from a road or sidewalk that is adjacent to the premises on which the land application unit is located stating that a beneficial land use application site is located on the premises.

Date: 06/30/2012 (1062846) CN600624225
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:	10/31/2012 (1062848)	CN600624225
	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:	11/30/2012 (1062849)	CN600624225
	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:	12/31/2012 (1079982)	CN600624225
	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	
6	Date:	01/31/2013	CN600624225
	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

- 5 Date: 10/13/2009 (777725) CN600624225
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Permit Conditions; No. 2g, Pg. 7 PERMIT
Description: Failure to prevent the discharge of sewage, municipal waste, recreational waste,
agricultural waste, or industrial waste into or adjacent to any water in the state.
Classification: Minor
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Operational Requirements; No. 1, Pg. 9 PERMIT
Description: Failure to properly operate and maintain the Heard and Heard lift station located
at the intersection of Highway 77 and East Vance Street.
- 6 Date: 05/20/2010 (794992) CN600624225
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements No. 6, Pg. 24 PERMIT
Description: Failure to monitor the soil-sludge mixture as required in the permit for the
application of Class "B" sludge to 10 acres of the permittee's property located
adjacent to the wastewater treatment plant site.
Classification: Moderate
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations; No. 1, Pg. 2 PERMIT
Description: Failure to comply with the single grab effluent limitation for Total Suspended
Solids (TSS) as specified in the permit.
Classification: Moderate
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations; No. 1, Pg. 2 PERMIT
Description: Failure to comply with the effluent limitations (TSS and Ammonia Nitrogen) as
specified in the permit.
Classification: Minor
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Reporting Requirement; No. 7.c., Pg. 6 PERMIT
Description: Failure to report any effluent violation which deviates from the permitted effluent
limitation by more than 40% in writing to the Regional Office and the
Enforcement Division (MC 224) within 5 working days of becoming aware of the
noncompliance.
Classification: Minor
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 319, SubChapter A 319.7(d)
Reporting Requirement; No. 1, Pg. 4 PERMIT
Description: Failure to submit the monthly effluent reports by the 20th day of the following
month.
- 7 Date: 09/30/2010 (957415) CN600624225
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
- 8 Date: 01/31/2011 (957374) CN600624225
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: 02/28/2011 (957378) CN600624225
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: 05/31/2011 (957394) CN600624225
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: 06/30/2011 (957399) CN600624225
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: 08/31/2011 (965812) CN600624225
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: 09/30/2011 (971851) CN600624225
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: 10/31/2011 (978023) CN600624225
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: 11/30/2011 (984787) CN600624225
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: 12/31/2011 (991077) CN600624225
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: 01/31/2012 (998446) CN600624225
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: 03/31/2012 (1010534) CN600624225
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: 04/30/2012 (1016917) CN600624225
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: 05/24/2012 (996872) CN600624225
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 30, SubChapter J 30.350(j)
30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements; No. 1, Pg. 23 PERMIT

Description: Failed to operate the wastewater treatment plant (WWTP) a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Operational Requirements; No 4, Pg. 10 PERMIT

Description: Failed to install prior to plant start-up, and subsequently maintain, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements; No.10, Pg. 25 PERMIT

Description: Failed to submit a quarterly report by the 15th day of the month following each quarter during the reporting period.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirements; No. 1, Pg. 9 PERMIT

Description: Failed to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Final Effluent Limitations; No. 2, Pg. 2 PERMIT

Description: Failed to maintain a chlorine residual in the effluent of at least 1.0 mg/l and not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
Effluent Monitoring Req.; No. 1, Pg. 2 PERMIT

Description: Failed to monitor the effluent characteristic (E. coli) at the frequency specified in the permit.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
Monitoring and Report Req. No.2.a, Pg. 4 PERMIT

Description: Failed to follow test procedures for the analysis of pollutants in compliance with procedures specified in 30 TAC 319.11 - 319.12.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
Monitor. & Report. Req., No 3c, Pg 5, PERMIT
Description: Failed to maintain records of monitoring activities for the date, time and place of sample or measurement and the identity of individual who collected the sample or made the measurement.

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(12)
30 TAC Chapter 319, SubChapter A 319.1
Monitor & Reporting Req.; No. 7.d., Pg. PERMIT
Description: Failed to accurately report information on the Discharge Monitoring Reports (DMRs).

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Reporting Requirement; No. 2.c., Pg. 6 PERMIT
Description: Failed to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
30 TAC Chapter 319, SubChapter A 319.11(c)
Reporting Requirements; No. 2.a., Pg. 4 PERMIT
Description: Failed to analyze the effluent according to test methods specified in 40 CFR Part 136 or more recent editions of Standard Methods for the Examination of Water and Wastewater than those cited in Part 136.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements; No.12, Pg. 25 PERMIT
Description: Failed to post a sign that is visible from a road or sidewalk that is adjacent to the premises on which the land application unit is located stating that a beneficial land use application site is located on the premises.

21* Date: 06/30/2012 (1062846) CN600624225
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: 10/31/2012 (1062848) CN600624225
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: 11/30/2012 (1062849) CN600624225
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: 12/31/2012 (1079982) CN600624225
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

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

Appendix B

All Investigations Conducted During Component Period May 08, 2008 and May 08, 2013

Item 1*	June 02, 2008**	(957386) For Informational Purposes Only
Item 2*	July 02, 2008**	(957391) For Informational Purposes Only
Item 3*	August 01, 2008**	(957396) For Informational Purposes Only
Item 4*	October 01, 2008**	(957407) For Informational Purposes Only
Item 5*	October 28, 2008**	(957402) For Informational Purposes Only
Item 6*	October 31, 2008**	(957413) For Informational Purposes Only
Item 7*	December 01, 2008**	(957418) For Informational Purposes Only
Item 8*	December 19, 2008**	(957423) For Informational Purposes Only
Item 9	February 02, 2009**	(957428) For Informational Purposes Only
Item 10*	March 03, 2009**	(957372) For Informational Purposes Only
Item 11*	March 24, 2009**	(957376) For Informational Purposes Only
Item 12*	April 23, 2009**	(957382) For Informational Purposes Only
Item 13*	May 15, 2009**	(957387) For Informational Purposes Only
Item 14*	July 02, 2009**	(957392) For Informational Purposes Only
Item 15*	July 23, 2009**	(957397) For Informational Purposes Only
Item 16*	August 26, 2009**	(746707) For Informational Purposes Only
Item 17*	August 31, 2009**	(957403) For Informational Purposes Only
Item 18*	October 05, 2009**	(957408) For Informational Purposes Only
Item 19	November 04, 2009**	(957414) For Informational Purposes Only
		(957419)

Item 20* December 03, 2009** For Informational Purposes Only
(957424)

Item 21* January 04, 2010** For Informational Purposes Only
(957429)

Item 22* February 01, 2010** For Informational Purposes Only
(957373)

Item 23* March 01, 2010** For Informational Purposes Only
(957377)

Item 24* March 31, 2010** For Informational Purposes Only
(957383)

Item 25* April 19, 2010** For Informational Purposes Only
(794992)

Item 26 May 20, 2010** For Informational Purposes Only
(957388)

Item 27* May 21, 2010** For Informational Purposes Only
(957393)

Item 28* June 23, 2010** For Informational Purposes Only
(957404)

Item 29* August 25, 2010** For Informational Purposes Only
(957410)

Item 30* September 20, 2010** For Informational Purposes Only
(957398)

Item 31* October 07, 2010** For Informational Purposes Only
(957415)

Item 32 October 21, 2010** For Informational Purposes Only
(957420)

Item 33* November 17, 2010** For Informational Purposes Only
(957425)

Item 34* December 22, 2010** For Informational Purposes Only
(957430)

Item 35* January 24, 2011** For Informational Purposes Only
(957374)

Item 36 February 22, 2011** For Informational Purposes Only
(957378)

Item 37 March 24, 2011** For Informational Purposes Only
(957384)

Item 38* April 20, 2011** For Informational Purposes Only
(957389)

Item 39* May 23, 2011** For Informational Purposes Only
(957394)

Item 40 June 27, 2011** For Informational Purposes Only
(957399)

Item 41	July 25, 2011**	For Informational Purposes Only (959774)
Item 42*	August 24, 2011**	For Informational Purposes Only (949527)
Item 43	September 09, 2011**	For Informational Purposes Only (965812)
Item 44	September 21, 2011**	For Informational Purposes Only (971851)
Item 45	October 21, 2011**	For Informational Purposes Only (978023)
Item 46	November 14, 2011**	For Informational Purposes Only (984787)
Item 47	December 16, 2011**	For Informational Purposes Only (991077)
Item 48	January 17, 2012**	For Informational Purposes Only (998446)
Item 49	February 14, 2012**	For Informational Purposes Only (1003973)
Item 50*	March 12, 2012**	For Informational Purposes Only (1010534)
Item 51	April 12, 2012**	For Informational Purposes Only (1016917)
Item 52	May 14, 2012**	For Informational Purposes Only (996872)
Item 53	May 29, 2012**	For Informational Purposes Only (1024669)
Item 54*	June 18, 2012**	For Informational Purposes Only (1035840)
Item 55	October 10, 2012	For Informational Purposes Only (1047262)
Item 56*	October 25, 2012	For Informational Purposes Only (1042425)
Item 57	November 07, 2012	For Informational Purposes Only (1062848)
Item 58	November 19, 2012	For Informational Purposes Only (1062849)
Item 59	December 19, 2012	For Informational Purposes Only (1079982)
Item 60	January 17, 2013	For Informational Purposes Only (1073338)
Item 61	March 22, 2013	For Informational Purposes Only (1085834)
Item 62	April 26, 2013	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 REFUGIO
RN103913935**

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

**AGREED ORDER
DOCKET NO. 2013-0973-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 Refugio ("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 approximately one mile east of United States Highway 77 and 0.75 mile south of Farm-to-Market Road 774 in Refugio County, Texas (the "Facility").

City of Refugio
 DOCKET NO. 2013-0973-MWD-E
 Page 2

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 17, 2013, TCEQ staff documented that the Respondent did not comply with permitted effluent limitations as shown in the following table:

	NH ₃ -N Daily Avg. Conc.	NH ₃ -N Daily Max. Conc.	NH ₃ -N Daily Avg. Loading
	Limit = 3 mg/L	Limit = 10 mg/L	Limit = 14 lbs/day
October 2012	11.7	16.3	c
November 2012	8.3	17.5	c
December 2012	20	34	15.8
January 2013	7.3	11.5	18.98

NH₃-N = ammonia nitrogen
 Max = maximum
 lbs/day = pounds per day

Avg. = average
 mg/L = milligrams per liter

Conc. = concentration
 c = compliant

4. During a record review conducted on April 17, 2013, TCEQ staff documented that the Respondent did not submit results at the intervals specified in the permit. Specifically, the Respondent failed to include the data for dissolved oxygen monthly minimum on the discharge monitoring report ("DMR") for the monitoring period ending December 31, 2012.
5. The Respondent received notice of the violations on May 1, 2013.

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 limitations, 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. WQ0010255001, Effluent Limitations and Monitoring Requirements No. 1.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to submit results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(17) and 319.4 and TPDES Permit No. WQ0010255001, Monitoring and Reporting Requirements No. 1.

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4. 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.
5. An administrative penalty in the amount of Eleven Thousand Fifty Dollars (\$11,050) 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. Eleven Thousand Fifty Dollars (\$11,050) 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 Eleven Thousand Fifty Dollars (\$11,050) as set forth in Section II, Paragraph 5 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 Refugio, Docket No. 2013-0973-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 5 above, Eleven Thousand Fifty Dollars (\$11,050) 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 Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, submit a revised DMR for the monitoring period ending December 31, 2012, to include the data

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for the dissolved oxygen monthly minimum parameter, in accordance with TPDES Permit No. WQ0010255001;

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 3.c., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.; and
- c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010255001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. 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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

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5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing",

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and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Jaime Miller for Ramiro Garcia
For the Executive Director

1.9.14
Date

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

Joey Heard
Signature

10-31-13
Date

Joey Heard
Name (Printed or typed)
Authorized Representative of
City of Refugio

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: 2013-0973-MWD-E
Supplemental Environmental Project

Respondent:	City of Refugio
Penalty Amount:	Eleven Thousand Fifty Dollars (\$11,050)
SEP Offset Amount:	Eleven Thousand Fifty Dollars (\$11,050)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	City of Portland
Project Name:	<i>Violet Andrews Park Erosion Control and Habitat Restoration</i>
Location of SEP:	San Patricio County

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

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the City of Portland for the Violet Andrews Park Erosion Control and Habitat Restoration SEP. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used for habitat restoration and erosion control in Violet Andrews Park. This SEP will restore native vegetation in strategic areas that are denuded within the park site which will reduce erosion and sedimentation, and enhance and restore native habitat for numerous bird species protected under the Migratory Bird Treaty Act.

The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

City of Refugio
Agreed Order - Attachment A

b. Environmental Benefit

This project will reduce and prevent pollution by stabilizing the un-vegetated sandy substrate with native forbs, grasses, shrubs, and tree species, by enhancing the ecologically important native plant communities, by providing important resident and migratory bird habitat, by reducing soil erosion and sedimentation, and by providing opportunities for public awareness of environmental matters.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator. Respondent shall make the check payable to the City of Portland SEP and shall mail the contribution with a copy of the Agreed Order to:

Kristin Connor, Director
Parks & Recreation Department
City of Portland
2000 Billy G. Webb
Portland, Texas 78374

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP agreement in any way, including full expenditure of the SEP Offset Amount and submittal of the required

City of Refugio
Agreed Order - Attachment A

reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to complete the project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. Respondent 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

5. Publicity

Any public statements concerning this SEP 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.

6. Clean Texas Program

Respondent shall not include this SEP 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.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this 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.