

Executive Summary – Enforcement Matter – Case No. 47257

City of The Colony

RN102080157

Docket No. 2013-1363-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Stewart Creek WWTP, located at 7500 Forest Drive, approximately 0.2 mile east and 2.7 miles north of the intersection of State Highway 121 and Farm-to-Market Road 423, near Stewart Creek, City of The Colony, Denton County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 20, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$39,750

Amount Deferred for Expedited Settlement: \$7,950

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$31,800

Name of SEP: Texas Association of Resource Conservation and Development Areas, Inc. (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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City of The Colony

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Docket No. 2013-1363-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 2, 2013

Date(s) of NOE(s): June 12, 2013

Violation Information

1. Failed to comply with permitted effluent limitations for 2-hour peak flow, *Escherichia coli*, and dissolved oxygen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0011570001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 6].

2. Failed to timely submit monthly reports regarding reclaimed water quality and quantity at the intervals specified in the permit. Specifically, the monthly reports for the monitoring periods ending April 30, 2012 through March 31, 2013 were not submitted by the 20th day of the following month [30 TEX. ADMIN. CODE § 210.36(2) and 210.36(2)(A) and (B) and TCEQ Permit No. R11570-001, V. Record Keeping and Reporting Requirements (a)(2)(A) and (B)].

3. Failed to notify the TCEQ Regional Office and the Enforcement Division within 24 hours of becoming aware of the noncompliance. Specifically, 20 unauthorized discharges from the collection system that occurred over the past year at various locations have not been reported to the TCEQ [30 TEX. ADMIN. CODE § 305.125(9) and TPDES Permit No. WQ0011570001, Monitoring and Reporting Requirements No. 7.a.].

4. Failed to accurately calibrate all flow measuring devices/meters on an annual basis. Specifically, the Respondent failed to calibrate the secondary flow measuring device and the reclaimed water flow meter [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0011570001, Monitoring and Reporting Requirements No. 5].

5. Failed to employ an adequately licensed individual to supervise the operation and maintenance of the Facility and all of its systems of collection, treatment and disposal. Specifically, the Respondent allowed an unlicensed/unregistered individual to perform duties at the collection system that should only be performed by a properly licensed wastewater operator [TEX. WATER CODE § 37.003, 30 TEX. ADMIN. CODE §§ 30.331(b), and 30 TEX. ADMIN. CODE § 30.350(d), and TPDES Permit No. WQ0011570001, Other Requirements No. 1].

6. Failed to properly operate and maintain the Facility and all of its systems. Specifically, the security fence surrounding the Facility had not been maintained and was damaged near the Facility outfall [30 TEX. ADMIN. CODE §§ 217.328(a) and

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305.125(1) and (5), and TPDES Permit No. WQ0011570001, Operational Requirements No. 1].

7. Failed to prevent an unauthorized discharge of untreated waste from the collection system into or adjacent to water in the state. Specifically, approximately 1,125 gallons of untreated waste was discharged from various locations throughout the collection system on September 8, 2012 (due to structural failure), November 28, 2012 (due to equipment failure) and December 31, 2012 (due to blockage in a sewer line) [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011570001, Permit Conditions No. 2.g.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On April 9, 2013, submitted documentation that the security fence surrounding the Facility had been repaired;
- b. On April 16, 2013, submitted documentation of repairs to the sewer system structures, equipment replacement, activities to clear out blockages in the sewer system lines, and application of disinfectant to impacted areas from unauthorized discharges that occurred on September 8, 2012, November 28, 2012, and December 31, 2012;
- c. By April 16, 2013, submitted 20 noncompliance notifications for unauthorized discharges that had occurred over the past year at various locations;
- d. By April 24, 2013, submitted 12 monthly reports pertaining to reclaimed water quality and quantity for the monitoring periods ending April 30, 2012 through March 31, 2013;
- e. By July 23 2013, submitted documentation demonstrating the calibration of the secondary flow measuring device and the reclaimed water flow meter;
- f. On April 11, 2014, the Executive Director received documentation from the Respondent regarding planned upgrades at the Facility to ensure continued and future compliance with TPDES Permit No. WQ0011570001; and
- g. On January 13, 2015, submitted documentation that the individual performing duties at the collection system of the Facility is properly licensed.

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Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to:
 - a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that reporting requirements are properly accomplished, including:
 - i. The timely submittal of signed and certified monthly reports of reclaimed water quality and quantity; and
 - ii. The timely submittal of noncompliance notifications, including unauthorized discharges.
 - b. Within 45 days, submit written certification of compliance with a.
 - c. Within 730 days, submit written certification of compliance with the permitted effluent limitations and requirements of TPDES Permit No. WQ0011570001, 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 and requirements.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Jill Russell, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-4564; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: The Honorable Joe McCourry, Mayor, City of The Colony, 6800 Main Street, The Colony, Texas 75056-1133
Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-1363-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of The Colony
Penalty Amount:	Thirty-One Thousand Eight Hundred Dollars (\$31,800)
SEP Offset Amount:	Thirty-One Thousand Eight Hundred Dollars (\$31,800)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Wastewater Treatment Assistance</i>
Location of SEP:	Denton County - Trinity River Basin, Trinity Aquifer

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** for the *Wastewater Treatment Assistance* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to coordinate with city and county government officials and private entities to repair or replace failing or inadequately designed on-site wastewater treatment systems such as septic systems for low-income households (the “Project”). Low-income households fall at or below the 80 percent median income level for households in the county where they live.

The Third-Party Administrator shall ensure that all repairs, replacements, and installations are performed in compliance with local, state, and federal rules relating to on-site wastewater treatment systems. The Third-Party Administrator shall ensure that only properly licensed contractors are utilized for repair of existing on-site wastewater treatment systems and installation of new on-site wastewater treatment systems.

An on-site wastewater treatment system is a system of treatment devices or disposal facilities that (1) is used for the disposal of domestic sewage, excluding liquid waste resulting from the processes used in industrial and commercial establishments; (2) is located on the site where the sewage is produced; and (3) produces not more than 5,000 gallons of waste a day. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide a benefit to the environment by preventing the release of sewage into the environment and by protecting human health. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. People can be exposed through sewage in drinking water sources, direct contact from water in lawns or streets, and inhalation and skin absorption.

Sewage overflows may cause damage to the environment. Sewage overflows may reach rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause algae blooms, and kill fish and other organisms in aquatic habitats.

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Jerry Pearce, Executive Director
P.O. Box 2533
Victoria, Texas 77902

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

City of The Colony
Agreed Order - Attachment A

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

5. Publicity

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

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	17-Jun-2013	Screening	18-Jul-2013	EPA Due	
	PCW	14-Apr-2015				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of The Colony (Collection System)		
Reg. Ent. Ref. No.	RN102080157		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	47257	No. of Violations	3
Docket No.	2013-1363-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jill Russell
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$43,750
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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	5.0% Enhancement	Subtotals 2, 3, & 7	\$2,187
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Notes: Enhancement for one NOV with same/similar violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$937
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$65
 Approx. Cost of Compliance: \$1,936
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$45,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-46.7%	Adjustment	-\$21,000
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction for Violation No. 2 so that reporting violations do not overly impact the penalty.

Final Penalty Amount	\$24,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$24,000
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DEFERRAL	20.0% Reduction	Adjustment	-\$4,800
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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	\$19,200
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Screening Date 18-Jul-2013

Docket No. 2013-1363-MWD-E

PCW

Respondent City of The Colony (Collection System)

Policy Revision 3 (September 2011)

Case ID No. 47257

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102080157

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one NOV with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 5%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 5%

Screening Date 18-Jul-2013

Docket No. 2013-1363-MWD-E

PCW

Respondent City of The Colony (Collection System)

Policy Revision 3 (September 2011)

Case ID No. 47257

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102080157

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011570001, Permit Conditions No. 2.g

Violation Description Failed to prevent an unauthorized discharge of untreated waste into or adjacent to water in the state, as documented during the investigation on April 2, 2013. Specifically, approximately 1,125 gallons of untreated waste was discharged from various locations on September 8, 2012 (due to structural failure), November 28, 2012 (due to equipment failure) and December 31, 2012 (due to blockage in a sewer line).

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	5.0%
	Potential				

>> 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 protective of human health or environmental receptors.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3 Number of violation days 3

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 (one quarterly event for each discharge).

Good Faith Efforts to Comply

25.0% Reduction

\$937

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

Notes The Respondent achieved compliance by April 16, 2013.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$1,600

This violation Final Assessed Penalty (adjusted for limits) \$1,600

Economic Benefit Worksheet

Respondent City of The Colony (Collection System)
Case ID No. 47257
Reg. Ent. Reference No. RN102080157
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	2-Apr-2013	16-Apr-2013	0.04	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to repair structures (September 2012 event), replace equipment (November 2012 event), clear out blockages (December 2012 event), and disinfect the impacted areas. Date required is the investigation date. Final date is the 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

\$2

Screening Date 18-Jul-2013

Docket No. 2013-1363-MWD-E

PCW

Respondent City of The Colony (Collection System)

Policy Revision 3 (September 2011)

Case ID No. 47257

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102080157

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(9) and TPDES Permit No. WQ0011570001, Monitoring and Reporting Requirements No. 7.a

Violation Description Failed to notify the TCEQ Regional Office and the Enforcement Division within 24 hours of becoming aware of the noncompliance. Specifically, 20 unauthorized discharges from the collection system that occurred over the past year at various locations have not been reported to the TCEQ.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 20 Number of violation days 20

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$25,000

Twenty single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$25,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$46

Violation Final Penalty Total \$14,000

This violation Final Assessed Penalty (adjusted for limits) \$14,000

Economic Benefit Worksheet

Respondent City of The Colony (Collection System)
Case ID No. 47257
Reg. Ent. Reference No. RN102080157
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	\$250	2-Apr-2013	19-Nov-2014	1.63	\$20	n/a	\$20
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	1-Apr-2012	16-Apr-2013	1.04	\$26	n/a	\$26

Notes for DELAYED costs

Estimated costs to conduct training and update the Respondent's standard operating procedures to ensure that all unauthorized discharges are reported on time, to record secondary flow measuring device and reclaimed flow meter calibration results, and to properly notify the TCEQ Regional Office and the Enforcement Division within 24 hours of becoming aware of a noncompliance (\$25 per report times 20 reports). Dates required are the investigation date and date the first noncompliance notification was due. The final date is the expected compliance date and the compliance date of last notification received by the TCEQ Regional Office.

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

\$750

TOTAL

\$46

Screening Date 18-Jul-2013

Docket No. 2013-1363-MWD-E

PCW

Respondent City of The Colony (Collection System)

Policy Revision 3 (September 2011)

Case ID No. 47257

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102080157

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 3

Rule Cite(s)

Tex. Water Code § 37.003, 30 Tex. Admin. Code § 30.331(b) and 30.350(d), and TPDES Permit No. WQ0011570001, Other Requirements No. 1

Violation Description

Failed to employ an adequately licensed individual to supervise the operation and maintenance of the Facility and all of its systems of collection, treatment and disposal. Specifically, the Respondent allowed an unlicensed/unregistered individual to perform duties at the collection system that should only be performed by a properly licensed wastewater operator.

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	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 4

107 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Four monthly events are recommended from the investigation date (April 2, 2013) to the screening date (July 18, 2013).

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 \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$8,400

This violation Final Assessed Penalty (adjusted for limits) \$8,400

Economic Benefit Worksheet

Respondent City of The Colony (Collection System)

Case ID No. 47257

Reg. Ent. Reference No. RN102080157

Media Water Quality

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$186	2-Apr-2013	13-Jan-2015	1.78	\$17	n/a	\$17

Notes for DELAYED costs

Approximate cost of an application and exam fee to take the Collection Operator III wastewater licensing exam. Date required is the date the investigation date. Final date is the date the license was obtained.

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

\$186

TOTAL

\$17



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	17-Jun-2013	Screening	18-Jul-2013	EPA Due	
	PCW	14-Apr-2015				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of The Colony (Wastewater Treatment Plant)		
Reg. Ent. Ref. No.	RN102080157		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	47257	No. of Violations	4
Docket No.	2013-1363-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jill Russell
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,750
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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	5.0% Enhancement	Subtotals 2, 3, & 7	\$787
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Notes: Enhancement for one NOV with same/similar violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$787
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$2,319
 Approx. Cost of Compliance: \$13,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$15,750
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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	\$15,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$15,750
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,150
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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	\$12,600
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Screening Date 18-Jul-2013

Docket No. 2013-1363-MWD-E

PCW

Respondent City of The Colony (Wastewater Treatment Plant)

Policy Revision 3 (September 2011)

Case ID No. 47257

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102080157

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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>)	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) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 5%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 5%

Screening Date 18-Jul-2013

Docket No. 2013-1363-MWD-E

PCW

Respondent City of The Colony (Wastewater Treatment Plant)

Policy Revision 3 (September 2011)

Case ID No. 47257

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102080157

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011570001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 6

Violation Description

Failed to comply with permitted effluent limitations, as documented during an investigation conducted on April 2, 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 15.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

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 as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

93 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

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

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,278

Violation Final Penalty Total \$7,875

This violation Final Assessed Penalty (adjusted for limits) \$7,875

Economic Benefit Worksheet

Respondent City of The Colony (Wastewater Treatment Plant)
Case ID No. 47257
Reg. Ent. Reference No. RN102080157
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Jan-2012	20-Aug-2016	4.56	\$2,278	n/a	\$2,278

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and take necessary corrective actions to maintain compliance with permitted effluent limits. Date required is the first month of noncompliance. The final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$2,278

Screening Date 18-Jul-2013

Docket No. 2013-1363-MWD-E

PCW

Respondent City of The Colony (Wastewater Treatment Plant)

Policy Revision 3 (September 2011)

Case ID No. 47257

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102080157

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 210.36(2) and 210.36(2)(A) and (B) and Texas Commission on Environmental Quality Permit No. R11570-001, V. Record Keeping and Reporting Requirements (a)(2)(A) and (B)

Violation Description

Failed to timely submit monthly reports regarding reclaimed water quality and quantity at the intervals specified in the permit, as documented in an investigation conducted on April 2, 2013. Specifically, the monthly reports for the monitoring periods ending April 30, 2012, through March 31, 2013, were not submitted by the 20th day of the following month.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 12

12 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$3,000

Twelve single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$3,150

This violation Final Assessed Penalty (adjusted for limits) \$3,150

Economic Benefit Worksheet

Respondent City of The Colony (Wastewater Treatment Plant)

Case ID No. 47257

Reg. Ent. Reference No. RN102080157

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	Overtime 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)	\$300	20-May-2012	24-Apr-2013	0.93	\$14	n/a	\$14

Notes for DELAYED costs

Estimated costs to submit the missing monthly reports (\$25 per report times 12 months). Date required is the date that the earliest missing monthly report was due. The final date is the date the reports were submitted. The economic benefit for training to submit monthly reports in a timely manner is covered in the economic benefit in Violation No. 3.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$14

Screening Date 18-Jul-2013

Docket No. 2013-1363-MWD-E

PCW

Respondent City of The Colony (Wastewater Treatment Plant)

Policy Revision 3 (September 2011)

Case ID No. 47257

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102080157

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0011570001, Monitoring and Reporting Requirements No. 5

Violation Description

Failed to accurately calibrate all flow measuring devices/meters on an annual basis. Specifically, the Respondent failed to calibrate the secondary flow measuring device and the reclaimed water flow meter.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 7.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 2

107 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$3,500

Two single events are recommended, one each for the secondary flow measuring device and for the reclaimed water flow meter.

Good Faith Efforts to Comply

10.0% Reduction

\$350

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

Notes: The Respondent achieved compliance by July 23, 2013.

Violation Subtotal \$3,150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26

Violation Final Penalty Total \$3,325

This violation Final Assessed Penalty (adjusted for limits) \$3,325

Economic Benefit Worksheet

Respondent City of The Colony (Wastewater Treatment Plant)
Case ID No. 47257
Reg. Ent. Reference No. RN102080157
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				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				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,700	2-Apr-2012	23-Jul-2013	2.22	\$189	\$1,700	\$1,889
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated costs to calibrate the secondary flow measuring device and the reclaimed water flow meter (\$850 each device). Date required is the investigation date. The final date is the date of compliance.

Approx. Cost of Compliance	\$1,700	TOTAL	\$1,889
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Screening Date 18-Jul-2013

Docket No. 2013-1363-MWD-E

PCW

Respondent City of The Colony (Wastewater Treatment Plant)

Policy Revision 3 (September 2011)

Case ID No. 47257

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102080157

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 217.328(a) and 305.125(1) and (5) and TPDES Permit No. WQ0011570001, Operational Requirements No. 1

Violation Description

Failed to properly operate and maintain the Facility and all of its systems, as documented during the investigation conducted on April 2, 2013. Specifically, the security fence surrounding the Facility had not been maintained and was damaged near the Facility outfall.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 7.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1

7 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$437

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

Notes The Respondent achieved compliance by April 9, 2013.

Violation Subtotal \$1,313

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$1,401

This violation Final Assessed Penalty (adjusted for limits) \$1,401

Economic Benefit Worksheet

Respondent City of The Colony (Wastewater Treatment Plant)
Case ID No. 47257
Reg. Ent. Reference No. RN102080157
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	\$1,000	2-Apr-2013	9-Apr-2013	0.02	\$0	\$1	\$1
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

Estimated cost to repair the security fence near the Facility outfall. The date required is the date of the investigation and the final date is the 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

\$1

Effluent Violations Table

City of The Colony

RN102080157; Docket 2013-1363-MWD-E

TPDES Permit No. WQ0011570001

	Dissolved Oxygen Monthly Minimum Concentration	<i>E. coli</i> DMAX	Flow 2-hour peak
Month/ Year	Limit = 5 mg/L	Limit = 394 CFU/100 ml	Limit = 5,174 gal/min
January 2012	c	c	5,972.00
March 2012	c	c	6,180.56
October 2012	4.3	1000	c

DMAX = Daily Maximum

mg/L = milligrams per liter

E. coli = *Escherichia coli*

CFU/100 ml = Colony Forming Units per 100 milliliters

gal/min = gallons per minute

c = compliant

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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 CN600491187, RN102080157, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600491187, City of the Colony **Classification:** SATISFACTORY **Rating:** 1.64

Regulated Entity: RN102080157, STEWART CREEK WWTP **Classification:** SATISFACTORY **Rating:** 1.64

Complexity Points: 8 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: 7500 Forest Drive, approximately 0.2 mile east and 2.7 miles north of the intersection of State Highway 121 and Farm-to-Market Road 423, near Stewart Creek in the City of The Colony, Denton County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
AIR NEW SOURCE PERMITS ACCOUNT NUMBER DF0517H **WASTEWATER PERMIT** WQ0011570001
WASTEWATER EPA ID TX0053112 **WASTEWATER AUTHORIZATION** R11570001
WASTEWATER LICENSING LICENSE WQ0011570001

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

Date Compliance History Report Prepared: August 06, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 05, 2008 to August 05, 2013

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

Name: Jill Russell **Phone:** (512) 239-4564

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.):

Item 1	September 18, 2008	(712923)	Item 6	February 19, 2009	(752304)
Item 2	October 01, 2008	(712925)	Item 7	March 13, 2009	(752305)
Item 3	October 15, 2008	(712924)	Item 8	March 20, 2009	(752307)
Item 4	November 20, 2008	(729137)	Item 9	April 20, 2009	(752306)
Item 5	December 19, 2008	(729138)	Item 10	May 19, 2009	(769960)

Item 11	June 15, 2009	(769961)	Item 29	August 22, 2011	(953261)
Item 12	July 28, 2009	(763663)	Item 30	September 20, 2011	(959898)
Item 13	October 20, 2009	(926794)	Item 31	October 27, 2011	(971981)
Item 14	November 20, 2009	(926795)	Item 32	November 21, 2011	(978146)
Item 15	January 20, 2010	(809512)	Item 33	January 23, 2012	(984917)
Item 16	February 19, 2010	(809511)	Item 34	March 22, 2012	(1004101)
Item 17	March 19, 2010	(832599)	Item 35	May 21, 2012	(1017042)
Item 18	May 20, 2010	(832601)	Item 36	June 21, 2012	(1024807)
Item 19	June 21, 2010	(846809)	Item 37	July 23, 2012	(1032164)
Item 20	July 21, 2010	(861324)	Item 38	September 07, 2012	(1027438)
Item 21	September 09, 2010	(867497)	Item 39	September 14, 2012	(1038591)
Item 22	September 21, 2010	(874506)	Item 40	October 17, 2012	(1063978)
Item 23	November 22, 2010	(888554)	Item 41	December 18, 2012	(1063980)
Item 24	January 20, 2011	(896898)	Item 42	January 17, 2013	(1080285)
Item 25	February 21, 2011	(909697)	Item 43	February 20, 2013	(1080284)
Item 26	April 20, 2011	(926791)	Item 44	April 08, 2013	(1089932)
Item 27	May 23, 2011	(938631)	Item 45	April 19, 2013	(1096327)
Item 28	June 20, 2011	(945997)			

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

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

1 Date: 10/31/2012 (1063979) CN600491187
 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:

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 THE COLONY
RN102080157

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2013-1363-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 The Colony ("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 located at 7500 Forest Drive, approximately 0.2 mile east and 2.7 miles north of the intersection of State Highway 121 and Farm-to-Market Road 423, near Stewart Creek in the City of The Colony, Denton 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 June 17, 2013.
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 Thirty-Nine Thousand Seven Hundred Fifty Dollars (\$39,750) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Seven Thousand Nine Hundred Fifty Dollars (\$7,950) 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. Thirty-One Thousand Eight Hundred Dollars (\$31,800) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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 the Respondent has implemented the following corrective measures at the Facility:
 - a. On April 9, 2013, submitted documentation that the security fence surrounding the Facility had been repaired;
 - b. On April 16, 2013, submitted documentation of repairs to the sewer system structures, equipment replacement, activities to clear out blockages in the sewer system lines, and application of disinfectant to impacted areas from unauthorized discharges that occurred on September 8, 2012, November 28, 2012, and December 31, 2012;
 - c. By April 16, 2013, submitted 20 noncompliance notifications for unauthorized discharges that had occurred over the past year at various locations;
 - d. By April 24, 2013, submitted 12 monthly reports pertaining to reclaimed water quality and quantity for the monitoring periods ending April 30, 2012 through March 31, 2013;
 - e. By July 23 2013, submitted documentation demonstrating compliance with calibration records, including dates for the secondary flow measuring device and the reclaimed water flow meter;
 - f. On April 11, 2014, the Executive Director received documentation from the Respondent regarding planned upgrades at the Facility to ensure continued and future compliance with Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011570001; and
 - g. On January 13, 2015, submitted documentation that the individual performing duties at the collection system of the Facility is properly licensed.
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 TPDES Permit No. WQ0011570001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 6, as documented during an investigation conducted on April 2, 2013, and as shown in the table below:

Effluent Violations Table			
	Dissolved Oxygen Monthly Minimum Concentration	<i>E. coli</i> DMAX	Flow 2-hour peak
Month/ Year	Limit = 5 mg/L	Limit = 394 CFU/100 ml	Limit = 5,174 gal/min
January 2012	c	c	5,972.00
March 2012	c	c	6,180.56
October 2012	4.3	1000	c

DMAX = Daily Maximum
 mg/L = milligrams per liter
E. coli = *Escherichia coli*
 CFU/100 ml = Colony Forming Units per 100 milliliters
 gal/min = gallons per minute
 c = compliant

2. Failed to timely submit monthly reports regarding reclaimed water quality and quantity at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 210.36(2) and 210.36(2)(A) and (B) and TCEQ Permit No. R11570-001, V. Record Keeping and Reporting Requirements (a)(2)(A) and (B), as documented during an investigation conducted on April 2, 2013. Specifically, the monthly reports for the monitoring periods ending April 30, 2012, through March 31, 2013, were not submitted by the 20th day of the following month.
3. Failed to notify the TCEQ Regional Office and the Enforcement Division within 24 hours of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(9) and TPDES Permit No. WQ0011570001, Monitoring and Reporting Requirements No. 7.a, as documented during an investigation conducted on April 2,

2013. Specifically, 20 unauthorized discharges from the collection system that occurred over the past year at various locations have not been reported to the TCEQ.

4. Failed to accurately calibrate all flow measuring devices/meters on an annual basis, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0011570001, Monitoring and Reporting Requirements No. 5, as documented during an investigation conducted on April 2, 2013. Specifically, the Respondent failed to calibrate the secondary flow measuring device and the reclaimed water flow meter.
5. Failed to employ an adequately licensed individual to supervise the operation and maintenance of the Facility and all of its systems of collection, treatment and disposal, in violation of TEX. WATER CODE § 37.003, 30 TEX. ADMIN. CODE §§ 30.331(b) and 30.350(d), and TPDES Permit No. WQ0011570001, Other Requirements No. 1, as documented during an investigation conducted on April 2, 2013. Specifically, the Respondent allowed an unlicensed/unregistered individual to perform duties at the collection system that should only be performed by a properly licensed wastewater operator.
6. Failed to properly operate and maintain the Facility and all of its systems, in violation of 30 TEX. ADMIN. CODE §§ 217.328(a) and 305.125(1) and (5) and TPDES Permit No. WQ0011570001, Operational Requirements No. 1, as documented during an investigation conducted on April 2, 2013. Specifically, the security fence surrounding the Facility had not been maintained and was damaged near the Facility outfall.
7. Failed to prevent an unauthorized discharge of untreated waste from the collection system into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011570001, Permit Conditions No. 2.g, as documented during the investigation on April 2, 2013. Specifically, approximately 1,125 gallons of untreated waste was discharged from various locations throughout the collection system on September 8, 2012 (due to structural failure), November 28, 2012 (due to equipment failure) and December 31, 2012 (due to blockage in a sewer line).

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 The Colony, Docket No. 2013-1363-MWD-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Thirty-One Thousand Eight Hundred Dollars (\$31,800) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that reporting requirements are properly accomplished, including:
 - i. The timely submittal of signed and certified monthly reports of reclaimed water quality and quantity in accordance with TCEQ Permit No. R11570-001, Record Keeping and Reporting Requirements; and
 - ii. The timely submittal of noncompliance notifications, including unauthorized discharges, in accordance with TPDES Permit No. WQ0011570001, Monitoring and Reporting Requirements.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 3.a.i and 3.a.ii, as described in Ordering Provision No. 3.d below.
 - c. Within 730 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations and requirements of TPDES Permit No. WQ0011570001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports ("DMRs"), demonstrating at least three consecutive months of compliance with all permitted effluent limitations and requirements, as described in Ordering Provision No. 3.d below.
 - d. The certifications required by Ordering Provision Nos. 3.b and 3.c shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that 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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

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

8. 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.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Ronna Mowave
For the Executive Director

1/7/16
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]
Signature

9/29/15
Date

Tray Powell
Name (Printed or typed)
Authorized Representative of
City of The Colony

City Manager
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.

Attachment A
Docket Number: 2013-1363-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of The Colony
Penalty Amount:	Thirty-One Thousand Eight Hundred Dollars (\$31,800)
SEP Offset Amount:	Thirty-One Thousand Eight Hundred Dollars (\$31,800)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Wastewater Treatment Assistance</i>
Location of SEP:	Denton County - Trinity River Basin, Trinity Aquifer

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** for the *Wastewater Treatment Assistance* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to coordinate with city and county government officials and private entities to repair or replace failing or inadequately designed on-site wastewater treatment systems such as septic systems for low-income households (the “Project”). Low-income households fall at or below the 80 percent median income level for households in the county where they live.

The Third-Party Administrator shall ensure that all repairs, replacements, and installations are performed in compliance with local, state, and federal rules relating to on-site wastewater treatment systems. The Third-Party Administrator shall ensure that only properly licensed contractors are utilized for repair of existing on-site wastewater treatment systems and installation of new on-site wastewater treatment systems.

City of The Colony
Agreed Order - Attachment A

An on-site wastewater treatment system is a system of treatment devices or disposal facilities that (1) is used for the disposal of domestic sewage, excluding liquid waste resulting from the processes used in industrial and commercial establishments; (2) is located on the site where the sewage is produced; and (3) produces not more than 5,000 gallons of waste a day. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide a benefit to the environment by preventing the release of sewage into the environment and by protecting human health. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. People can be exposed through sewage in drinking water sources, direct contact from water in lawns or streets, and inhalation and skin absorption.

Sewage overflows may cause damage to the environment. Sewage overflows may reach rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause algae blooms, and kill fish and other organisms in aquatic habitats.

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Jerry Pearce, Executive Director
P.O. Box 2533
Victoria, Texas 77902

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

City of The Colony
Agreed Order - Attachment A

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

5. Publicity

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

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

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