

Executive Summary – Enforcement Matter – Case No. 43759

City of Edcouch

RN101916377

Docket No. 2012-0646-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Edcouch WWTP, located approximately 0.5 mile northeast of the intersection of State Highway 107 and Farm-to-Market Road 1015, Hidalgo County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 20, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$17,425

Amount Deferred for Expedited Settlement: \$3,485

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$395

Total Due to General Revenue: \$13,545

Payment Plan: 35 payments of \$387 each

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 17, 2012

Date(s) of NOE(s): February 29, 2012

Executive Summary – Enforcement Matter – Case No. 43759
City of Edcouch
RN101916377
Docket No. 2012-0646-MWD-E

Violation Information

1. Failed to comply with permitted effluent limitations for ammonia nitrogen, total suspended solids, and *Escherichia coli* [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014919001, Effluent Limitations and Monitoring Requirements No. 1].
2. Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the discharge monitoring reports ("DMRs") for soil for the monitoring period ending August 31, 2011 were not submitted during September 2011 as required [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. WQ0014919001, Monitoring and Reporting Requirements No. 1 and Other Requirements No. 10].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By March 13, 2012, the Respondent submitted the soil monitoring DMRs for the monitoring period ending August 31, 2011.

Technical Requirements:

The Order will require the Respondent to, within 455 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014919001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

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: Ronica Rodriguez, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2601; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Robert Schmalzried, Mayor, City of Edcouch, P.O. Box 100, Edcouch, Texas 78538

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	27-Feb-2012	Screening	9-Mar-2012	EPA Due	
	PCW	19-Jun-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Edcouch				
Reg. Ent. Ref. No.	RN101916377				
Facility/Site Region	15-Harlingen	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	43759	No. of Violations	2
Docket No.	2012-0646-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jacquelyn Green
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,500
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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	170.0% Enhancement	Subtotals 2, 3, & 7	\$7,650
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Notes: Enhancement recommended for two NOV's with same/similar violations, 26 months of self-reported violations, and one court order.

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: \$51,632
 Approx. Cost of Compliance: \$275,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,150
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-1.9%	Adjustment	-\$225
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Reduction in penalty to ensure that monthly self-reported violations do not overly impact the penalty amount.

Final Penalty Amount	\$11,925
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,925
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,385
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$9,540
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Screening Date 9-Mar-2012

Docket No. 2012-0646-MWD-E

PCW

Respondent City of Edcouch

Policy Revision 2 (September 2002)

Case ID No. 43759

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101916377

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

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>)	28	140%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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>)	1	30%
	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) 170%

>> 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 recommended for two NOVs with same/similar violations, 26 months of self-reported violations, and one court order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 170%

Screening Date 9-Mar-2012

Docket No. 2012-0646-MWD-E

PCW

Respondent City of Edcouch

Policy Revision 2 (September 2002)

Case ID No. 43759

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101916377

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014919001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as documented in a record review conducted on February 17, 2012, and as shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

93 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended for the quarters containing the months of March, July, and August 2011.

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 \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$51,632

Violation Final Penalty Total \$5,300

This violation Final Assessed Penalty (adjusted for limits) \$5,300

Economic Benefit Worksheet

Respondent City of Edcouch
Case ID No. 43759
Reg. Ent. Reference No. RN101916377
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)	\$275,000	31-Mar-2011	4-Dec-2013	2.68	\$2,459	\$49,174	\$51,632
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

Estimated cost to evaluate the cause of the non-compliance and to implement corrective actions. Date required is the first date of non-compliance. 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

\$275,000

TOTAL

\$51,632

Screening Date 9-Mar-2012

Docket No. 2012-0646-MWD-E

PCW

Respondent City of Edcouch

Policy Revision 2 (September 2002)

Case ID No. 43759

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101916377

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014919001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as documented in a record review conducted on February 17, 2012, and as shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

31 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One monthly event is recommended for the month of May 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$6,625

This violation Final Assessed Penalty (adjusted for limits) \$6,625

Economic Benefit Worksheet

Respondent City of Edcouch
Case ID No. 43759
Reg. Ent. Reference No. RN101916377
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	27-Feb-2012	Screening	9-Mar-2012	EPA Due	
	PCW	9-Mar-2012				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Edcouch
Reg. Ent. Ref. No.	RN101916377
Facility/Site Region	15-Harlingen
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	43759	No. of Violations	2
Docket No.	2012-0646-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jacquelyn Green
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,750
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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	100.0% Enhancement	Subtotals 2, 3, & 7
		\$2,750

Notes: Enhancement recommended for two NOV's with same/similar violations, 26 months of self-reported violations, and one court order.

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
 Approx. Cost of Compliance: \$25
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,500
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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	\$5,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,500
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,100
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$4,400
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Screening Date 9-Mar-2012
Respondent City of Edcouch
Case ID No. 43759
Reg. Ent. Reference No. RN101916377
Media [Statute] Water Quality
Enf. Coordinator Jacquelyn Green

Docket No. 2012-0646-MWD-E

PCW

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

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>)	28	140%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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>)	1	30%
	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) 170%

>> **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 recommended for two NOVs with same/similar violations, 26 months of self-reported violations, and one court order.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 170%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 100%

Screening Date 9-Mar-2012

Docket No. 2012-0646-MWD-E

PCW

Respondent City of Edcouch

Policy Revision 3 (September 2011)

Case ID No. 43759

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101916377

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014919001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as documented in a record review conducted on February 17, 2012, and as shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. 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 2

62 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

Two quarterly events are recommended for the quarters containing the months of October and December 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$5,000

This violation Final Assessed Penalty (adjusted for limits) \$5,000

Economic Benefit Worksheet

Respondent City of Edcouch
Case ID No. 43759
Reg. Ent. Reference No. RN101916377
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

See economic benefit on 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

\$0

TOTAL

\$0

Screening Date 9-Mar-2012
Respondent City of Edcouch
Case ID No. 43759
Reg. Ent. Reference No. RN101916377
Media [Statute] Water Quality
Enf. Coordinator Jacquelyn Green

Docket No. 2012-0646-MWD-E

PCW

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

Violation Number
Rule Cite(s) 30 Tex. Admin Code §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. WQ0014919001, Monitoring and Reporting Requirements No. 1 and Other Requirements No. 10
Violation Description Failed to timely submit monitoring results at the intervals specified in the permit, as documented during a record review conducted on February 17, 2012. Specifically, the discharge monitoring reports ("DMRs") for soil for the monitoring period ending August 31, 2011 were not submitted during September 2011 as required.

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 type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text" value="1.0%"/>

Matrix Notes

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

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

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 Edcouch
Case ID No. 43759
Reg. Ent. Reference No. RN101916377
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	\$25	30-Sep-2011	13-Mar-2012	0.45	\$1	n/a	\$1
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

Estimated cost (\$25 x 1) to submit the DMRs. Date required is the date the DMRs were due. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$1

City of Edcouch
 TPDES Permit No. WQ0014919001
 Docket No. 2012-0646-MWD-E

EFFLUENT VIOLATION TABLE			
Months	NH₃-N Daily Avg. Conc.	TSS Daily Avg. Conc.	<i>E. coli</i> Single Grab Conc.
	Limit = 8 mg/L	Limit = 20 mg/L	Limit = 394 CFU/100 mL
March 2011	c	21	c
May 2011	c	c	820
July 2011	c	27	c
August 2011	c	23	c
October 2011	13.5	c	c
December 2011	15.4	c	c

NH₃-N = ammonia nitrogen

TSS = total suspended solids

E. coli = *Escherichia coli*

Conc. = concentration

mg/L = milligrams per liter

mL = milliliters

c = compliant

Avg. = average

CFU/100 mL = colony forming units
per 100 milliliters

Compliance History Report

Customer/Respondent/Owner-Operator: CN600626683 City of Edcouch Classification: AVERAGE Rating: 11.46
Regulated Entity: RN101916377 CITY OF EDCOUCH WASTEWATER TREATMENT PLANT Classification: AVERAGE Site Rating: 34.24

ID Number(s): WASTEWATER EPA ID TX0057614
WASTEWATER PERMIT WQ0014810001

Location: Approximately 0.5 mile northeast of the intersection of State Highway 107 and Farm-to-Market Road 1015, Hidalgo County, Texas
TCEQ Region: REGION 15 - HARLINGEN

Date Compliance History Prepared: March 09, 2012
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: March 09, 2007 to March 09, 2012
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: JR Cao Phone: (512) 239-2543

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: 07/12/2009

COURTORDER

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.3

Rqmt Prov: TPDES Permit No. 13916-001 PERMIT

Description: Failure to operate and maintain On-site lift station.

Classification: Moderate

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

Rqmt Prov: 13916-001 OP

Description: Failure to properly operate and maintain the collection system.

Classification: Moderate

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

Rqmt Prov: 1999-1097-MWD-E ORDER

Description: Failure to accurately measure the flow according to the permit requirement.

Classification: Major

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

Rqmt Prov: 13916-001 OP

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

Classification: Minor

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

Rqmt Prov: 13916-001 OP

Description: Failure to complete monthly effluent reports or discharge monitoring reports accurately.

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

Rqmt Prov: 13916-001 OP

Description: Failure to submit noncompliance notification as required by the permit.

Classification: Minor
Rqmt Prov: 13916-001 OP

Description: Failure to conduct effluent sampling and reporting in accordance with 30 TAC 319.4 - 319.12, unless otherwise specified in this permit or otherwise ordered by the Commission.
Failure to conduct effluent sampling and reporting in accordance with 30 TAC 319.4 - 319.12.

Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.6
Rqmt Prov: 13916-001 OP

Description: Failure to conduct effluent sampling and reporting in accordance with 30 TAC 319.4 - 319.12.

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: 1999-1097-MWD-E ORDER

Description: Failure to within 120 days after the effective date of the TCEQ Agreed Order Docket No. 1999-1097-MWD-E Ordering Provision 3.e.submit written certification of compliance with TPDES Permit No. 13916-001 (issued November 18, 1999), Other Requirements No. 2, relating to easements.

Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.7(e)

Rqmt Prov: TPDES Permit No. 13916-001 PERMIT

Description: Failure to adequately fence the facility.

Classification: Minor
Citation: 30 TAC Chapter 317 317.6(b)(1)(E)
Rqmt Prov: TPDES Permit No. 13916-001 PERMIT

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

Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.7(e)

Rqmt Prov: TPDES Permit No. 13916-001 PERMIT

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

Classification: Moderate
Rqmt Prov: 13916-001 OP

Description: Failure to record and retain copies of operators log.

Classification: Moderate
Citation: TWC Chapter 26 26.121
Rqmt Prov: Not specified PERMIT

Description: Failure to comply with permitted effluent limits for DO during Nov 1998 - Jan 1999 and ammonia nitrogen during Nov 1998 - July 1999.

Classification: Moderate
Rqmt Prov: other req 4 PERMIT

Description: Failure to secure a deed recorded restrictive easement which prohibits the construction of residential structures w/in the area of the buffer zone not owned by the City of Edcouch w/in 120 days after the permit issuance date.

Classification: Moderate
Rqmt Prov: other req 10(a) PERMIT

Description: Failure to monitor and record daily flow measurements immediately before application of effluent to the land.

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: 7c COND 2a & b PERMIT

Description: FAILURE TO SUBMIT NOTICE OF NONCOMPLIANCE REPORTS WHEN PERMIT WAS EXCEEDED BY MORE THAN 40%.

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(g)

Rqmt Prov: TPDES Permit No. 13916-001 PERMIT

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

Classification: Moderate

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

Rqmt Prov: TPDES Permit No. 13916-001 PERMIT

Description: Failure to ensure that there is no unauthorized discharge of wastewater or any other wastes.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)

Rqmt Prov: TPDES Permit No. 13916-001 PERMIT

Description: Failure to report in accordance with 30 TAC § 305.125 (9) any noncompliance which may endanger human health or safety, or the environment to the TCEQ.

Classification: Moderate

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

Rqmt Prov: TPDES Permit No. 13916-001 PERMIT

Description: Failure to ensure that the effluent contains a chlorine residual of at least 1.0 mg/l, and shall not exceed 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow).

Classification: Minor

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

Rqmt Prov: TPDES Permit No. 13916-001 PERMIT

Description: Failure to have all automatic flow measuring and/or recording devices and/or totalizing meters for measuring flows accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but no less often than annually.

Classification: Minor

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

Rqmt Prov: TPDES Permit No. 13916-001 PERMIT

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

Classification: Moderate

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

Rqmt Prov: TPDES Permit No. 13916-001 PERMIT

Description: Failure to harvest the cover crop and remove the harvest from the overland flow site at least twice per year.

Classification: Moderate

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

Rqmt Prov: TPDES Permit No. 13916-001 PERMIT

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

Classification: Moderate

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

Rqmt Prov: TPDES Permit No. 13916-001 PERMIT

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

Classification: Minor

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

Rqmt Prov: TPDES Permit No. 13916-001 PERMIT

Description: Failure include all results in the calculation and reporting of values submitted on the approved TPDES self-report form, when monitoring any pollutant at the location designated in herein more frequently than required by this permit using approved analytical methods.

Classification: Moderate

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

Rqmt Prov: TPDES Permit No. 13916-001 PERMIT

Description: Failure to have a certified operator inspect the facility daily and maintain at the plant site a record of these inspections.

Classification: Minor

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

Rqmt Prov: TPDES Permit No. 13916-001 PERMIT

Description: Failure to submit the results of the annual soil sample analyses to the TCEQ Harlingen Region Office (MC Region 15) and the Water Quality Compliance Monitoring Team (MC224) of the Enforcement Division during September of each year.

Classification: Moderate

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

Rqmt Prov: TPDES Permit No. 13916-001 PERMIT

Description: Failure to furnish certification by a Texas Registered Professional Engineer that the soils used for overland flow have an infiltration intake of less than or equal to 0.2 inches per hour.

Classification: Moderate

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

Rqmt Prov: TPDES Permit No. 13916-001 PERMIT

Description: Failure to furnish certification by a Texas Registered Professional Engineer that the completed pond lining meets the appropriate criteria listed on TPDES Permit No. 13916-001: Other Requirements 6.a.-c. (page 26) prior to utilization of the facilities.

Classification: Minor

Citation: 30 TAC Chapter 317 317.6(b)(1)(D)

Rqmt Prov: TPDES Permit No. 13916-001 PERMIT

Description: Failure to ensure that a self contained breathing apparatus is available for use by plant personnel.

Classification: Moderate

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

Description: Failure to ensure that an operator-in-training works in the presence of a licensed operator.

Classification: Moderate

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

Description: Failure of the facility to operate with a valid permit.

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	09/05/2007	(569916)	17	12/19/2007	(622247)
2	11/09/2007	(622232)	18	11/09/2007	(622248)
3	11/09/2007	(622233)	19	01/26/2008	(622249)
4	11/09/2007	(622234)	20	02/08/2008	(673993)
5	11/09/2007	(622235)	21	03/04/2008	(673994)
6	11/09/2007	(622236)	22	04/22/2008	(692265)
7	11/09/2007	(622237)	23	05/16/2008	(692266)
8	11/09/2007	(622238)	24	06/23/2008	(692267)
9	08/29/2007	(622239)	25	09/12/2008	(702119)
10	11/09/2007	(622240)	26	11/19/2008	(704233)
11	09/20/2007	(622241)	27	11/26/2008	(706184)
12	11/09/2007	(622242)	28	07/24/2008	(713364)
13	12/12/2007	(622243)	29	08/19/2008	(713365)
14	11/09/2007	(622244)	30	09/30/2008	(713366)
15	11/29/2007	(622245)	31	10/23/2008	(713367)
16	11/09/2007	(622246)	32	11/20/2008	(729443)

33	02/20/2009	(752659)	54	12/01/2009	(897024)
34	12/17/2008	(752660)	55	12/27/2010	(897025)
35	02/19/2009	(752661)	56	01/24/2011	(902939)
36	03/30/2009	(770324)	57	02/22/2011	(909813)
37	04/20/2009	(770325)	58	08/31/2011	(913669)
38	05/21/2009	(770326)	59	03/21/2011	(917052)
39	05/28/2010	(801186)	60	04/25/2011	(927193)
40	03/29/2010	(810500)	61	06/23/2009	(927194)
41	09/22/2009	(810501)	62	07/21/2009	(927195)
42	10/22/2009	(810502)	63	08/24/2009	(927196)
43	11/23/2009	(810503)	64	05/23/2011	(938741)
44	12/21/2009	(810504)	65	06/20/2011	(946113)
45	01/21/2010	(810505)	66	07/21/2011	(953376)
46	03/22/2010	(832912)	67	08/22/2011	(960013)
47	04/19/2010	(832913)	68	09/22/2011	(966063)
48	05/21/2010	(832914)	69	10/21/2011	(972089)
49	06/21/2010	(846906)	70	11/21/2011	(978250)
50	09/21/2010	(863530)	71	12/20/2011	(985053)
51	08/20/2010	(867638)	72	03/01/2012	(988276)
52	10/07/2010	(874626)	73	01/23/2012	(991328)
53	10/22/2010	(882190)			

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

Date: 03/31/2007 (622234)

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

Date: 04/30/2007 (622235) CN600626683
 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

Date: 05/31/2007 (622236) CN600626683
 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

Date: 06/30/2007 (622237)

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

Date: 07/31/2007 (622239)

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

Date: 08/21/2007 (569916)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.3
TPDES Permit No. 13916-001 PERMIT

Description: Failure to operate and maintain On-site lift station.

Self Report? NO Classification: Moderate
Citation: 13916-001 OP
30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to properly operate and maintain the collection system.

Self Report? NO Classification: Moderate
Citation: 1999-1097-MWD-E ORDER
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to accurately measure the flow according to the permit requirement.

Self Report? NO Classification: Major
Citation: 13916-001 OP
30 TAC Chapter 305, SubChapter F 305.125(5)

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

Self Report? NO Classification: Minor
Citation: 13916-001 OP
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to complete monthly effluent reports or discharge monitoring reports accurately.

Self Report? NO Classification: Minor
Citation: 13916-001 OP

Description: Failure to conduct effluent sampling and reporting in accordance with 30 TAC 319.4 - 319.12, unless otherwise specified in this permit or otherwise ordered by the Commission.
Failure to conduct effluent sampling and reporting in accordance with 30 TAC 319.4 - 319.12.

Self Report? NO Classification: Moderate
Citation: 1999-1097-MWD-E ORDER
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to within 120 days after the effective date of the TCEQ Agreed Order Docket No. 1999-1097-MWD-E Ordering Provision 3.e. submit written certification of compliance with TPDES Permit No. 13916-001 (issued November 18, 1999), Other Requirements No. 2, relating to easements.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.7(e)
TPDES Permit No. 13916-001 PERMIT

Description: Failure to adequately fence the facility.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.6(b)(1)(E)
TPDES Permit No. 13916-001 PERMIT

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

Self Report?	NO	Classification:	Moderate
Citation:	13916-001 OP		
Description:	Failure to record and retain copies of operators log.		
Self Report?	NO	Classification:	Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Other req 1 PERMIT		
Description:	Failure to monitor and record daily flow measurements immediately before application of effluent to the land.		
Self Report?	NO	Classification:	Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) Oper req 1 PERMIT		
Description:	Failure to ensure proper operation and maintenance at the facility by failing to remove solids from the corners of the aerated lagoons.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(g) TPDES Permit No. 13916-001 PERMIT		
Description:	Failure to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TPDES Permit No. 13916-001 PERMIT TWC Chapter 26 26.121(a)(1)		
Description:	Failure to ensure that there is no unauthorized discharge of wastewater or any other wastes.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(9) TPDES Permit No. 13916-001 PERMIT		
Description:	Failure to report in accordance with 30 TAC § 305.125 (9) any noncompliance which may endanger human health or safety, or the environment to the TCEQ.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TPDES Permit No. 13916-001 PERMIT		
Description:	Failure to ensure that the effluent contains a chlorine residual of at least 1.0 mg/l, and shall not exceed 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow).		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TPDES Permit No. 13916-001 PERMIT		
Description:	Failure to have all automatic flow measuring and/or recording devices and/or totalizing meters for measuring flows accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but no less often than annually.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TPDES Permit No. 13916-001 PERMIT		
Description:	Failure to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TPDES Permit No. 13916-001 PERMIT		
Description:	Failure to harvest the cover crop and remove the harvest from the overland flow site at least twice per year.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TPDES Permit No. 13916-001 PERMIT		
Description:	Failure to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TPDES Permit No. 13916-001 PERMIT		
Description:	Failure to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.		
Self Report?	NO	Classification:	Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit No. 13916-001 PERMIT

Description: Failure include all results in the calculation and reporting of values submitted on the approved TPDES self-report form, when monitoring any pollutant at the location designated in herein more frequently than required by this permit using approved analytical methods.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit No. 13916-001 PERMIT

Description: Failure to have a certified operator inspect the facility daily and maintain at the plant site a record of these inspections.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.6(b)(1)(D)
TPDES Permit No. 13916-001 PERMIT

Description: Failure to ensure that a self contained breathing apparatus is available for use by plant personnel.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 30, SubChapter J 30.350(c)

Description: Failure to ensure that an operator-in-training works in the presence of a licensed operator.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.2

Description: Failure to ensure at all times that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Nixon lift station did not have a functioning audio alarm. Additionally, the lift station contained large amounts of debris and grease which represents a significant potential to impact the lift stations pumps and effluent quality.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure of the facility to operate with a valid permit.

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet effluent limitations for one or more permit parameters.

Date: 08/31/2007 (622241) CN600626683

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

Date: 09/30/2007 (622243) CN600626683

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

Date: 10/31/2007 (622245) CN600626683

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

Date: 11/30/2007 (622247)

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

Date: 04/30/2008 (692266)

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

Date: 06/30/2008 (713364)
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

Date: 07/31/2008 (713365) CN600626683
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

Date: 08/31/2008 (713366)
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

Date: 09/30/2008 (713367)
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

Date: 11/30/2008 (752660) CN600626683
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

Date: 08/31/2009 (810501) CN600626683
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

Date: 12/31/2009 (810505) CN600626683
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

Date: 02/28/2010 (832912) CN600626683
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

Date: 04/20/2010 (801186)
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
2D TWC Chapter 26, SubChapter A 26.121(a)(1)
2D TWC Chapter 26, SubChapter A 26.121(a)(3)
2D TWC Chapter 26, SubChapter A 26.121(b)
2D TWC Chapter 26, SubChapter A 26.121(c)
2D TWC Chapter 26, SubChapter A 26.121(d)
2D TWC Chapter 26, SubChapter A 26.121(e)

30 TAC Chapter 305, SubChapter F 305.125(4)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 TWC Chapter 26 26.121
 TWC Chapter 26 26.121(a)(2)

Description: Failure to prevent the unauthorized discharge of wastewater into or adjacent to water in the state.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent limitations and Monitoring OP

Description: Failure to maintain effluent chlorine residual.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Effluent Limitations and Monitoring OP

Description: Failure to maintain self-monitored effluent limitations.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to operate and maintain overland terraces.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter D 305.62
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to submit a permit amendment.

Date: 05/31/2010 (846906) CN600626683

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

Date: 07/31/2010 (867638) CN600626683

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

Date: 03/31/2011 (927193) CN600626683

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

Date: 05/31/2011 (946113) CN600626683

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

Date: 07/31/2011 (960013) CN600626683

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

Date: 08/31/2011 (966063) CN600626683

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

Date: 10/31/2011 (978250) CN600626683

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

Date: 12/31/2011 (991328) CN600626683
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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF EDCOUCH
RN101916377**

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

**AGREED ORDER
DOCKET NO. 2012-0646-MWD-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Edcouch ("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 together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located approximately 0.5 mile northeast of the intersection of State Highway 107 and Farm-to-Market Road 1015 in Hildalgo 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. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 5, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seventeen Thousand Four Hundred Twenty-Five Dollars (\$17,425) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Hundred Ninety-

Five Dollars (\$395) of the administrative penalty and Three Thousand Four Hundred Eighty-Five Dollars (\$3,485) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Thirteen Thousand Five Hundred Forty-Five Dollars (\$13,545) of the administrative penalty shall be payable in 35 monthly payments of Three Hundred Eighty-Seven Dollars (\$387) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. 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.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that by March 13, 2012, the Respondent submitted the soil monitoring discharge monitoring reports ("DMRs") for the monitoring period ending August 31, 2011.
10. 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge

Elimination System ("TPDES") Permit No. WQ0014919001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on February 17, 2012, and shown in the violation table below:

EFFLUENT VIOLATION TABLE			
Months	NH₃-N Daily Avg. Conc.	TSS Daily Avg. Conc.	<i>E. coli</i> Single Grab Conc.
	Limit = 8 mg/L	Limit = 20 mg/L	Limit = 394 CFU/100 mL
March 2011	c	21	c
May 2011	c	c	820
July 2011	c	27	c
August 2011	c	23	c
October 2011	13.5	c	c
December 2011	15.4	c	c

NH₃-N = ammonia nitrogen
 TSS = total suspended solids
E. coli = *Escherichia coli*
 Conc. = concentration
 mg/L = milligrams per liter

mL = milliliters
 c = compliant
 Avg. = average
 CFU/100 mL = colony forming units
 per 100 milliliters

- Failed to timely submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. WQ0014919001, Monitoring and Reporting Requirements No. 1 and Other Requirements No. 10, as documented during a record review conducted on February 17, 2012. Specifically, the DMRs for soil for the monitoring period ending August 31, 2011 were not submitted during September 2011 as required.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the 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 requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Edcouch, Docket No. 2012-0646-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. It is further ordered that within 455 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014919001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Harlingen Regional Office
Texas Commission on Environmental Quality
1804 West Jefferson Avenue
Harlingen, Texas 78550-5247

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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.
7. 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.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

6/24/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

1/08/15
Date

Robert Schmalzried
Name (Printed or typed)
Authorized Representative of
City of Edcouch

MAYOR
Title

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