

Executive Summary – Enforcement Matter – Case No. 46615
City of Joaquin
RN102095437
Docket No. 2013-0708-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:

City of Joaquin WWTP, located approximately 2,700 feet northeast of the intersection of Jackson Street and U.S. Highway 84, Joaquin, Shelby County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 6, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$54,520

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: \$54,520

Name of SEP: Compliance SEP

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

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Docket No. 2013-0708-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 5, 2013

Date(s) of NOE(s): April 5, 2013

Violation Information

1. Failed to timely submit the annual sludge reports [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012718001, Sludge Provisions, and 30 TEX. ADMIN. CODE § 305.125(17)].
2. Failed to submit quarterly progress reports for ammonia nitrogen to the TCEQ Regional Office and to the TCEQ Enforcement Division [TPDES Permit No. WQ0012718001, Other Requirements No. 8, and 30 TEX. ADMIN. CODE § 305.125(1)].
3. 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 [TPDES Permit No. WQ0012718001, Monitoring and Reporting Requirements No. 7.c., and 30 TEX. ADMIN. CODE § 305.125(1)].
4. Failed to comply with permitted effluent limits for ammonia nitrogen and chlorine [TPDES Permit No. WQ0012718001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].
5. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained [TPDES Permit No. WQ0012718001, Operational Requirements No. 1, and 30 TEX. ADMIN. CODE § 305.125(5)].
6. Failed to submit quarterly progress reports to address the progress towards attaining the water quality-based final effluent limitations for the outfall [TPDES Permit No. WQ0012718001, Other Requirements No. 9, and 30 TEX. ADMIN. CODE § 305.125(1)].
7. Failed to submit a summary submittal letter to the TCEQ Wastewater Permitting Section prior to the final construction phase of the treatment facilities [TPDES Permit No. WQ0012718001, Other Requirements No. 10, and 30 TEX. ADMIN. CODE §§ 305.125(1) and 217.6(c)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By February 5, 2013, Respondent submitted the annual sludge reports for the reporting periods ending July 31, 2010 and July 31, 2011.

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 15 days:
 - i. Submit all missing quarterly progress reports for ammonia nitrogen excursions to the TCEQ Regional Office and to the TCEQ Enforcement Division;
 - ii. Submit all missing quarterly progress reports to address the progress towards attaining the water quality-based final effluent limitations for the outfall; and
 - iii. Submit a summary letter to the TCEQ Wastewater Permitting Section outlining steps taken to meet the final effluent limitations during the final construction phase of the wastewater treatment Facility.
 - b. Within 30 days:
 - i. Update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished, including properly submitting noncompliance notifications for any effluent violation which deviates from the permitted effluent limitation by greater than 40% and the annual sludge report; and
 - ii. Submit the required noncompliance notifications for the exceedances that occurred February 2011, April 2011, September 2011, and March 2012 to the Regional Office and the Enforcement Division.
 - c. Within 45 days, submit written certification of compliance with Ordering Provisions a. and b.
 - d. Within 60 days, repair all areas showing severe corrosion and/or replace equipment showing severe corrosion.
 - e. Within 90 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0012718001 and Ordering Provision d., including

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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.

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: Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stephanie Frazee, SEP Coordinator, Litigation Division, MC 175, (512) 239-3693
Respondent: The Honorable James Michael Wood, Mayor, City of Joaquin, P.O. Box 237, Joaquin, Texas 75954
Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-0708-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Joaquin
Penalty Amount:	Fifty-four Thousand Five Hundred Twenty Dollars (\$54,520)
SEP Offset Amount:	Fifty-four Thousand Five Hundred Twenty Dollars (\$54,520)
Type of SEP:	Compliance SEP
Project Name:	<i>Drying Beds Installation and Repairs</i>
Location of SEP:	Shelby County

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

1. Project Description

A. Project

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at the Respondent’s wastewater treatment facility. Respondent shall repair the existing drying beds by excavating the existing gravel and sand media and removing it for proper disposal. The subgrade will be tested for permeability to determine if a specialized liner for the beds is required. Respondent will also install an additional drying bed to assist in more closely maintaining its solids balance in the treatment process (the “Project”). A licensed sludge transporter will properly dispose of the sludge media at the local landfill. The subgrade will be shaped and compacted and tested; and new underdrain piping, valves, and layered gravel and sand media will be installed. The new drying bed will be constructed in similar detail. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment rental for one or more of the following: gravel, sand, transportation costs, liner, testing, underdrain piping, and valves. Respondent shall solicit bids from qualified contractors to install the system. Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity, below. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has not previously performed this Project and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

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

C. Minimum Expenditure

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

Estimated Cost Schedule

Rehabilitate Existing Drying Beds

Item	Quantity	Units	Cost	Total
Excavation and media disposal	160.0	Cubic yard	\$40.00	\$6,400.00
Subgrade prep and compaction	270.0	Square yard	\$25.00	\$6,750.00
Replace underdrain piping and gravel	160.0	Linear foot	\$55.00	\$8,800.00
Media replacement	140.0	Cubic yard	\$48.00	\$6,720.00
Plant piping & connections	2.0	Each	\$1,000	\$2,000.00
Sludge gate repair	2.0	Each	\$2,400	\$4,800.00
Valves	2.0	Each	\$1,800	\$3,600.00
SUBTOTAL				\$39,070.00

Construct Additional Drying Bed

Item	Quantity	Units	Cost	Total
Excavation and haul off	140.0	Cubic yard	\$22	\$3,080.00
Subgrade prep and compaction	180.0	Square yard	\$25	\$4,500.00
Underdrain piping and gravel	80.0	Linear foot	\$55	\$4,400.00
Graded media	70.0	Cubic yard	\$48	\$3,360.00
Plant piping and connections	2	Each	\$2,000	\$4,000.00
Formed concrete stern wall	160.0	Linear foot	\$120	\$19,200.00
Sludge gate	1.0	Each	\$2,400	\$2,400.00
Valves tapped to existing line	1.0	Each	\$2,400	\$2,400.00
SUBTOTAL				\$43,340.00
GRAND TOTAL				\$82,410.00

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 90 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 60 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 30-day period and setting forth a schedule for achieving completion of the Project within the 90-day time-frame set forth the Reporting Schedule table below:

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

B. Final Report

Within 90 days after the effective date of the Agreed Order, or within 30 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity, below);
4. Dated photographs of the sludge ponds before work is performed; work being performed during the installation process; and of the completed Project;
5. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
6. Any additional information demonstrating compliance with this Attachment A.

C. Address

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

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

4. Additional Information and Access

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

5. Failure to Fully Perform

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

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset

Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

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

6. Publicity

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

7. Clean Texas Program

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

8. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	8-Apr-2013	Screening	8-Apr-2013	EPA Due	
	PCW	10-Apr-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Joaquin		
Reg. Ent. Ref. No.	RN102095437		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	46615	No. of Violations	4
Docket No.	2013-0708-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jorge Ibarra, P.E.
		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** **\$16,100**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **45.0%** Enhancement **Subtotals 2, 3, & 7** **\$7,245**

Notes: Enhancement for two agreed orders containing denial of liability and one month of self-reported effluent violations.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Total EB Amounts \$168
Approx. Cost of Compliance \$1,150
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$23,345**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$23,345**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$23,345**

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 **\$23,345**

Screening Date 8-Apr-2013

Docket No. 2013-0708-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 2 (September 2002)

Case ID No. 46615

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

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>)	1	5%
	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) 45%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two agreed orders containing denial of liability and one month of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 45%

Screening Date 8-Apr-2013

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PCW

Respondent City of Joaquin

Policy Revision 2 (September 2002)

Case ID No. 46615

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 1

Rule Cite(s)

Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012718001, Sludge Provisions, and 30 Tex. Admin. Code § 305.125(17)

Violation Description

Failed to timely submit complete monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the annual sludge report for the reporting period ending July 31, 2010 by September 1, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

More than 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

888 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$145

This violation Final Assessed Penalty (adjusted for limits) \$145

Economic Benefit Worksheet

Respondent City of Joaquin
Case ID No. 46615
Reg. Ent. Reference No. RN102095437
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

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	1-Sep-2010	5-Feb-2013	2.43	\$12	n/a	\$12

Notes for DELAYED costs

Estimated cost to prepare and submit the required sludge report. Date required is the date the report was due, and the final date is the date the report was submitted. The cost for training is included in the economic benefit for violation no. 3.

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

\$12

Screening Date 8-Apr-2013

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PCW

Respondent City of Joaquin

Policy Revision 2 (September 2002)

Case ID No. 46615

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 2

Rule Cite(s)

TPDES Permit No. WQ0012718001, Other Requirements No. 8, and 30 Tex. Admin. Code § 305.125(1)

Violation Description

Failed to submit quarterly progress reports for ammonia nitrogen ("NH3N") excursions to the TCEQ Regional Office and to the TCEQ Enforcement Division. Specifically, the Respondent failed to submit the progress reports due on February 12, 2010, May 12, 2010, August 12, 2010, November 12, 2010, February 12, 2011, May 12, 2011, and August 12, 2011 to the Regional Office and the Enforcement Division.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 7

1181 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$7,000

Seven single events are recommended, one for each report not submitted.

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 \$7,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$65

Violation Final Penalty Total \$10,150

This violation Final Assessed Penalty (adjusted for limits) \$10,150

Economic Benefit Worksheet

Respondent City of Joaquin
Case ID No. 46615
Reg. Ent. Reference No. RN102095437
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$350	12-Feb-2010	1-Nov-2013	3.72	\$65	n/a	\$65

Notes for DELAYED costs

Estimated cost to prepare and submit the required quarterly progress reports for NH3N (\$50 per report x 7 reports). Date required is the date the first report was due for this PCW, and the final date is the anticipated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$350

TOTAL \$65

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PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 3

Rule Cite(s)

TPDES Permit No. WQ0012718001, Monitoring and Reporting Requirements No. 7.c., and 30 Tex. Admin. Code § 305.125(1)

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 daily average concentration for NH3N was exceeded by more than 40% in February 2011 and April 2011 and the Respondent failed to report the exceedances to the Regional Office and the Enforcement Division.

Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 Number of violation days 2

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

Violation Base Penalty \$2,000

Two single events are recommended, one for each report not submitted.

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 \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$2,900

This violation Final Assessed Penalty (adjusted for limits) \$2,900

Economic Benefit Worksheet

Respondent City of Joaquin
Case ID No. 46615
Reg. Ent. Reference No. RN102095437
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
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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	5-Feb-2013	15-Nov-2013	0.78	\$10	n/a	\$10
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	5-Mar-2011	15-Nov-2013	2.70	\$14	n/a	\$14

Notes for DELAYED costs

Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished (\$250) and to submit the required noncompliance notifications (\$50 per notification x 2 notifications). Dates required are the investigation date and the date the first noncompliance notification was due, and the final date is the anticipated 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

\$350

TOTAL

\$23

Screening Date 8-Apr-2013

Docket No. 2013-0708-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 2 (September 2002)

Case ID No. 46615

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 4

Rule Cite(s)

TPDES Permit No. WQ0012718001, Other Requirements No. 9, and 30 Tex. Admin. Code § 305.125(1)

Violation Description

Failed to submit quarterly progress reports to address the progress towards attaining the water quality-based final effluent limitations. Specifically, the Respondent failed to submit the progress reports due on January 1, 2010, April 1, 2010, July 1, 2010, October 1, 2010, January 1, 2011, April 1, 2011, and July 1, 2011 to the Regional Office and the Enforcement Division.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 7

7 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$7,000

Seven single events are recommended, one for each report not submitted.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$7,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$67

Violation Final Penalty Total \$10,150

This violation Final Assessed Penalty (adjusted for limits) \$10,150

Economic Benefit Worksheet

Respondent City of Joaquin
Case ID No. 46615
Reg. Ent. Reference No. RN102095437
Media Water Quality
Violation No. 4

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)	\$350	1-Jan-2010	1-Nov-2013	3.84	\$67	n/a	\$67

Notes for DELAYED costs

Estimated cost to prepare and submit the required quarterly progress reports (\$50 per report x 7 reports). Date required is the date the first report was due for this PCW, and the final date is the anticipated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$350

TOTAL

\$67



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	8-Apr-2013	Screening	8-Apr-2013	EPA Due	
	PCW	10-Apr-2013				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Joaquin
Reg. Ent. Ref. No.	RN102095437
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	46615	No. of Violations	7
Docket No.	2013-0708-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jorge Ibarra, P.E.
		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	\$21,500
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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	45.0% Enhancement	Subtotals 2, 3, & 7	\$9,675
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Notes: Enhancement for two agreed orders containing denial of liability and one month of self-reported effluent violations.

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: \$1,161; Approx. Cost of Compliance: \$15,800; *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$31,175
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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	\$31,175
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$31,175
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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	\$31,175
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Screening Date 8-Apr-2013

Docket No. 2013-0708-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 3 (September 2011)

Case ID No. 46615

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

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>)	1	5%
	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%

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) 45%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two agreed orders containing denial of liability and one month of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 45%

Screening Date 8-Apr-2013

Docket No. 2013-0708-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 3 (September 2011)

Case ID No. 46615

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 1

Rule Cite(s) Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012718001, Sludge Provisions, and 30 Tex. Admin. Code § 305.125(17)

Violation Description Failed to timely submit complete monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the annual sludge report for the reporting period ending July 31, 2011 by September 1, 2011.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%
More than 70% of the rule requirement was met.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 1

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 \$7

Violation Final Penalty Total \$363

This violation Final Assessed Penalty (adjusted for limits) \$363

Economic Benefit Worksheet

Respondent City of Joaquin
Case ID No. 46615
Reg. Ent. Reference No. RN102095437
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	1-Sep-2011	5-Feb-2013	1.43	\$7	n/a	\$7

Notes for DELAYED costs

Estimated cost to prepare and submit the required sludge report. Date required is the date the report was due, and the final date is the date the report was submitted. The cost for training is included in the economic benefit for violation no. 3 of the accompanying PCW.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$7

Screening Date 8-Apr-2013

Docket No. 2013-0708-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 3 (September 2011)

Case ID No. 46615

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 2

Rule Cite(s)

TPDES Permit No. WQ0012718001, Other Requirements No. 8, and 30 Tex. Admin. Code § 305.125(1)

Violation Description

Failed to submit quarterly progress reports for ammonia nitrogen ("NH3N") excursions to the TCEQ Regional Office and to the TCEQ Enforcement Division. Specifically, the Respondent failed to submit the progress reports due on November 12, 2011, February 12, 2012, May 12, 2012, August 12, 2012, and November 12, 2012 to the Regional Office and the Enforcement Division.

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			5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 5 Number of violation days 5

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

Violation Base Penalty \$6,250

Five single events are recommended, one for each report not submitted.

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 \$6,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$9,063

This violation Final Assessed Penalty (adjusted for limits) \$9,063

Economic Benefit Worksheet

Respondent City of Joaquin
Case ID No. 46615
Reg. Ent. Reference No. RN102095437
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$250	12-Nov-2011	1-Nov-2013	1.97	\$25	n/a	\$25

Notes for DELAYED costs

Estimated cost to prepare and submit the required quarterly progress reports for NH3N (\$50 per report x 5 reports). Date required is the date the first report was due for this PCW, and the final date is the anticipated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$25

Screening Date 8-Apr-2013

Docket No. 2013-0708-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 3 (September 2011)

Case ID No. 46615

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 3

Rule Cite(s)

TPDES Permit No. WQ0012718001, Monitoring and Reporting Requirements No. 7.c., and 30 Tex. Admin. Code § 305.125(1)

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 daily average concentration for NH3N was exceeded by more than 40% in September 2011, and March 2012 and the Respondent failed to report the exceedances to the Regional Office and the Enforcement Division.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2

2 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$2,500

Two single events are recommended, one for each report not submitted.

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 \$11

Violation Final Penalty Total \$3,625

This violation Final Assessed Penalty (adjusted for limits) \$3,625

Economic Benefit Worksheet

Respondent City of Joaquin
Case ID No. 46615
Reg. Ent. Reference No. RN102095437
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
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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)	\$100	5-Oct-2011	15-Nov-2013	2.12	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to submit the required noncompliance notifications (\$50 per notification). Date required is the date the first noncompliance notification was due, and the final date is the anticipated date of compliance. The cost for training is included in the economic benefit for violation no. 3 of the accompanying PCW.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$11

Screening Date 8-Apr-2013

Docket No. 2013-0708-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 3 (September 2011)

Case ID No. 46615

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 4

Rule Cite(s)

TPDES Permit No. WQ0012718001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)

Violation Description

Failed to comply with permitted effluent limits as documented during an investigation conducted on February 5, 2013. See attached Effluent Limit 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 amounts of pollutants exceeded levels protective of human health or the environment. Chlorine residual values were also considered. As a result of these discharges, 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.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3

89 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

Three quarterly events are recommended for the quarters containing the months of March and June 2012 and the grab sample of February 5, 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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$878

Violation Final Penalty Total \$5,438

This violation Final Assessed Penalty (adjusted for limits) \$5,438

Economic Benefit Worksheet

Respondent City of Joaquin
Case ID No. 46615
Reg. Ent. Reference No. RN102095437
Media Water Quality
Violation No. 4

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)	\$10,000	31-Mar-2012	1-Jan-2014	1.76	\$878	n/a	\$878

Notes for DELAYED costs

Estimated cost to repair/replace/adjust any damaged components at the Facility and return to compliance with permitted effluent limits. Date required is the date of the first non-compliance, and the final date is the anticipated date of compliance.

Avoided Costs

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

Disposal							\$0
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

\$878

Screening Date 8-Apr-2013
Respondent City of Joaquin
Case ID No. 46615
Reg. Ent. Reference No. RN102095437
Media [Statute] Water Quality
Enf. Coordinator Jorge Ibarra, P.E.

Docket No. 2013-0708-MWD-E

PCW

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

Violation Number 5
Rule Cite(s)

TPDES Permit No. WQ0012718001, Operational Requirements No. 1, 30 Tex. Admin. Code § 305.125(5)

Violation Description

Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, during the investigation of February 5, 2013, areas of severe corrosion was observed along the walkway near the influent bar screen, the corner of the digester, along the beams which extend across the top of aeration basin Nos. 1 and 2 and along the interior and exterior walls of the influent box near the manual bar screen.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		x		

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification				0.0%

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 62 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 from the investigation date of February 5, 2013 to the screening date of April 8, 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$205

Violation Final Penalty Total \$1,813

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

Economic Benefit Worksheet

Respondent City of Joaquin
Case ID No. 46615
Reg. Ent. Reference No. RN102095437
Media Water Quality
Violation No. 5

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)	\$5,000	5-Feb-2013	1-Dec-2013	0.82	\$205	n/a	\$205

Notes for DELAYED costs

Estimated cost to repair/replace any damaged components at the Facility. Date required is the investigation date, and the final date is the anticipated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$205

Screening Date 8-Apr-2013

Docket No. 2013-0708-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 3 (September 2011)

Case ID No. 46615

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 6

Rule Cite(s) TPDES Permit No. WQ0012718001, Other Requirements No. 9, and 30 Tex. Admin. Code § 305.125(1)

Violation Description

Failed to submit quarterly progress reports to address the progress towards attaining the water quality-based final effluent limitations for the outfall. Specifically, the Respondent failed to submit the quarterly progress reports due by October 1, 2011, January 1, 2012, April 1, 2012, July 1, 2012, and October 1, 2012 to the Regional Office and the Enforcement Division.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 5

5 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$6,250

Five single events are recommended, one for each report not submitted.

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 \$6,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26

Violation Final Penalty Total \$9,063

This violation Final Assessed Penalty (adjusted for limits) \$9,063

Economic Benefit Worksheet

Respondent City of Joaquin
Case ID No. 46615
Reg. Ent. Reference No. RN102095437
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

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)	\$250	1-Oct-2011	1-Nov-2013	2.09	\$26	n/a	\$26

Notes for DELAYED costs

Estimated cost to prepare and submit the required quarterly progress reports (\$50 per report x 5 reports). Date required is the date the first report was due for this PCW, and the final date is the anticipated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$26

Screening Date 8-Apr-2013

Docket No. 2013-0708-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 3 (September 2011)

Case ID No. 46615

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 7

Rule Cite(s) TPDES Permit No. WQ0012718001, Other Requirements No. 10, and 30 Tex. Admin. Code §§ 305.125(1) and 217.6(c)

Violation Description Failed to submit a summary submittal letter to the TCEQ Wastewater Permitting Section prior to the final construction phase of the treatment facilities. Specifically, the Respondent failed to submit a summary letter to the Wastewater Permitting Section which specifies how the treatment system will meet the final permit effluent limitations of the permit prior to November 13, 2011.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	X			5.0%

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

Adjustment \$23,750

\$1,250

Violation Events

		1	1	Number of violation days
mark only one with an x	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event		X	

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$1,813

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

Economic Benefit Worksheet

Respondent City of Joaquin
Case ID No. 46615
Req. Ent. Reference No. RN102095437
Media Water Quality
Violation No. 7

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)	\$100	13-Nov-2011	1-Nov-2013	1.97	\$10	n/a	\$10

Notes for DELAYED costs

Estimated cost to submit the required summary letter to the TCEQ Wastewater Permitting Section. Date required is the date the letter was due, and the final date is the anticipated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$10

City of Joaquin
 RN102095437, Case No. 46615, TPDES Permit No. WQ0012718001
 Docket No. 2013-0708-MWD-E

<i>EFFLUENT PARAMETER</i>			
<i>Permit Limit</i>			
	NH ₃ N Daily Average Concentration	Cl ₂ Residual Minimum Concentration	Cl ₂ Residual Maximum Concentration
<i>Month/Year</i>	3 mg/L	1 mg/L	4 mg/L
March 2012	5.3	c	c
June 2012	c	c	4.2
February 5, 2013 *	c	0.4	c

mg/L = milligrams per liter c = compliant NH₃N = ammonia nitrogen
 Cl₂ = chlorine * = grab sample



Compliance History Report

PUBLISHED Compliance History Report for CN600667182, RN102095437, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600667182, City of Joaquin **Classification:** SATISFACTORY **Rating:** 46.50
Regulated Entity: RN102095437, CITY OF JOAQUIN WWTP **Classification:** SATISFACTORY **Rating:** 46.50
Complexity Points: 0 **Repeat Violator:** NO
CH Group: 08 - Sewage Treatment Facilities
Location: APPROXIMATELY 2,700 FT NE OF THE INTERSECTION OF JACKSON ST & US HWY 84 IN JOAQUIN IN SHELBY COUNTY, TEXAS
TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):
WASTEWATER PERMIT WQ0012718001 **WASTEWATER EPA ID** TX0069213
WASTEWATER LICENSING LICENSE WQ0012718001

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

Date Compliance History Report Prepared: April 08, 2013

Agency Decision Requiring Compliance History: Enforcement

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

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

Name: Jorge Ibarra, P.E. **Phone** (817) 588-5890

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: 10/23/2008 ADMINORDER 2005-1747-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(5)
Rqmt Prov: PC 2g PERMIT
Description: Failure to prevent unauthorized discharges.
Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11(d)
Rqmt Prov: M&RR 2 PERMIT
Description: Failure to properly install appropriate staff gauge.
Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(C)
30 TAC Chapter 319, SubChapter A 319.7(a)
Rqmt Prov: M&RR 3c PERMIT
Description: Failure to maintain complete records of monitoring activities.
Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.3(e)(4)(C)

Rqmt Prov: OpR I PERMIT

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

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OpR I PERMIT

Description: Failure to implement adequate process control testing.

Classification: Moderate

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

Rqmt Prov: OT 8g PERMIT

Description: Failure to install soil moisture monitoring sensors.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OpR I PERMIT

Description: Failure to properly address infiltration/inflow (I/I) into the collection system.

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.126(a)

Rqmt Prov: OpR 1 PERMIT

OpR 8a PERMIT

Description: Failure to obtain authorization to commence construction of necessary additional treatment and/or collection facilities upon reaching 90% of the permitted daily average flow for four consecutive months from 12/03 thru 03/04.

Classification: Minor

Citation: 30 TAC Chapter 317 317.4(a)(8)

30 TAC Chapter 317 317.7(i)

Rqmt Prov: OpR I PERMIT

Description: Failure to have an atmospheric vacuum breaker installed on the hose bibb in the wastewater treatment plant.

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: SP IIF PERMIT

Description: Failure to submit the annual sludge report to the Water Quality Compliance Monitoring Team (MC 224) in Austin and to the Region 10 office by September 1 of each year.

Classification: Minor

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

30 TAC Chapter 305, SubChapter F 305.125(11)(B)

Rqmt Prov: SP II E6 PERMIT

Description: Failure to maintain records of the agronomic loading rate.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

TWC Chapter 26 26.121(a)

Rqmt Prov: Int. Eff. Limits & Mon. Req. No. 4 PERMIT

OpR I PERMIT

Description: Failure to prevent the discharge and accumulation of sludge in the receiving water.

Classification: Minor

Citation: 30 TAC Chapter 317 317.3(b)(1)

30 TAC Chapter 317 317.3(e)(5)

Rqmt Prov: OpR I PERMIT

Description: Failure to ensure that all systems of collection, treatment, and disposal are operated and maintained. Specifically, the high level alarm was not working at the Wood Rd, E. Saddle St, Brookshire Brothers, Faulkville Rd, and on-site lift stations.

The Faulkville Road and Brookshire Brothers lift stations both had only

Classification: Moderate

Citation: 30 TAC Chapter 30, SubChapter J 30.350(d)

Rqmt Prov: OpR 9 PERMIT

Description: Allowing an unlicensed person to operate the wastewater treatment facility.

2

Effective Date: 03/19/2011

ADMINORDER 2010-1346-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)

Description: Failed to comply with the permitted effluent limitations.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 17, 2008	(674379)
Item 2	May 16, 2008	(692725)
Item 3	June 14, 2008	(682786)
Item 4	June 19, 2008	(692726)
Item 5	July 16, 2008	(692727)
Item 6	August 28, 2008	(713860)
Item 7	September 19, 2008	(713861)
Item 8	October 20, 2008	(713862)
Item 9	November 19, 2008	(729861)
Item 10	December 19, 2008	(729862)
Item 11	January 16, 2009	(729863)
Item 12	February 20, 2009	(753096)
Item 13	March 06, 2009	(753097)
Item 14	April 16, 2009	(753098)
Item 15	May 20, 2009	(770654)
Item 16	June 14, 2009	(770655)
Item 17	July 09, 2009	(1065470)
Item 18	August 12, 2009	(1065474)
Item 19	September 19, 2009	(1065478)
Item 20	October 20, 2009	(1065482)
Item 21	April 21, 2010	(1065464)
Item 22	December 17, 2010	(1065491)
Item 23	January 18, 2011	(1065493)
Item 24	April 15, 2011	(1065456)
Item 25	July 22, 2011	(1065472)
Item 26	September 16, 2011	(1065480)
Item 27	November 21, 2011	(1065488)
Item 28	December 21, 2011	(1065492)
Item 29	December 28, 2011	(1065476)
Item 30	January 19, 2012	(1065494)
Item 31	March 19, 2012	(1065460)
Item 32	May 21, 2012	(1065466)
Item 33	August 13, 2012	(1065469)
Item 34	September 25, 2012	(1065481)
Item 35	October 19, 2012	(1065485)
Item 36	October 26, 2012	(1065477)
Item 37	November 20, 2012	(1065489)

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 (1065473)	CN600667182
	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 by the City of Joaquin to properly operate and maintain units of treatment and collection.

4 Date: 11/30/2009 (1065490) CN600667182
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

5 Date: 12/31/2009 (811728) CN600667182
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

6 Date: 01/31/2010 (1065455) CN600667182
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

7 Date: 02/22/2010 (792090) CN600667182
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: MRR PERMIT

Description: Failure by the City of Joaquin to report unauthorized discharge of wastewater into or adjacent to water in the state.

8 Date: 02/28/2010 (1065458) CN600667182
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: 03/31/2010 (1065461) CN600667182
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: 05/31/2010 (1065467) CN600667182
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: 06/30/2010 (1065471) CN600667182
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: 07/31/2010 (1065475) CN600667182
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: 08/31/2010 (1065479) CN600667182
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: 09/30/2010 (1065483) CN600667182
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: 10/31/2010 (1065487) CN600667182
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: 01/13/2011 (881309) CN600667182
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: OpR PERMIT

Description: Failure by the City of Joaquin to properly operate and maintain units of treatment and collection.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: OpR PERMIT

Description: Failure by the City of Joaquin to properly operate and maintain units of treatment and collection.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: MRR PERMIT

Description: Failure by the City of Joaquin to use test procedures that comply with 30 TAC 319.11-319.12.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: OpR PERMIT

Description: Failure by the City of Joaquin to properly operate and maintain units of treatment and collection.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: M&RR 3 PERMIT

Description: Failure by the City of Joaquin to maintain monitoring and reporting records: no calibration records for the DO meter and pH meter were not maintained.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: M&RR 3 PERMIT

Description: Failure by the City of Joaquin to maintain monitoring and reporting records: no records of the colorimeter checks against chlorine standards were maintained.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: M&RR 4 PERMIT

Description: Failure by the City of Joaquin to report the results of additional monitoring

conducted on the effluent.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: PC 1 PERMIT

Description: Failure by the City of Joaquin to accurately complete the discharge monitoring reports (DMRs): transcription and conversion errors were noted in the 3/10 DMR.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: OpR 1 PERMIT

Description: Failure by the City of Joaquin to ensure that all systems of collection, treatment, and disposal are properly operated and maintained: sludge was noted at both the bottom and the surface of CCC1. More sludge was noted in the bottom of CCC2. Duck weeds or similar vegetation was also found in CCC1.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: OpR 1 PERMIT

Description: Failure by the City of Joaquin to ensure that all systems of collection, treatment, and disposal are properly operated and maintained: delamination and onset of structural breakdown were noted on the inner walls of the holding tank, contiguous to AB3.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: OpR 1 PERMIT

Description: Failure by the City of Joaquin to ensure that all systems of collection, treatment, and disposal are properly operated and maintained: debris and old screenings were noted on the bar screen serving Treatment Train 3.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: OpR 1 PERMIT

Description: Failure by the City of Joaquin to ensure that all systems of collection, treatment, and disposal are properly operated and maintained: onset of corrosion was noted on the effluent weir box.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: OpR 1 PERMIT

Description: Failure by the City of Joaquin to ensure that all systems of collection, treatment, and disposal are properly operated and maintained: the skimmer arm of Clarifier 3 was not equipped with a sweeping blade; the skimmers on Clarifiers 1 & 2 were not adjusted to properly sweep across the clarifiers surface.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: M&RR 7 PERMIT

Description: Failure by the City of Joaquin to submit noncompliance notification for effluent violations which deviated from the permitted effluent limitation by greater than 40% .

17 Date: 02/28/2011 (1065459) CN600667182
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: 03/31/2011 (1065462) CN600667182
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: 04/30/2011 (1065465) CN600667182
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:	05/31/2011 (1065468)	CN600667182
			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:	09/30/2011 (1065484)	CN600667182
			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:	01/31/2012 (1065457)	CN600667182
			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:	03/31/2012 (1065463)	CN600667182
			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:	06/30/2012 (1065473)	CN600667182
			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 08, 2008 and April 08, 2013

		(674379)	For Informational Purposes Only
Item 1*	April 17, 2008**		
		(692725)	For Informational Purposes Only
Item 2*	May 16, 2008**		
		(682786)	For Informational Purposes Only
Item 3*	June 14, 2008**		
		(692726)	For Informational Purposes Only
Item 4*	June 19, 2008**		
		(692727)	For Informational Purposes Only
Item 5*	July 16, 2008**		
		(713860)	For Informational Purposes Only
Item 6*	August 28, 2008**		
		(713861)	For Informational Purposes Only

Item 7* September 19, 2008** For Informational Purposes Only
(713862)

Item 8* October 20, 2008** For Informational Purposes Only
(729861)

Item 9* November 19, 2008** For Informational Purposes Only
(729862)

Item 10* December 19, 2008** For Informational Purposes Only
(729863)

Item 11* January 16, 2009** For Informational Purposes Only
(753096)

Item 12* February 20, 2009** For Informational Purposes Only
(753097)

Item 13* March 06, 2009** For Informational Purposes Only
(753098)

Item 14* April 16, 2009** For Informational Purposes Only
(770654)

Item 15* May 20, 2009** For Informational Purposes Only
(770655)

Item 16* June 14, 2009** For Informational Purposes Only
(1065467)

Item 17 July 02, 2009** For Informational Purposes Only
(1065470)

Item 18* July 09, 2009** For Informational Purposes Only
(760299)

Item 19 July 29, 2009** For Informational Purposes Only
(1065474)

Item 20* August 12, 2009** For Informational Purposes Only
(1065478)

Item 21* September 19, 2009** For Informational Purposes Only
(1065482)

Item 22* October 20, 2009** For Informational Purposes Only
(778731)

Item 23 November 10, 2009** For Informational Purposes Only
(1065486)

Item 24 November 23, 2009** For Informational Purposes Only
(811728)

Item 25 January 25, 2010** For Informational Purposes Only
(1065455)

Item 26 March 08, 2010** For Informational Purposes Only
(1065458)

Item 27 March 15, 2010** For Informational Purposes Only
(794320)

Item 28 March 16, 2010** For Informational Purposes Only

Item 29	April 21, 2010**	(1065461) For Informational Purposes Only
Item 30	May 12, 2010**	(796950) For Informational Purposes Only
Item 31	July 22, 2010**	(1065471) For Informational Purposes Only
Item 32	August 06, 2010**	(829854) For Informational Purposes Only
Item 33	August 24, 2010**	(1065475) For Informational Purposes Only
Item 34	September 21, 2010**	(1065479) For Informational Purposes Only
Item 35	December 02, 2010**	(1065483) For Informational Purposes Only
Item 36	December 16, 2010**	(1065487) For Informational Purposes Only
Item 37*	December 17, 2010**	(1065491) For Informational Purposes Only
Item 38	January 12, 2011**	(881309) For Informational Purposes Only
Item 39*	January 18, 2011**	(1065493) For Informational Purposes Only
Item 40	March 24, 2011**	(1065459) For Informational Purposes Only
Item 41*	April 15, 2011**	(1065456) For Informational Purposes Only
Item 42	April 18, 2011**	(1065462) For Informational Purposes Only
Item 43	May 23, 2011**	(1065465) For Informational Purposes Only
Item 44	June 17, 2011**	(1065468) For Informational Purposes Only
Item 45*	July 22, 2011**	(1065472) For Informational Purposes Only
Item 46*	September 16, 2011**	(1065480) For Informational Purposes Only
Item 47	September 29, 2011**	(957093) For Informational Purposes Only
Item 48*	November 21, 2011**	(1065488) For Informational Purposes Only
Item 49*	December 21, 2011**	(1065492) For Informational Purposes Only

Item 50*	December 28, 2011**	(1065476) For Informational Purposes Only
Item 51*	January 19, 2012**	(1065494) For Informational Purposes Only
Item 52	February 17, 2012**	(1065457) For Informational Purposes Only
Item 53*	March 19, 2012**	(1065460) For Informational Purposes Only
Item 54	April 23, 2012**	(1065463) For Informational Purposes Only
Item 55*	May 21, 2012**	(1065466) For Informational Purposes Only
Item 56	June 07, 2012**	(1007484) For Informational Purposes Only
Item 57	July 30, 2012**	(1065473) For Informational Purposes Only
Item 58*	August 13, 2012**	(1065469) For Informational Purposes Only
Item 59*	September 25, 2012	(1065481) For Informational Purposes Only
Item 60*	October 19, 2012	(1065485) For Informational Purposes Only
Item 61*	October 26, 2012	(1065477) For Informational Purposes Only
Item 62*	November 20, 2012	(1065489) For Informational Purposes Only
Item 63*	January 04, 2013	(1080855) For Informational Purposes Only
Item 64*	January 24, 2013	(1080856) For Informational Purposes Only
Item 65*	February 26, 2013	(1080854) For Informational Purposes Only
Item 66*	March 25, 2013	(1090201) For Informational Purposes Only
Item 67	April 04, 2013	(1075819) 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 JOAQUIN
RN102095437

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

AGREED ORDER
DOCKET NO. 2013-0708-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 Joaquin ("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 plant located approximately 2,700 feet northeast of the intersection of Jackson Street and United States Highway 84 in Joaquin, Shelby 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 an investigation conducted on February 5, 2013, TCEQ staff documented that the Respondent did not timely submit the annual sludge reports for the reporting periods ending July 31, 2010 and July 31, 2011 by September 1, 2010 and September 1, 2011, respectively.
4. During an investigation conducted on February 5, 2013, TCEQ staff documented that the Respondent did not submit quarterly progress reports for ammonia nitrogen ("NH₃N") excursions to the TCEQ Regional Office and to the TCEQ Enforcement Division. Specifically, the Respondent did not submit the progress reports due on February 12, 2010, May 12, 2010, August 12, 2010, November 12, 2010, February 12, 2011, May 12, 2011, August 12, 2011, November 12, 2011, February 12, 2012, May 12, 2012, August 12, 2012, and November 12, 2012 to the Regional Office and the Enforcement Division.
5. During an investigation conducted on February 5, 2013, TCEQ staff documented that the Respondent did not 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 daily average concentration for NH₃N was exceeded by more than 40% in February 2011, April 2011, September 2011, and March 2012 and the Respondent failed to report the exceedances to the Regional Office and the Enforcement Division.
6. During an investigation conducted on February 5, 2013, TCEQ staff documented that the Respondent did not comply with permitted effluent limits as shown in the table below:

<i>EFFLUENT PARAMETER</i>			
<i>Permit Limit</i>			
	NH ₃ N Daily Average Concentration	Cl ₂ Residual Minimum Concentration	Cl ₂ Residual Maximum Concentration
<i>Month/Year</i>	3 mg/L	1 mg/L	4 mg/L
March 2012	5.3	c	c
June 2012	c	c	4.2
February 5, 2013 *	c	0.4	c

mg/L = milligrams per liter c = compliant Cl₂ = chlorine * = grab sample

7. During an investigation conducted on February 5, 2013, TCEQ staff documented that the Respondent did not ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, areas of severe corrosion was observed along the walkway near the influent bar screen, the corner of the digester, along the

beams which extend across the top of aeration basin nos. 1 and 2 and along the interior and exterior walls of the influent box near the manual bar screen.

8. During an investigation conducted on February 5, 2013, TCEQ staff documented that the Respondent did not submit quarterly progress reports to address the progress towards attaining the water quality-based final effluent limitations. Specifically, the Respondent did not submit the progress reports due on January 1, 2010, April 1, 2010, July 1, 2010, October 1, 2010, January 1, 2011, April 1, 2011, July 1, 2011, October 1, 2011, January 1, 2012, April 1, 2012, July 1, 2012, and October 1, 2012 to the Regional Office and the Enforcement Division.
9. During an investigation conducted on February 5, 2013, TCEQ staff documented that the Respondent did not submit a summary submittal letter to the TCEQ Wastewater Permitting Section prior to the final construction phase of the treatment facilities. Specifically, the Respondent did not submit a summary letter to the Wastewater Permitting Section which specifies how the treatment system will meet the final permit effluent limitations of the permit prior to November 13, 2011.
10. The Respondent received notice of the violations on April 8, 2013.
11. The Executive Director recognizes that by February 5, 2013, the Respondent submitted the annual sludge reports for the reporting periods ending July 31, 2010 and July 31, 2011.

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 timely submit the annual sludge reports, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012718001, Sludge Provisions, and 30 TEX. ADMIN. CODE § 305.125(17).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to submit quarterly progress reports for NH₃N to the TCEQ Regional Office and to the TCEQ Enforcement Division, in violation of TPDES Permit No. WQ0012718001, Other Requirements No. 8, and 30 TEX. ADMIN. CODE § 305.125(1).
4. As evidenced by Findings of Fact No. 5, the Respondent 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, in violation of TPDES Permit No. WQ0012718001, Monitoring and Reporting Requirements No. 7.c., and 30 TEX. ADMIN. CODE § 305.125(1).

5. As evidenced by Findings of Fact No. 6, the Respondent failed to comply with permitted effluent limits, in violation of TPDES Permit No. WQ0012718001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a).
6. As evidenced by Findings of Fact No. 7, the Respondent failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of TPDES Permit No. WQ0012718001, Operational Requirements No. 1, and 30 TEX. ADMIN. CODE § 305.125(5).
7. As evidenced by Findings of Fact No. 8, the Respondent failed to submit quarterly progress reports to address the progress towards attaining the water quality-based final effluent limitations for the outfall, in violation of TPDES Permit No. WQ0012718001, Other Requirements No. 9, and 30 TEX. ADMIN. CODE § 305.125(1).
8. As evidenced by Findings of Fact No. 9, the Respondent failed to submit a summary submittal letter to the TCEQ Wastewater Permitting Section prior to the final construction phase of the treatment facilities, in violation of TPDES Permit No. WQ0012718001, Other Requirements No. 10, and 30 TEX. ADMIN. CODE §§ 305.125(1) and 217.6(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 Fifty-Four Thousand Five Hundred Twenty Dollars (\$54,520) 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. Fifty-Four Thousand Five Hundred Twenty Dollar (\$54,520) 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 Fifty-Four Thousand Five Hundred Twenty Dollars (\$54,520) 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 Joaquin, Docket No. 2013-0708-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 10 above, Fifty-Four Thousand Five Hundred Twenty Dollars (\$54,520) 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 15 days after the effective date of this Agreed Order:
 - i. Submit all missing quarterly progress reports for NH₃N excursions to the TCEQ Regional Office and to the TCEQ Enforcement Division, in accordance with TPDES Permit No. WQ0012718001, Other Requirements No. 8;
 - ii. Submit all missing quarterly progress reports to address the progress towards attaining the water quality-based final effluent limitations for the outfall, in accordance with TPDES Permit No. WQ0012718001, Other Requirements No. 9; and
 - iii. Submit a summary letter to the TCEQ Wastewater Permitting Section outlining steps taken to meet the final effluent limitations during the final construction phase of the wastewater treatment Facility, in accordance with TPDES Permit No. WQ0012718001, Other Requirements No. 10.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished, including properly submitting noncompliance notifications for any effluent violation which deviates from the permitted effluent limitation by greater than 40% and the annual sludge report, in accordance with TPDES Permit No. WQ0012718001; and

- ii. Submit the required noncompliance notifications for the exceedances that occurred February 2011, April 2011, September 2011, and March 2012 to the Regional Office and the Enforcement Division, in accordance with TPDES Permit No. WQ0012718001, Monitoring and Reporting Requirements No. 7(c).
- c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 3.a. and 3.b. as described in Ordering Provision No. 3.e. below;
- d. Within 60 days after the effective date of this Agreed Order, repair all areas showing severe corrosion and/or replace equipment showing severe corrosion;
- e. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0012718001 and Order Provision No. 3.d., 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. All certifications shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

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

otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam D. Jones
For the Executive Director

3/28/14
Date

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

James Michael Wood
Signature

10-29-13
Date

JAMES Michael Wood
Name (Printed or typed)

Mayor
Title

Authorized Representative of
City of Joaquin

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: 2013-0708-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Joaquin
Penalty Amount:	Fifty-four Thousand Five Hundred Twenty Dollars (\$54,520)
SEP Offset Amount:	Fifty-four Thousand Five Hundred Twenty Dollars (\$54,520)
Type of SEP:	Compliance SEP
Project Name:	<i>Drying Beds Installation and Repairs</i>
Location of SEP:	Shelby County

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

1. Project Description

A. Project

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at the Respondent’s wastewater treatment facility. Respondent shall repair the existing drying beds by excavating the existing gravel and sand media and removing it for proper disposal. The subgrade will be tested for permeability to determine if a specialized liner for the beds is required. Respondent will also install an additional drying bed to assist in more closely maintaining its solids balance in the treatment process (the “Project”). A licensed sludge transporter will properly dispose of the sludge media at the local landfill. The subgrade will be shaped and compacted and tested; and new underdrain piping, valves, and layered gravel and sand media will be installed. The new drying bed will be constructed in similar detail. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment rental for one or more of the following: gravel, sand, transportation costs, liner, testing, underdrain piping, and valves. Respondent shall solicit bids from qualified contractors to install the system. Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity, below. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has not previously performed this Project and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

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

C. Minimum Expenditure

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

Estimated Cost Schedule

Rehabilitate Existing Drying Beds

Item	Quantity	Units	Cost	Total
Excavation and media disposal	160.0	Cubic yard	\$40.00	\$6,400.00
Subgrade prep and compaction	270.0	Square yard	\$25.00	\$6,750.00
Replace underdrain piping and gravel	160.0	Linear foot	\$55.00	\$8,800.00
Media replacement	140.0	Cubic yard	\$48.00	\$6,720.00
Plant piping & connections	2.0	Each	\$1,000	\$2,000.00
Sludge gate repair	2.0	Each	\$2,400	\$4,800.00
Valves	2.0	Each	\$1,800	\$3,600.00
SUBTOTAL				\$39,070.00

Construct Additional Drying Bed

Item	Quantity	Units	Cost	Total
Excavation and haul off	140.0	Cubic yard	\$22	\$3,080.00
Subgrade prep and compaction	180.0	Square yard	\$25	\$4,500.00
Underdrain piping and gravel	80.0	Linear foot	\$55	\$4,400.00
Graded media	70.0	Cubic yard	\$48	\$3,360.00
Plant piping and connections	2	Each	\$2,000	\$4,000.00
Formed concrete stern wall	160.0	Linear foot	\$120	\$19,200.00
Sludge gate	1.0	Each	\$2,400	\$2,400.00
Valves tapped to existing line	1.0	Each	\$2,400	\$2,400.00
SUBTOTAL				\$43,340.00
GRAND TOTAL				\$82,410.00

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 90 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 60 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 30-day period and setting forth a schedule for achieving completion of the Project within the 90-day time-frame set forth the Reporting Schedule table below:

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

B. Final Report

Within 90 days after the effective date of the Agreed Order, or within 30 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity, below);
4. Dated photographs of the sludge ponds before work is performed; work being performed during the installation process; and of the completed Project;
5. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
6. Any additional information demonstrating compliance with this Attachment A.

C. Address

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

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

4. Additional Information and Access

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

5. Failure to Fully Perform

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

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset

Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

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

6. Publicity

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

7. Clean Texas Program

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

8. Other SEPs by TCEQ or Other Agencies

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