

City of Petersburg
RN101453942
Docket No. 2012-0637-MWD-E

Order Type:

Agreed Order

Media:

MWD

Small Business:

N/A

Location(s) Where Violation(s) Occurred:

approximately one mile southeast of the intersection of Farm-to-market Roads 54 and 789,
Petersburg, Hale County

Type of Operation:

wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: December 19, 2014

Comments Received: None

Penalty Information

Total Penalty Assessed: \$15,862

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

SEP Conditional Offset: \$15,862

Name of SEP: Compliance SEP - *Wastewater Treatment Plant Improvements and Effluent
Water Reuse Project*

Compliance History Classifications:

Person/CN – Average
Site/RN – Average

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2002 (PCW 1); September 2011 (PCW 2)

City of Petersburg
RN101453942
Docket No. 2012-0637-MWD-E

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: February 9, 2012
Date(s) of NOV(s): December 7, 2007; February 19, 2008; February 20, 2009
Date(s) of NOE(s): March 23, 2012

Violation Information

1. Failed to submit annual sludge reports by September 1 of each year [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010246001, Sludge Provisions and 30 TEX. ADMIN. CODE § 305.125(17)].
2. Failed to prevent an unauthorized discharge of wastewater from the pond system into or adjacent to water in the state [TPDES Permit No. WQ0010246001, Permit Conditions No. 2.g., 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].
3. Failed to conduct the annual soil sampling from the root zone of the disposal site and submit the results to the TCEQ Regional Office and the Water Quality Compliance Monitoring Team [TPDES Permit No. WQ0010246001, Special Provisions No. 11 (formerly Special Provision No. 8) and 30 TEX. ADMIN. CODE § 305.125(1)].
4. Failed to properly operate and maintain the treatment Facility to achieve optimum efficiency of the treatment capabilities of the effluent holding ponds [TPDES Permit No. WQ0010246001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(1)].
5. Failed to provide equipment to determine effluent application rates and to install permanent transmission lines from the holding ponds to each tract of land to be irrigated with effluent from the pond [TPDES Permit No. WQ0010246001, Special Provisions Nos. 5 and 12 and 30 TEX. ADMIN. CODE § 305.125(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Immediately:
 - a. Develop and implement procedures to ensure corrective actions are taken to stop and/or minimize unauthorized discharges from the pond system, and to ensure steps are taken to remediate any affected area; and
 - b. Begin conducting the annual soil sampling from the root zones of the disposal site.
2. Within 30 days:
 - a. Update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished, including the annual sludge reports; and
 - b. Submit the annual sludge reports to the Regional Office and the TCEQ Water Quality Compliance Monitoring Team for the years 2007 through 2011.
3. Within 60 days, implement a plan to maintain the solids levels in the effluent holding ponds to ensure optimum efficiency of the treatment capability of the holding pond system.
4. Within 75 days, provide equipment to determine effluent application rates and install permanent transmission lines from the holding pond(s) to each tract of land irrigated with effluent from the pond(s).

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5. Within 90 days, remove the sludge in and around Pond Nos. 1 and 2 and, submit written certification by a Texas Licensed Professional Engineer that the pond liners were not disturbed by the sludge removal.
6. Submit written certification to demonstrate compliance:
 - a. Within 30 days for Technical Requirements Nos. 1 and 2.
 - b. Within 90 days for Technical Requirement Nos. 3 through 5.

Litigation Information

Date Petition(s) Filed: February 18, 2014
Date Answer Filed: March 10, 2014
SOAH Referral Date: April 22, 2014
Hearing Date(s):
Preliminary hearing: June 5, 2014 (waived)
Evidentiary hearing: November 6, 2014 (scheduled)
Settlement Date: October 28, 2014

Contact Information

TCEQ Attorneys: Michael Vitris, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Aaron Tucker, Public Interest Counsel, (512) 239-6363
TCEQ SEP Attorney: Meaghan Bailey, Litigation Division, (512) 239-3400
TCEQ Enforcement Coordinator: Cheryl Thompson, Enforcement Division, 817-588-5886
TCEQ Regional Contact: Gary Shipp, Lubbock Regional Office, 806-796-7092
Respondent Contact: Darin Greene, Mayor, City of Petersburg, P.O. Box 326, Petersburg, Texas 79250
Respondent's Attorney: Audie S. Sciumbato, PhD, The Underwood Law Firm, P.O. Box 1655, Hereford, Texas 79045

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Attachment A
Docket Number: 2012-0637-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Petersburg
Penalty Amount:	Fifteen Thousand Eight Hundred Sixty-Two Dollars (\$15,862)
SEP Offset Amount:	Fifteen Thousand Eight Hundred Sixty-Two Dollars (\$15,862)
Type of SEP:	Compliance SEP
Project Name:	<i>Wastewater Treatment Plant Improvements and Effluent Water Reuse Project</i>
Location of SEP:	Hale County

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

1. Project Description

A. Project

Respondent 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 current wastewater treatment facility. Respondent is improving the existing wastewater treatment plant that will consist of one facultative lagoon, one storage pond, and an irrigation system to dispose of treated wastewater effluent via agricultural land application. Respondent shall hire a contractor to construct an irrigation system that will consist of vertical turbine pumps, PVC piping and an irrigation sprinkler system to disperse treated effluent on permitted agricultural land application areas. Specifically, the SEP Offset Amount will be used for purchasing materials and supplies for the irrigation system: PVC irrigation line piping, electrical work, and plant signage (the “Project”). Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. 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 and materials, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule. 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 states they expect no financial return on the project.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent is performing the Compliance SEP solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by conserving scarce water resources and providing an alternative supply for irrigation water. The world's population is expected to increase dramatically between now and the year 2020 - and with this growth will come an increased need for water to meet various needs, as well as an increased production of wastewater. Many communities throughout Texas are approaching, or have already reached, the limits of their available water supplies; water reclamation and reuse will conserve and extend available water supplies. Water reuse may also present communities with an alternate wastewater disposal method as well as provide pollution abatement by diverting effluent discharge away from sensitive surface waters. Properly implemented, this nonpotable reuse project can help the community meet water demand and supply challenges. [Paraphrased from EPA/625/R-04/108 September 2004, Guidelines for Water Reuse, U.S. Environmental Protection Agency]

C. Minimum Expenditure

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

Estimated Cost Schedule

Item	Quantity	Units	Total
6-inch C900 DR18 PVC Irrigation Line Piping	635 ft.	Linear ft.	\$16,405.00
Electrical Work	1	Each	\$21,322.35
Signage for Plant	1	Each	\$181.60
Total			\$37,908.95

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 in Section 2, Performance Schedule, above. Respondent shall submit progress reports to the TCEQ containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
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, if applicable);
4. Dated photographs of the purchased materials and supplies, before and after work being performed during the installation process, and 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.

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	19-Mar-2012		
	PCW	2-Dec-2013	Screening	19-Mar-2012
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	City of Petersburg		
Reg. Ent. Ref. No.	RN101453942		
Facility/Site Region	2-Lubbock	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	43816	No. of Violations	2
Docket No.	2012-0637-MWD-E	Order Type	1660
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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Enhancement for one order containing denial of liability and three NOVs with same/similar violations.

Culpability Enhancement **Subtotal 4**

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
Approx. Cost of Compliance

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction)

Notes

No deferral offered for non expedited settlement.

PAYABLE PENALTY

Screening Date 19-Mar-2012

Docket No. 2012-0637-MWD-E

PCW

Respondent City of Petersburg

Policy Revision 2 (September 2002)

Case ID No. 43816

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101453942

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>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 35%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order containing denial of liability and three NOVs with same/similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 35%

Screening Date	19-Mar-2012	Docket No.	2012-0637-MWD-E	PCW
Respondent	City of Petersburg			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	43816			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101453942			
Media [Statute]	Water Quality			
Enf. Coordinator	Jorge Ibarra, P.E.			

Violation Number

Rule Cite(s)

Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010246001, Sludge Provisions and 30 Tex. Admin. Code § 305.125(17)

Violation Description

Failed to submit the annual sludge reports for the reporting periods ending July 31, 2007, July 31, 2008, July 31, 2009 and July 31, 2010 by September 1 of each year.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

Four single events are recommended, one for each report.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Petersburg
Case ID No. 43816
Reg. Ent. Reference No. RN101453942
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)	\$200	30-Sep-2007	15-Jul-2012	4.79	\$48	n/a	\$48

Notes for DELAYED costs

Estimated cost to submit the sludge reports to the Regional Office and the TCEQ Water Quality Compliance Monitoring Team (\$50 per report). Date required is the date the first missing report was due; and the final date is the expected date of compliance. See Violation No. 1 of the accompanying PCW for the estimated cost to update the Facility's operational guidance and conduct employee training.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$200	TOTAL	\$48
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Screening Date 19-Mar-2012	Docket No. 2012-0637-MWD-E	PCW
Respondent City of Petersburg		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 43816		<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No. RN101453942		
Media [Statute] Water Quality		
Enf. Coordinator Jorge Ibarra, P.E.		

Violation Number

Rule Cite(s)

TPDES Permit No. WQ0010246001, (formerly) Special Provisions No. 8 and 30
Tex. Admin. Code § 305.125(1)

Violation Description

Failed to conduct the annual soil sampling from the root zone of the disposal site and submit the results to the TCEQ Regional Office and the Water Quality Compliance Monitoring Team during September of years 2007, 2008, 2009 and 2010.

Base Penalty

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text" value="x"/>	

Violation Base Penalty

Four single events are recommended.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Petersburg
Case ID No. 43816
Reg. Ent. Reference No. RN101453942
Media Violation No. Water Quality
 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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See 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]	\$4,000	30-Sep-2007	30-Sep-2010	3.92	\$784	\$4,000	\$4,784
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to conduct the required annual soil sampling of the land application area (\$1,000 per sampling). Date required is the date the first sampling was due and the final date is the 2010 sampling was due.

Approx. Cost of Compliance \$4,000

TOTAL \$4,784



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	19-Mar-2012	Screening	19-Mar-2012	EPA Due	
	PCW	2-Dec-2013				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Petersburg
Reg. Ent. Ref. No.	RN101453942
Facility/Site Region	2-Lubbock
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	43816	No. of Violations	5
Docket No.	2012-0637-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Cheryl Thompson
		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	\$5,750
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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	35.0% Enhancement Subtotals 2, 3, & 7 \$2,012

Notes: Enhancement for one order containing denial of liability and three NOVs with same/similar 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
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$2,264	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	#NAME?		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,762
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	
Reduces or enhances the Final Subtotal by the indicated percentage.			

Notes:
 Final Penalty Amount \$7,762

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,762
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DEFERRAL	0.0%	Reduction Adjustment	\$0
Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction)			

Notes: No deferral offered for non expedited settlement.

PAYABLE PENALTY	\$7,762
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Screening Date 19-Mar-2012

Docket No. 2012-0637-MWD-E

PCW

Respondent City of Petersburg

Policy Revision 3 (September 2011)

Case ID No. 43816

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101453942

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 35%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order containing denial of liability and three NOVs with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 35%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 35%

Screening Date	19-Mar-2012	Docket No.	2012-0637-MWD-E	PCW
Respondent	City of Petersburg			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	43816			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN101453942			
Media [Statute]	Water Quality			
Enf. Coordinator	Cheryl Thompson			

Violation Number

Rule Cite(s)

Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010246001, Sludge Provisions and 30 Tex. Admin. Code § 305.125(17)

Violation Description

Failed to submit the annual sludge report for the reporting period ending July 31, 2011 by September 1, 2011.

Base Penalty

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

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Petersburg
Case ID No. 43816
Reg. Ent. Reference No. RN101453942
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	\$250	9-Feb-2012	15-Aug-2013	1.52	\$19	n/a	\$19
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	1-Sep-2011	15-Aug-2013	1.96	\$5	n/a	\$5

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 sludge reports to the Regional Office and the TCEQ Water Quality Compliance Monitoring Team (\$50 per report). Dates required are the investigation date and the date the report was due and the final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$300	TOTAL	\$24
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Screening Date 19-Mar-2012	Docket No. 2012-0637-MWD-E	PCW
Respondent City of Petersburg		<i>Policy Revision 3 (September 2011)</i>
Case ID No. 43816		<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No. RN101453942		
Media [Statute] Water Quality		
Enf. Coordinator Cheryl Thompson		

Violation Number

Rule Cite(s) TPDES Permit No. WQ0010246001, Permit Conditions No. 2.g., 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)

Violation Description
 Failed to prevent an unauthorized discharge of wastewater from the pond system into or adjacent to water in the state. Specifically, on February 9, 2012, it was documented that wastewater was discharging from effluent holding Pond No. 4 through an overflow pipe into a berm area of approximately 3-5 acres in size. Additionally, a sample collected from the discharge pipe indicated biochemical oxygen demand levels of 77.9 milligrams per liter ("mg/L"), total kjeldahl nitrogen levels of 60.6 mg/L and total suspended solids levels of 41.3 mg/L.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="5.0%"/>

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended from the investigation date of February 9, 2012 to the screening date of March 19, 2012.

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

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

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Petersburg
Case ID No. 43816
Reg. Ent. Reference No. RN101453942
Media Violation No. Water Quality
 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	\$5,000	9-Feb-2012	1-Sep-2013	1.56	\$390	n/a	\$390
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to cease the unauthorized discharge of wastewater from the pond system, to include operating the pond system as permitted, and to remediate the affected area. Date required is the investigation date and the final date is the expected compliance date.

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	\$390
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Screening Date	19-Mar-2012	Docket No.	2012-0637-MWD-E	PCW
Respondent	City of Petersburg	<i>Policy Revision 3 (September 2011)</i>		
Case ID No.	43816	<i>PCW Revision August 3, 2011</i>		
Reg. Ent. Reference No.	RN101453942			
Media [Statute]	Water Quality			
Enf. Coordinator	Cheryl Thompson			
Violation Number	3			
Rule Cite(s)	TPDES Permit No. WQ0010246001, Special Provisions No. 11 and 30 Tex. Admin. Code § 305.125(1)			
Violation Description	Failed to conduct the annual soil sampling from the root zone of the disposal site and submit the results to the TCEQ Regional Office and the Water Quality Compliance Monitoring Team during September 2011.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential		x	
				Percent 3.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events	1	171	Number of violation days
<i>mark only one with an x</i>	daily		Violation Base Penalty \$750
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

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 \$750

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$1,146	Violation Final Penalty Total \$1,013
This violation Final Assessed Penalty (adjusted for limits) \$1,013	

Economic Benefit Worksheet

Respondent City of Petersburg
Case ID No. 43816
Reg. Ent. Reference No. RN101453942
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,000	9-Feb-2012	1-Oct-2013	1.64	\$82	n/a	\$82
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to conduct the required annual soil sampling of the land application area. Date required is the investigation date and the final date is the expected compliance date.

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]	\$1,000	30-Sep-2011	9-Feb-2012	1.28	\$64	\$1,000	\$1,064
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs Estimated cost to conduct the required annual soil sampling of the land application area (\$1,000 per sampling). Date required is the date the sampling was due and the final date is the investigation date.

Approx. Cost of Compliance	\$2,000	TOTAL	\$1,146
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Screening Date 19-Mar-2012	Docket No. 2012-0637-MWD-E	PCW
Respondent City of Petersburg		<i>Policy Revision 3 (September 2011)</i>
Case ID No. 43816		<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No. RN101453942		
Media [Statute] Water Quality		
Enf. Coordinator Cheryl Thompson		

Violation Number

Rule Cite(s)
 TPDES Permit No. WQ0010246001, Operational Requirements No. 1 and 30 Tex. Admin. Code § 305.125(1)

Violation Description
 Failed to properly operate and maintain the treatment Facility to achieve optimum efficiency of the treatment capabilities of the effluent holding ponds. Specifically, sludge had accumulated in Pond No. 1 and was visible at the surface near the surface and sludge was also near the surface around the inflow area of Pond No. 2.

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm			
		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5.0%"/>
	Potential	<input type="text"/>	x	<input type="text"/>	

>> Programmatic Matrix

	Major	Moderate	Minor	
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="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

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	x
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended from the investigation date of February 9, 2012 to the screening date of March 19, 2012.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Petersburg
Case ID No. 43816
Reg. Ent. Reference No. RN101453942
Media Violation No. Water Quality
 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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	9-Feb-2012	1-Nov-2013	1.73	\$432	n/a	\$432

Notes for DELAYED costs
 Estimated cost to removed the solids in and around the ponds, and to inspect and certify the integrity of the pond liners. Date required is the investigation date and the final date is the expected compliance date.

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

TOTAL

Screening Date	19-Mar-2012	Docket No.	2012-0637-MWD-E	PCW
Respondent	City of Petersburg			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	43816			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN101453942			
Media [Statute]	Water Quality			
Enf. Coordinator	Cheryl Thompson			

Violation Number

Rule Cite(s) TPDES Permit No. WQ0010246001, Special Provisions Nos. 5 and 12 and 30 Tex. Admin. Code § 305.125(1)

Violation Description Failed to provide equipment to determine effluent application rates and to install permanent transmission lines from the holding pond to each tract of land to be irrigated with effluent from the pond.

Base Penalty

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="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

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="text" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended from the February 2, 2012 investigation date to the March 19, 2012 screening date.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Petersburg
Case ID No. 43816
Reg. Ent. Reference No. RN101453942
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,000	9-Feb-2012	1-Dec-2013	1.81	\$272	n/a	\$272

Notes for DELAYED costs
 Estimated cost to provide equipment to determine effluent application rates and to install permanent transmission lines. Date required is the investigation date and the final date is the expected compliance date.

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 \$3,000 **TOTAL** \$272

Compliance History Report

Customer/Respondent/Owner-Operator: CN600638886 City Of Petersburg Classification: AVERAGE Rating: 6.42
 Regulated Entity: RN101453942 CITY OF PETERSBURG Classification: AVERAGE Site Rating: 13.25
 ID Number(s): WASTEWATER PERMIT WQ0010246001
 WASTEWATER LICENSING LICENSE WQ0010246001

Location: Located approximately one mile southeast of the intersection of Farm-to-Market Roads 54 and 789, Hale County, Texas
 TCEQ Region: REGION 02 - LUBBOCK

Date Compliance History Prepared: March 19, 2012
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: March 19, 2007 to March 19, 2012
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Cheryl Thompson Phone: (817) 588-5886

Site Compliance History Components

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**, who is the current owner/operator? N/A
4. If **YES**, 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
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 12/18/2009

ADMINORDER 2009-1256-MWD-E

Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: VI. Special Provision 7. PERMIT
 Description: Failure to maintain at least two feet of freeboard for oxidation and holding ponds.
 Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: Section VI, Special Provision 3 PERMIT
 Description: Failure to maintain and operate the treatment facility in order to achieve optimum efficiency regarding sludge accumulation within the first two treatment ponds and weeds and cattails growing within the oxidation ponds and along the pond berms.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

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

1	12/04/2007	(609661)	5	05/18/2009	(745370)
2	02/19/2008	(618395)	6	07/08/2009	(760829)
3	05/23/2008	(680118)	7	03/23/2010	(794500)
4	02/20/2009	(727014)	8	03/16/2012	(987476)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 12/07/2007

(609661)

CN600638886

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(i)
 Section VI, Special Provision 3 PERMIT
 Description: Failure to properly maintain pond no. 1.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to calibrate secondary flow measuring device annually.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to maintain calibration log for pH meter.
 Self Report? NO Classification: Minor
 Citation: IV, B, Monitoring Requirements PERMIT
 Description: Failure to properly maintain flow readings as required by the permit.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.123
 30 TAC Chapter 305, SubChapter F 305.125
 Description: Failure to comply with an agreed compliance plan.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 VI, Special Provision PERMIT
 Description: Failure to post signs at the effluent disposal / irrigation area stating the water is from a contaminated source and "Do not drink the water" in English and Spanish with the red slash superimposed over the international symbol for drinking water.

Date: 02/19/2008 (618395) CN600638886

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(i)
 Section VI, Special Provision 3 PERMIT

Description: Failure to properly maintain pond no. 1.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.123
 30 TAC Chapter 305, SubChapter F 305.125

Description: Failure to comply with an agreed compliance plan.

Date: 02/20/2009 (727014) CN600638886

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 IV. A. Effluent Limitations PERMIT

Description: Failure to meet self-monitored effluent quality Biochemical Oxygen Demand (BOD) limitations.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 VI. Special Provision 7. PERMIT

Description: Failure to maintain at least two feet of freeboard for oxidation and holding ponds.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 VI. Special Provision 3. PERMIT

Description: Failure to maintain vegetation within the holding ponds.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Section VI, Special Provision 3 PERMIT

Description: Failure to maintain and operate the treatment facility in order to achieve optimum efficiency regarding sludge accumulation within the first two treatment ponds and weeds and cattails growing within the oxidation ponds and along the pond berms.

- 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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF PETERSBURG;
RN101453942**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2012-0637-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Petersburg ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Audie Sciumbato of the Underwood Law Firm, P.C. together stipulate that:

1. Respondent owns and operates a wastewater treatment plant located approximately one mile southeast of the intersection of Farm-to-market Roads 54 and 789 in Petersburg, Hale County, Texas (the "Facility"). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Agreed Order pursuant to TEX. WATER CODE §§ 7.051 and 7.070, and that Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.
3. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of fifteen thousand eight hundred sixty-two dollars (\$15,862.00) is assessed by the Commission in settlement of the violations alleged in Section II. Pursuant to TEX. WATER CODE § 7.067, fifteen thousand eight hundred sixty-two dollars (\$15,862.00) dollars of the administrative penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A" - incorporated herein by reference). Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed by this Agreed Order shall be discharged upon full compliance with all the terms and conditions of this Agreed Order, which includes timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.
5. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
6. The Executive Director and Respondent agree on a settlement of the matters addressed in this Agreed Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).

7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions contained 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. The provisions of this Agreed Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

1. During an investigation conducted on February 9, 2012 an investigator documented that Respondent:
 - a. Failed to submit the annual sludge reports for the reporting periods ending July 31, 2007, July 31, 2008, July 31, 2009, July 31, 2010, and July 31, 2011 by September 1 of each year, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010246001, Sludge Provisions and 30 TEX. ADMIN. CODE § 305.125(17);
 - b. Failed to prevent an unauthorized discharge of wastewater from the pond system into or adjacent to water in the state, in violation of TPDES Permit No. WQ0010246001, Permit Conditions No. 2.g., 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a). Specifically, it was documented that wastewater was discharging from effluent holding Pond No. 4 through an overflow pipe into a berm area of approximately 3-5 acres in size. Additionally, a sample collected from the discharge pipe indicated biochemical oxygen demand levels of 77.9 milligrams per liter ("mg/L"), total kjeldahl nitrogen levels of 60.6 mg/L and total suspended solids levels of 41.3 mg/L.
 - c. Failed to conduct the annual soil sampling from the root zone of the disposal site and submit the results to the TCEQ Regional Office and the Water Quality Compliance Monitoring Team during September of years 2007, 2008, 2009, 2010 and 2011, in violation of TPDES Permit No. WQ0010246001, Special Provisions No. 11 (formerly Special Provision No. 8) and 30 TEX. ADMIN. CODE § 305.125(1).
 - d. Failed to properly operate and maintain the treatment Facility to achieve optimum efficiency of the treatment capabilities of the effluent holding ponds, in violation of TPDES Permit No. WQ0010246001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(1). Specifically, sludge had accumulated in Pond No. 1 and was visible at the surface near the surface and sludge was also near the surface around the inflow area of Pond No. 2.
 - e. Failed to provide equipment to determine effluent application rates and to install permanent transmission lines from the holding ponds to each tract of land to be irrigated with effluent from the pond, in violation of TPDES Permit No. WQ0010246001, Special Provisions Nos. 5 and 12 and 30 TEX. ADMIN. CODE § 305.125(1).

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph 4. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: City of Petersburg, Docket No. 2012-0637-MWD-E" to:

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

2. Respondent shall implement and complete a SEP as set forth in Section I, Paragraph 4. The amount of fifteen thousand eight hundred sixty-two dollars (\$15,862.00) of the assessed administrative penalty is conditionally offset based on the condition that Respondent implement and complete a SEP pursuant to the terms and conditions contained in the SEP Agreement, as defined in Attachment A. Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon full, final, and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director. Administrative penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. Respondent shall undertake the following technical requirements:
 - a. Immediately after the effective date of this Agreed Order, Respondent shall:
 - i. Develop and implement procedures to ensure corrective actions are taken to stop and/or minimize unauthorized discharges from the pond system, and to ensure steps are taken to remediate any affected area; and
 - ii. Begin conducting the annual soil sampling from the root zones of the disposal site, in accordance with TPDES Permit No. WQ0010246001, Special Provisions No. 11.
 - b. Within 30 days after the effective date of this Agreed Order, Respondent shall:
 - i. Update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished, including the annual sludge report, in accordance with TPDES Permit No. WQ0010246001; and
 - ii. Submit the annual sludge reports to the Regional Office and the TCEQ Water Quality Compliance Monitoring Team for the years 2007 through 2011.

- c. Within 30 days after the effective date of this Agreed Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 3.h., to demonstrate compliance with Ordering Provisions Nos. 3.a. and 3.b.
- d. Within 60 days after the effective date of this Agreed Order, Respondent shall implement a plan to maintain the solids levels in the effluent holding ponds to ensure optimum efficiency of the treatment capability of the holding pond system, in accordance with TPDES Permit No. WQ0010246001, Operational Requirements No. 1.
- e. Within 75 days after the effective date of this Agreed Order, Respondent shall provide equipment to determine effluent application rates and install permanent transmission lines from the holding pond(s) to each tract of land irrigated with effluent from the pond(s), in accordance with TPDES Permit No. WQ0010246001, Special Provisions Nos. 5 and 12;
- f. Within 90 days after the effective date of this Agreed Order, Respondent shall remove the sludge in and around Pond Nos. 1 and 2 and, submit written certification by a Texas Licensed Professional Engineer that the pond liners were not disturbed by the sludge removal.
- g. Within 90 days after the effective date of this Agreed Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 3.h to demonstrate compliance with Ordering Provisions Nos. 3.d. through 3.f.
- h. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Respondent shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Gary Shipp, Water Section Manager
Lubbock Regional Office
Texas Commission on Environmental Quality
5012 50th Street, Suite 100
Lubbock, Texas 79414-3421

- 4. All relief not expressly granted in this Agreed Order is denied.

5. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the facility operations referenced in this Agreed Order.
6. If 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, Respondent's failure to comply is not a violation of this Agreed Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed in Ordering Provision No. 3.h
8. This Agreed Order, issued by the Commission, shall not be admissible against 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 TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails a copy of the fully executed Agreed Order to Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

January 5, 2015
Date

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

I also understand that failure to comply with the Ordering Provisions in this Agreed 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.



Signature - Darin Greene, Mayor
City of Petersburg
P.O. Box 326
Petersburg, Texas 79250

10/28/2014
Date

If mailing address has changed, please check this box and provide the new address below:

Attachment A
Docket Number: 2012-0637-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Petersburg
Penalty Amount:	Fifteen Thousand Eight Hundred Sixty-Two Dollars (\$15,862)
SEP Offset Amount:	Fifteen Thousand Eight Hundred Sixty-Two Dollars (\$15,862)
Type of SEP:	Compliance SEP
Project Name:	<i>Wastewater Treatment Plant Improvements and Effluent Water Reuse Project</i>
Location of SEP:	Hale County

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

1. Project Description

A. Project

Respondent 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 current wastewater treatment facility. Respondent is improving the existing wastewater treatment plant that will consist of one facultative lagoon, one storage pond, and an irrigation system to dispose of treated wastewater effluent via agricultural land application. Respondent shall hire a contractor to construct an irrigation system that will consist of vertical turbine pumps, PVC piping and an irrigation sprinkler system to disperse treated effluent on permitted agricultural land application areas. Specifically, the SEP Offset Amount will be used for purchasing materials and supplies for the irrigation system: PVC irrigation line piping, electrical work, and plant signage (the “Project”). Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. 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 and materials, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule. 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 states they expect no financial return on the project.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent is performing the Compliance SEP solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by conserving scarce water resources and providing an alternative supply for irrigation water. The world's population is expected to increase dramatically between now and the year 2020 - and with this growth will come an increased need for water to meet various needs, as well as an increased production of wastewater. Many communities throughout Texas are approaching, or have already reached, the limits of their available water supplies; water reclamation and reuse will conserve and extend available water supplies. Water reuse may also present communities with an alternate wastewater disposal method as well as provide pollution abatement by diverting effluent discharge away from sensitive surface waters. Properly implemented, this nonpotable reuse project can help the community meet water demand and supply challenges. [Paraphrased from EPA/625/R-04/108 September 2004, Guidelines for Water Reuse, U.S. Environmental Protection Agency]

C. Minimum Expenditure

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

Estimated Cost Schedule

Item	Quantity	Units	Total
6-inch C900 DR18 PVC Irrigation Line Piping	635 ft.	Linear ft.	\$16,405.00
Electrical Work	1	Each	\$21,322.35
Signage for Plant	1	Each	\$181.60
Total			\$37,908.95

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 in Section 2, Performance Schedule, above. Respondent shall submit progress reports to the TCEQ containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
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, if applicable);
4. Dated photographs of the purchased materials and supplies, before and after work being performed during the installation process, and 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.