

**Executive Summary – Enforcement Matter – Case No. 48770**

**City of Runge**

**RN101917839**

**Docket No. 2014-0775-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 Runge WWTP, located approximately 2,300 feet south and 1,600 feet east of the intersection of U.S. Highway 81 and U.S. Highway 72, Runge, Karnes County

**Type of Operation:**

Wastewater treatment plant and disposal site

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 29, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$27,500

**Amount Deferred for Expedited Settlement:** \$5,500

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$22,000

**Total Due to General Revenue:** \$0

Payment Plan: N/A

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

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Unclassified

Site/RN - Unclassified

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 48770**  
**City of Runge**  
**RN101917839**  
**Docket No. 2014-0775-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** September 24, 2013 through November 19, 2013

**Date(s) of NOE(s):** May 29, 2014

***Violation Information***

1. Failed to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with the permit conditions at all times. Specifically, the North Helena lift station and South Helena lift station did not meet the lift station requirements as follows: (1) the power supply switch did not have a lock to restrict access by an unauthorized person, (2) the audiovisual alarm was not functional, (3) the alarm lacked the ability to transmit conditions through the use of an auto-dialer system, supervisory control and data acquisition system, or telemetering system connected to a continuous monitored location, and (4) an alternate power source was not provided in case of a power failure. Additionally, the North Helena Street lift station had only one functional pump [30 TEX. ADMIN. CODE §§ 305.125(5), 217.59(b)(1), 217.63(b) and (d), and 217.61(c), and TCEQ Permit No. WQ0010266001, Operation Requirements No. 1].
2. Failed to employ or contract with a class D or higher licensed wastewater treatment facility operator [30 TEX. ADMIN. CODE §§ 305.125(1) and 30.350(d), and TCEQ Permit No. WQ0010266001, Special Provisions No. 2].
3. Failed to maintain the required records and have them immediately available for inspection upon request by agency personnel. Specifically, records indicating that instantaneous flow was being monitored five times per week were not provided to the investigator at the time of the investigation [30 TEX. ADMIN. CODE § 305.125(1), and TCEQ Permit No. WQ0010266001, Effluent Limitations and Monitoring Requirements B].
4. Failed to comply with permitted effluent limits for pH and 5-day biochemical oxygen demand ("BOD5") [30 TEX. ADMIN. CODE § 305.125(1), and TCEQ Permit No. WQ0010266001, Effluent Limitations and Monitoring Requirements A].
5. Failed to submit noncompliance notifications for any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the San Antonio Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, the Respondent failed to report the effluent violation for BOD5 with a deviation of more than 40% for January 2013 (152 milligrams per liter ("mg/L")) [30 TEX. ADMIN. CODE § 305.125(1), and TCEQ Permit No. WQ0010266001, Monitoring Requirements No. 7.c.].

**Executive Summary – Enforcement Matter – Case No. 48770**  
**City of Runge**  
**RN101917839**  
**Docket No. 2014-0775-MWD-E**

6. Failed to ensure irrigation practices are designed and managed to prevent ponding of effluent in the irrigation area and failed to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with the permit conditions at all times. Specifically, several of the irrigation cannons were out of service with surrounding overgrown vegetation and one of the cannons was entirely removed and the capped piping was emerging from the ground [30 TEX. ADMIN. CODE § 305.125(1) and (5), and TCEQ Permit No. WQ0010266001, Special Provisions Nos. 3 and 4].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Immediately, ensure that the Facility is operated by an individual that holds a class D or higher wastewater treatment facility operator's license at least five days per week.
- b. Within 15 days, submit written certification to demonstrate compliance with a.
- c. Within 60 days:
  - i. Repair, maintain, and/or replace the irrigation cannons, piping, and vegetation surrounding or part of the irrigation system;
  - ii. Begin maintaining all records and make them immediately available for inspection upon request by agency personnel;
  - iii. Implement measures to prevent ponding of effluent in the irrigation area;
  - iv. Submit the required noncompliance notification for the effluent violation for BOD<sub>5</sub> with a deviation of more than 40% for January 2013 (152 mg/L); and
  - v. Update the Facility's operational guidance and conduct employee training to ensure that notification is submitted in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of an effluent violation which deviates from the permitted effluent limitation by more than 40%.
- d. Within 75 days, submit written certification to demonstrate compliance with c.

**Executive Summary – Enforcement Matter – Case No. 48770**  
**City of Runge**  
**RN101917839**  
**Docket No. 2014-0775-MWD-E**

e. Within 180 days:

i. Equip the North Helena lift station and South Helena lift station with: (1) a functional audiovisual alarm, (2) a transmittal system of the alarm conditions, (3) an alternate power source, and (4) secure the power switch with a lock to prevent access by an unauthorized person;

ii. Equip the North Helena lift station with two functional pumps; and

iii. Submit written certification of compliance with the effluent limitations of TCEQ Permit No. WQ0010266001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current effluent monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

f. Within 195 days, submit written certification to demonstrate compliance with e.i. and e.ii.

***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:** Jason Fraley, Enforcement Division,  
Enforcement Team 3, MC 169, (512) 239-2552; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** The Honorable Homer Lott, Jr., Mayor, City of Runge, P.O. Box 206,  
Runge, Texas 78151

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	2-Jun-2014	<b>Screening</b>	2-Jun-2014	<b>EPA Due</b>	
	<b>PCW</b>	4-Mar-2015				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Runge
<b>Reg. Ent. Ref. No.</b>	RN101917839
<b>Facility/Site Region</b>	13-San Antonio
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	48770	<b>No. of Violations</b>	6
<b>Docket No.</b>	2014-0775-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jason Fraley
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$27,500</b>
---	-------------------	-----------------

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>0.0%</b> Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$0</b>
---------------------------	-------------------------	--------------------------------	------------

Notes: No adjustment for compliance history.

<b>Culpability</b>	No	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
--------------------	----	-------------------------	-------------------	------------

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
--	-------------------	------------

<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
-------------------------	--------------------------	-------------------	------------

Total EB Amounts: \$28,283  
 Approx. Cost of Compliance: \$111,800  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$27,500</b>
-----------------------------	-----------------------	-----------------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>\$0</b>
---	-------------	-------------------	------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$27,500</b>
-----------------------------	-----------------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$27,500</b>
-----------------------------------	-------------------------------	-----------------

<b>DEFERRAL</b>	<b>20.0%</b> Reduction	<b>Adjustment</b>	<b>-\$5,500</b>
-----------------	------------------------	-------------------	-----------------

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

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$22,000</b>
------------------------	-----------------

Screening Date 2-Jun-2014

Docket No. 2014-0775-MWD-E

PCW

Respondent City of Runge

Policy Revision 4 (April 2014)

Case ID No. 48770

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101917839

Media [Statute] Water Quality

Enf. Coordinator Jason Fraley

### 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> )	0	0%
	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 judgments 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)** 0%

>> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

**Adjustment Percentage (Subtotal 7)** 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

>> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 0%

**Screening Date** 2-Jun-2014  
**Respondent** City of Runge  
**Case ID No.** 48770  
**Reg. Ent. Reference No.** RN101917839  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Jason Fraley

**Docket No.** 2014-0775-MWD-E

**PCW**

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

**Violation Number** 1

**Rule Cite(s)**

30 Tex. Admin. Code §§ 305.125(5), 217.59(b)(1), 217.63(b) and (d), and 217.61(c) and Texas Commission on Environmental Quality ("TCEQ") Permit No. WQ0010266001, Operational Requirements No. 1

**Violation Description**

Failed to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with the permit conditions at all times, as documented during an investigation conducted on September 24, 2013 through November 19, 2013. Specifically, the North Helena lift station and South Helena lift station did not meet the lift station requirements as follows: (1) the power supply switch did not have a lock to restrict access by an unauthorized person, (2) the audiovisual alarm was not functional, (3) the alarm lacked the ability to transmit conditions through the use of an auto-dialer system, supervisory control and data acquisition system, or telemetering system connected to a continuous monitored location, and (4) an alternate power source was not provided in case of a power failure. Additionally, the North Helena Street lift station had only one functional pump.

**Base Penalty** \$25,000

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

**Percent** 5.0%

**>> Programmatic Matrix**

Falsification	Harm		
	Major	Moderate	Minor

**Percent** 0.0%

**Matrix Notes**

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

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events: 6      195 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$7,500

Six quarterly events are recommended, three quarterly events for each lift station, from the investigation end date, November 19, 2013, to the screening date of June 2, 2014.

**Good Faith Efforts to Comply**

**0.0%** Reduction

\$0

Before NOV    NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

**Notes**

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

**Violation Subtotal** \$7,500

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$5,093

**Violation Final Penalty Total** \$7,500

**This violation Final Assessed Penalty (adjusted for limits)** \$7,500

# Economic Benefit Worksheet

**Respondent** City of Runge  
**Case ID No.** 48770  
**Reg. Ent. Reference No.** RN101917839  
**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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$65,000	19-Nov-2013	14-Jun-2015	1.57	\$5,093	n/a	\$5,093

**Notes for DELAYED costs**

Estimated cost to equip the North Helena lift station and South Helena lift station with (1) a functional audiovisual alarm, (2) an auto-dialer system, supervisory control and data acquisition system, or telemetering system connected to a continuously monitored location, (3) a secured power supply switch with a lock to prevent access by an unauthorized person, and (4) provide an alternate power source in case of a power failure, and equip the North Helena lift station with two functional pumps. Date required is the investigation end date and the final date is the estimated compliance date.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$65,000

**TOTAL**

\$5,093

**Screening Date** 2-Jun-2014  
**Respondent** City of Runge  
**Case ID No.** 48770  
**Reg. Ent. Reference No.** RN101917839  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Jason Fraley

**Docket No.** 2014-0775-MWD-E

**PCW**

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

**Violation Number** 2  
**Rule Cite(s)**

30 Tex. Admin. Code §§ 305.125(1) and 30.350(d), and TCEQ Permit No. WQ0010266001, Special Provisions No. 2

**Violation Description**

Failed to employ or contract with a class D or higher licensed wastewater treatment facility operator, as documented during an investigation conducted on September 24, 2013 through November 19, 2013.

**Base Penalty** \$25,000

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

**Percent** 15.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0.0%

Matrix Notes

Operating the Facility without a properly licensed operator may not allow for the proper maintenance and operation of the equipment. As a result, human health and the environment will or could be exposed to pollutants which would exceed protective levels.

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 3

195 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$11,250

Three quarterly events are recommended from the investigation end date of November 19, 2013 to the screening date of June 2, 2014.

**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** \$11,250

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$22,438

**Violation Final Penalty Total** \$11,250

**This violation Final Assessed Penalty (adjusted for limits)** \$11,250

# Economic Benefit Worksheet

**Respondent** City of Runge  
**Case ID No.** 48770  
**Reg. Ent. Reference No.** RN101917839  
**Media** Water Quality  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel	\$40,000	19-Nov-2013	2-Jun-2014	0.53	\$1,068	\$21,370	\$22,438
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

Annual salary for a licensed class D wastewater treatment facility operator. Date required is the investigation end date and the final date is the screening date.

Approx. Cost of Compliance

\$40,000

**TOTAL**

\$22,438

**Screening Date** 2-Jun-2014  
**Respondent** City of Runge  
**Case ID No.** 48770  
**Reg. Ent. Reference No.** RN101917839  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Jason Fraley

**Docket No.** 2014-0775-MWD-E

**PCW**

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1), and TCEQ Permit No. WQ0010266001, Effluent Limitations and Monitoring Requirements B  
  
**Violation Description** Failed to maintain the required records and have them immediately available for inspection upon request by agency personnel, as documented during an investigation conducted on September 24, 2013 through November 19, 2013. Specifically, records indicating that instantaneous flow was being monitored five times per week were not provided to the investigator at the time of the investigation.

**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**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
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 Runge  
**Case ID No.:** 48770  
**Reg. Ent. Reference No.:** RN101917839  
**Media Violation No.:** Water Quality 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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	24-Sep-2013	15-Apr-2015	1.56	\$39	n/a	\$39
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 begin maintaining all records required by TCEQ Permit No. WQ0010266001 and make them immediately available for inspection upon request. The date required is the initial investigation date, and the final date is the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$500	<b>TOTAL</b>	\$39
-----------------------------------	-------	--------------	------

Screening Date 2-Jun-2014

Docket No. 2014-0775-MWD-E

PCW

Respondent City of Runge

Policy Revision 4 (April 2014)

Case ID No. 48770

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101917839

Media [Statute] Water Quality

Enf. Coordinator Jason Fraley

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), and TCEQ Permit No. WQ0010266001, Effluent Limitations and Monitoring Requirements A

Violation Description

Failed to comply with permitted effluent limits, as documented during an investigation conducted on September 24, 2013 through November 19, 2013, and shown in the attached 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

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

154 Number of violation days

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

Violation Base Penalty \$2,500

Two quarterly events are recommended for the quarters containing the months of January 2013 through June 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$612

Violation Final Penalty Total \$2,500

This violation Final Assessed Penalty (adjusted for limits) \$2,500

## Economic Benefit Worksheet

**Respondent** City of Runge  
**Case ID No.** 48770  
**Reg. Ent. Reference No.** RN101917839  
**Media** Water Quality  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	2-Jan-2013	14-Jun-2015	2.45	\$612	n/a	\$612

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility. Date required is the first date of noncompliance and the final date is the estimated 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**

\$612

**Screening Date** 2-Jun-2014  
**Respondent** City of Runge  
**Case ID No.** 48770  
**Reg. Ent. Reference No.** RN101917839  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Jason Fraley

**Docket No.** 2014-0775-MWD-E

**PCW**

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

**Violation Number** 5  
**Rule Cite(s)**

30 Tex. Admin. Code § 305.125(1), and TCEQ Permit No. WQ0010266001, Monitoring Requirements No. 7.c.

**Violation Description**

Failed to submit noncompliance notifications for any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the San Antonio Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, as documented during an investigation conducted on September 24, 2013 through November 19, 2013. Specifically, the Respondent failed to report the effluent violation for Biochemical Oxygen Demand (5-Day) with a deviation of more than 40% for January 2013 (152 milligrams per liter).

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

**>> Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		X			5.0%
100% of the rule requirement was not met.					

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events  Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

**Violation Base Penalty** \$1,250

One single event is recommended.

**Good Faith Efforts to Comply**

**0.0%** Reduction

\$0

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

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

**Violation Subtotal** \$1,250

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$23

**Violation Final Penalty Total** \$1,250

**This violation Final Assessed Penalty (adjusted for limits)** \$1,250

# Economic Benefit Worksheet

**Respondent** City of Runge  
**Case ID No.** 48770  
**Reg. Ent. Reference No.** RN101917839  
**Media** Water Quality  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	19-Nov-2013	15-Apr-2015	1.40	\$18	n/a	\$18
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	19-Jan-2013	15-Apr-2015	2.24	\$6	n/a	\$6

**Notes for DELAYED costs**  
 Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished (\$250) and to submit the required noncompliance notification (\$50 per notification). Dates required are the investigation end date and the date the noncompliance notification was due and the final date is the estimated compliance date.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$300

**TOTAL** \$23

**Screening Date** 2-Jun-2014  
**Respondent** City of Runge  
**Case ID No.** 48770  
**Reg. Ent. Reference No.** RN101917839  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Jason Fraley

**Docket No.** 2014-0775-MWD-E

**PCW**

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

**Violation Number** 6

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5), and TCEQ Permit No. WQ0010266001, Special Provisions Nos. 3 and 4

**Violation Description**

Failed to ensure irrigation practices are designed and managed to prevent ponding of effluent in the irrigation area and failed to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with the permit conditions at all times, as documented during an investigation conducted on September 24, 2013 through November 19, 2013. Specifically, several of the irrigation cannons were out of service with surrounding overgrown vegetation and one of the cannons was entirely removed and the capped piping was emerging from the ground.

**Base Penalty** \$25,000

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

**Percent** 5.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0.0%

Matrix Notes

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

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 3

251 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$3,750

Three quarterly events are recommended from the investigation date of September 24, 2013, on which ponding was documented, to the screening date of June 2, 2014.

**Good Faith Efforts to Comply**

0.0% Reduction

\$0

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

Notes

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

**Violation Subtotal** \$3,750

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$78

**Violation Final Penalty Total** \$3,750

**This violation Final Assessed Penalty (adjusted for limits)** \$3,750

# Economic Benefit Worksheet

**Respondent** City of Runge  
**Case ID No.** 48770  
**Req. Ent. Reference No.** RN101917839  
**Media** Water Quality  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	24-Sep-2013	15-Apr-2015	1.56	\$78	n/a	\$78

**Notes for DELAYED costs**

Estimated cost to implement measures to prevent ponding of effluent in the irrigation area and properly maintain the irrigation system. Date required is the initial investigation date and the final date is the estimated 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

\$1,000

**TOTAL**

\$78

City of Runge  
RN101917839, Case No. 48770, TCEQ Permit No. WQ0010266001  
Docket No. 2014-0775-MWD-E

Effluent Parameter		
	BOD5 Single Grab Concentration	Maximum pH
Date	100 mg/L	9 su
January 2, 2013	152	c
February 6, 2013	134	c
March 6, 2013	124	c
April 4, 2013	c	9.1
May 1, 2013	116	9.2
June 5, 2013	c	9.1

BOD<sub>5</sub> = biochemical oxygen demand (5-day); su = standard units  
mg/L = milligrams per liter; c = compliant



The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

**PUBLISHED** Compliance History Report for CN600737357, RN101917839, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600737357, City of Runge

**Classification:** UNCLASSIFIED

**Rating:**----

**Regulated Entity:** RN101917839, CITY OF RUNGE

**Classification:** UNCLASSIFIED

**Rating:**----

**Complexity Points:** 3

**Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** APPROXIMATELY 2,300 FEET SOUTH AND 1,600 FEET EAST OF THE INTERSECTION OF UNITED STATES HIGHWAY 81 AND UNITED STATES HIGHWAY 72 IN RUNGE, KARNES COUNTY, TEXAS

**TCEQ Region:** REGION 13 - SAN ANTONIO

**ID Number(s):**

**WASTEWATER PERMIT** WQ0010266001

**WASTEWATER LICENSING LICENSE** WQ0010266001

**Compliance History Period:** September 01, 2009 to August 31, 2014

**Rating Year:** 2014

**Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** October 07, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 11, 2009 to September 11, 2014

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

**Name:** Jason Fraley

**Phone:** (512) 239-2552

## **Site and Owner/Operator History:**

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

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

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

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

N/A

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

### **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 RUNGE  
RN101917839**

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

**AGREED ORDER  
DOCKET NO. 2014-0775-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 Runge (the "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 plant and disposal site located approximately 2,300 feet south and 1,600 feet east of the intersection of United States Highway 81 and United States Highway 72 in Runge, Karnes 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 May 30, 2014.
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 Twenty-Seven Thousand Five Hundred Dollars (\$27,500) is assessed by the Commission in settlement of the violations

alleged in Section II ("Allegations"). The Respondent has paid Twenty-Two Thousand Dollars (\$22,000) of the administrative penalty and Five Thousand Five Hundred Dollars (\$5,500) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with 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.

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 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.
10. 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.
11. 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 properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with the permit conditions at all times, in violation of 30 TEX. ADMIN. CODE §§ 305.125(5), 217.59(b)(1), 217.63(b) and (d), and 217.61(c), and TCEQ Permit No. WQ0010266001, Operation Requirements No. 1, as documented during an investigation conducted on September 24, 2013 through November 19, 2013. Specifically, the North Helena lift station and South Helena lift station did not meet the lift station requirements as follows: (1) the power supply switch did not have a lock to restrict access by an unauthorized person, (2) the audiovisual alarm was not functional, (3) the alarm lacked the ability to transmit conditions through the use of an auto-dialer system, supervisory control and data acquisition system, or telemetering system connected to a continuous monitored location, and (4) an alternate power source was not provided in case of a power failure. Additionally, the North Helena Street lift station had only one functional pump.

2. Failed to employ or contract with a class D or higher licensed wastewater treatment facility operator, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 30.350(d), and TCEQ Permit No. WQ0010266001, Special Provisions No. 2, as documented during an investigation conducted on September 24, 2013 through November 19, 2013.
3. Failed to maintain the required records and have them immediately available for inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TCEQ Permit No. WQ0010266001, Effluent Limitations and Monitoring Requirements B, as documented during an investigation conducted on September 24, 2013 through November 19, 2013. Specifically, records indicating that instantaneous flow was being monitored five times per week were not provided to the investigator at the time of the investigation.
4. Failed to comply with permitted effluent limits, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TCEQ Permit No. WQ0010266001, Effluent Limitations and Monitoring Requirements A, as documented during an investigation conducted on September 24, 2013 through November 19, 2013, and shown in the table below:

Effluent Parameter		
	BOD <sub>5</sub> Single Grab Concentration	Maximum pH
Date	100 mg/L	9 su
January 2, 2013	152	c
February 6, 2013	134	c
March 6, 2013	124	c
April 4, 2013	c	9.1
May 1, 2013	116	9.2
June 5, 2013	c	9.1

BOD<sub>5</sub> = biochemical oxygen demand (5-day); su = standard units  
 mg/L = milligrams per liter; c = compliant

5. Failed to submit noncompliance notifications for any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the San Antonio Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TCEQ Permit No. WQ0010266001, Monitoring Requirements No. 7.c., as documented during an investigation conducted on September 24, 2013 through November 19, 2013. Specifically, the Respondent failed to report the effluent violation for BOD<sub>5</sub> with a deviation of more than 40% for January 2013 (152 mg/L).
6. Failed to ensure irrigation practices are designed and managed to prevent ponding of effluent in the irrigation area and failed to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with the permit conditions at all times, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TCEQ Permit No. WQ0010266001,

Special Provisions Nos. 3 and 4, as documented during an investigation conducted on September 24, 2013 through November 19, 2013. Specifically, several of the irrigation cannons were out of service with surrounding overgrown vegetation and one of the cannons was entirely removed and the capped piping was emerging from the ground.

### 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 Runge, Docket No. 2014-0775-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 the Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, ensure that the Facility is operated by an individual that holds a class D or higher wastewater treatment facility operator's license at least five days per week, in accordance with 30 TEX. ADMIN. CODE § 30.350.
  - b. Within 15 days after the effective date of this Agreed Order, submit written certification, as described in Ordering Provision No. 2.g. below, to demonstrate compliance with Ordering Provision No. 2.a.
  - c. Within 60 days after the effective date of this Agreed Order:
    - i. Repair, maintain, and/or replace the irrigation cannons, piping, and vegetation surrounding or part of the irrigation system;
    - ii. Begin maintaining all records and make them immediately available for inspection upon request by agency personnel, in accordance with TCEQ Permit No. WQ0010266001, Effluent and Limitations and Monitoring Requirements B;

- iii. Implement measures to prevent ponding of effluent in the irrigation area, in accordance with TCEQ Permit No. WQ0010266001, Special Provisions No. 4;
  - iv. Submit the required noncompliance notification for the effluent violation for BOD<sub>5</sub> with a deviation of more than 40% for January 2013(152 mg/L), in accordance with TCEQ Permit No. WQ0010266001, Monitoring Requirements No. 7.c.; and
  - v. Update the Facility's operational guidance and conduct employee training to ensure that notification is submitted in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of an effluent violation which deviates from the permitted effluent limitation by more than 40%.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification, as described in Ordering Provision No. 2.g. below, to demonstrate compliance with Ordering Provision Nos. 2.c.i. through 2.c.v.
- e. Within 180 days after the effective date of this Agreed Order:
- i. Equip the North Helena lift station and South Helena lift station with: (1) a functional audiovisual alarm, (2) a transmittal system of the alarm conditions, (3) an alternate power source, and (4) a secured power switch with a lock to prevent access by an unauthorized person, in accordance with 30 TEX. ADMIN. CODE §§ 217.59 and 217.60;
  - ii. Equip the North Helena lift station with two functional pumps, in accordance with 30 TEX. ADMIN. CODE § 217.61; and
  - iii. Submit written certification of compliance with the effluent limitations of TCEQ Permit No. WQ0010266001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be in accordance with Ordering Provision No. 2.g. below.
- f. Within 195 days after the effective date of this Agreed Order, submit written certification, as described in Ordering Provision No. 2.g. below, to demonstrate compliance with Ordering Provision Nos. 2.e.i. and 2.e.ii.
- g. The certifications required by Ordering Provision Nos. 2.b., 2.d., 2.e.iii and 2.f. 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  
San Antonio Regional Office  
Texas Commission on Environmental Quality  
14250 Judson Road  
San Antonio, Texas 78233-4480

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.

City of Runge  
DOCKET NO. 2014-0775-MWD-E  
Page 8

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Pomona Jones  
For the Executive Director

9/11/15  
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.

Homer Lott Jr  
Signature

06/25/2015  
Date

Homer Lott Jr  
Name (Printed or typed)  
Authorized Representative of  
City of Runge

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.