

Executive Summary – Enforcement Matter – Case No. 49411

City of Sonora

RN102806411

Docket No. 2014-1438-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 Sonora WWTP, located at 1585 Private Road 3451, south of Sonora and south of Dry Devils River, approximately 6,000 feet south and 2,000 feet west of the intersection of U.S. Highways 277 and 290, Sutton County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 13, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$18,203

Amount Deferred for Expedited Settlement: \$3,640

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$14,563

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 - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 28, 2014

Date(s) of NOE(s): September 12, 2014

Violation Information

1. Failed to prevent the discharge of sewage sludge (in amounts which resulted in visible accumulation of sewage sludge solids in the receiving stream) into or adjacent to any water in the state. Specifically, on May 26, 2014, between 800 to 1,000 gallons of solids were discharged from Outfall No. 001 into the receiving stream due to sludge overflowing into the chlorine contact chamber from Clarifier Nos. 1 and 2; an overnight power outage; and possible inflow and infiltration that occurred within the Facility as a result of an overnight rainfall of 2.5 inches. Several areas in the gravel discharge path leading from Outfall No. 001 to the receiving stream appeared to have areas of accumulated sludge; most of the bottom of the pool at the end of the gravel path and before the road crossing over Dry Devils River appeared to be covered in approximately one foot of sludge; and the bottom of Dry Devils River immediately past the road crossing also appeared to be covered in sewage sludge. In addition, grab samples collected from the receiving stream reflected significant water quality degradation [30 TEX. ADMIN. CODE § 305.125(1) and (4), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010545001, Effluent Limitations and Monitoring Requirements No. 4, and Permit Conditions No. 2.d.].

2. Failed to ensure that all flow measurements, equipment, installation, and procedures conform with those prescribed in the Water Measurement Manual, U.S. Department of the Interior Bureau of Reclamation, Washington, D.C., or methods that are equivalent as approved by the Executive Director. Specifically, adequate free-fall was not provided following the V-notch weir and the staff gauge provided for flow measurement was installed on the downstream side of the weir [30 TEX. ADMIN. CODE §§ 217.33(c)(2)(B) and 319.11(d)].

3. 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 standby generator at the Facility was inoperable [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010545001 Operational Requirements Nos. 1 and 4].

4. Failed to notify the TCEQ Regional Office within 24 hours of becoming aware of any noncompliance, orally or by facsimile transmission and failed to submit a written notification to the TCEQ Regional Office and the Enforcement Division within five

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working days of becoming aware of the noncompliance. Specifically, an unauthorized discharge that occurred on July 12, 2012 was not reported to the TCEQ San Angelo Regional Office within 24 hours. In addition, written notifications that were required within five days of unauthorized discharges that occurred on June 11, 2012; June 12, 2012; July 5, 2012; and July 17, 2012 were not submitted to the TCEQ San Angelo Regional Office and the Enforcement Division [30 TEX. ADMIN. CODE § 305.125(9)(A) and TPDES Permit No. WQ0010545001, Monitoring and Reporting Requirements No. 7.a.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On June 2, 2014, repaired the standby generator;
- b. By September 24, 2014, repositioned the V-notch weir to provide the required free-fall; and
- c. By September 29, 2014, submitted the noncompliance notifications for the unauthorized discharges to the TCEQ Regional Office and the Enforcement Division.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Update the Facility's operational guidance and conduct employee training to ensure that all the noncompliance notifications are properly reported to the TCEQ Regional Office and the Enforcement Division upon becoming aware of a noncompliance;
 - ii. Remove and properly dispose of the sludge from the chlorine contact chamber, the discharge path leading from Outfall No. 001, and the receiving stream; and
 - iii. Install the staff gauge in the chlorine contact chamber in accordance with the Water Measurement Manual, U.S. Department of the Interior Bureau of Reclamation, Washington, D.C.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

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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 2, MC 169, (512) 239-2552; Melissa Cordell, Enforcement Division,
MC 219, (512) 239-2483

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Wanda Shurley, Mayor, City of Sonora, 201 East Main
Street, Sonora, Texas 76950-2609

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	15-Sep-2014	Screening	25-Sep-2014	EPA Due	
	PCW	28-Jan-2016				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Sonora				
Reg. Ent. Ref. No.	RN102806411				
Facility/Site Region	8-San Angelo	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	49411	No. of Violations	4
Docket No.	2014-1438-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jason Fraley
		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** **\$14,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **32.0%** Enhancement **Subtotals 2, 3, & 7** **\$4,640**

Notes: Enhancement for one NOV with dissimilar violations, one NOV with same/similar violations, and one order without denial.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$937**

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

Total EB Amounts **\$528**
 Estimated Cost of Compliance **\$9,934**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$18,203**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$18,203**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$18,203**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$3,640**

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 **\$14,563**

Screening Date 25-Sep-2014

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PCW

Respondent City of Sonora

Policy Revision 4 (April 2014)

Case ID No. 49411

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102806411

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>)	1	5%
	Other written NOVs	1	2%
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	1	25%
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%

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) 32%

>> 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 dissimilar violations, one NOV with same/similar violations, and one order without denial.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 32%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 32%

Screening Date 25-Sep-2014
Respondent City of Sonora
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Reg. Ent. Reference No. RN102806411
Media [Statute] Water Quality
Enf. Coordinator Jason Fraley
Violation Number 1

Docket No. 2014-1438-MWD-E

PCW

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

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (4), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010545001, Effluent Limitations and Monitoring Requirements No. 4, and Permit Conditions No. 2.d.

Violation Description

Failed to prevent the discharge of sewage sludge (in amounts which resulted in visible accumulation of sewage sludge solids in the receiving stream) into or adjacent to any water in the state, as documented during an investigation conducted on May 28, 2014. Specifically, on May 26, 2014, between 800 to 1,000 gallons of solids were discharged from Outfall No. 001 into the receiving stream due to sludge overflowing into the chlorine contact chamber from Clarifier Nos. 1 and 2; an overnight power outage; and possible inflow and infiltration that occurred within the Facility as a result of an overnight rainfall of 2.5 inches. Several areas in the gravel discharge path leading from Outfall No. 001 to the receiving stream appeared to have areas of accumulated sludge; most of the bottom of the pool at the end of the gravel path and before the road crossing over Dry Devils River appeared to be covered in approximately one foot of sludge; and the bottom of Dry Devils River immediately past the road crossing also appeared to be covered in sludge. In addition, grab samples collected from the receiving stream reflected significant water quality degradation.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		x		15.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 122 Number of violation days

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

Violation Base Penalty \$3,750

One semiannual event is recommended, from the date of the discharge, May 26, 2014, to the screening date, September 25, 2014.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/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 \$436

Violation Final Penalty Total \$4,950

This violation Final Assessed Penalty (adjusted for limits) \$4,950

Economic Benefit Worksheet

Respondent City of Sonora
Case ID No. 49411
Reg. Ent. Reference No. RN102806411
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$8,000	26-May-2014	28-Jun-2015	1.09	\$436	n/a	\$436
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to remove and properly dispose of the sludge from the discharge path leading from the chlorine control chamber, the discharge path leading from Outfall No. 001 and the receiving stream. Date required is the date of the discharge and the final date is the estimated date of completion of corrective actions.

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

\$8,000

TOTAL

\$436

Screening Date 25-Sep-2014

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PCW

Respondent City of Sonora

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PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102806411

Media [Statute] Water Quality

Enf. Coordinator Jason Fraley

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 217.33(c)(2)(B) and 319.11(d)

Violation Description

Failed to ensure that all flow measurements, equipment, installation, and procedures conform with those prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C., or methods that are equivalent as approved by the Executive Director, as documented during an investigation conducted on May 28, 2014. Specifically, adequate free-fall was not provided following the V-notch weir and the staff gauge provided for flow measurement was installed on the downstream side of the weir.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1 120 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$39

Violation Final Penalty Total \$990

This violation Final Assessed Penalty (adjusted for limits) \$990

Economic Benefit Worksheet

Respondent City of Sonora
Case ID No. 49411
Reg. Ent. Reference No. RN102806411
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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	28-May-2014	24-Sep-2014	0.33	\$1	\$11	\$11
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)	\$500	28-May-2014	28-Jun-2015	1.08	\$27	n/a	\$27

Notes for DELAYED costs

Estimated costs to properly install the staff gauge and to reposition the V-notch weir to allow the required free-fall. The dates required are the investigation date and the final dates are the date of compliance and the estimated 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

\$1,000

TOTAL

\$39

Screening Date 25-Sep-2014

Docket No. 2014-1438-MWD-E

PCW

Respondent City of Sonora

Policy Revision 4 (April 2014)

Case ID No. 49411

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102806411

Media [Statute] Water Quality

Enf. Coordinator Jason Fraley

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010545001 Operational Requirements Nos. 1 and 4

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 May 28, 2014. Specifically, the standby generator at the Facility was inoperable.

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

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 1

5 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One monthly violation is recommended, calculated from the investigation date, May 28, 2014, to the date of compliance, June 2, 2014.

Good Faith Efforts to Comply

25.0%

Reduction \$937

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

Notes The Respondent achieved compliance on June 2, 2014.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$4,013

This violation Final Assessed Penalty (adjusted for limits) \$4,013

Economic Benefit Worksheet

Respondent City of Sonora
Case ID No. 49411
Reg. Ent. Reference No. RN102806411
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	\$559	28-May-2014	2-Jun-2014	0.01	\$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 standby generator. Date required is the date of the investigation and the final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$559

TOTAL

\$1

Screening Date 25-Sep-2014

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PCW

Respondent City of Sonora

Policy Revision 4 (April 2014)

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PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102806411

Media [Statute] Water Quality

Enf. Coordinator Jason Fraley

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(9)(A) and TPDES Permit No. WQ0010545001, Monitoring and Reporting Requirements No. 7.a

Violation Description Failed to notify the TCEQ Regional Office within 24 hours of becoming aware of any noncompliance, orally or by facsimile transmission and failed to submit a written notification to the TCEQ Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, as documented during an investigation conducted on May 28, 2014. Specifically, an unauthorized discharge that occurred on July 12, 2012 was not reported to the TCEQ San Angelo Regional Office within 24 hours. In addition, written notifications that were required within five days of unauthorized discharges that occurred on June 11, 2012; June 12, 2012; July 5, 2012; and July 17, 2012 were not submitted to the TCEQ San Angelo Regional Office and the Enforcement Division.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Harm (Major, Moderate, Minor), and Percent (5.0%).

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 5 Number of violation days 124

Table for frequency selection: daily, weekly, monthly, quarterly, semiannual, annual, single event (marked with x).

Violation Base Penalty \$6,250

Five single events are recommended, one for each notification.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x).

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

Violation Subtotal \$6,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$52

Violation Final Penalty Total \$8,250

This violation Final Assessed Penalty (adjusted for limits) \$8,250

Economic Benefit Worksheet

Respondent City of Sonora
Case ID No. 49411
Reg. Ent. Reference No. RN102806411
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	\$250	13-Jun-2012	28-Jun-2015	3.04	\$38	n/a	\$38
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$125	13-Jun-2012	29-Sep-2014	2.30	\$14	n/a	\$14

Notes for DELAYED costs

Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that the TCEQ San Angelo Regional Office and the Enforcement Division is properly notified within the permitted timeframes upon becoming aware of a noncompliance. Date required is the date the first notification was due and the final date is the estimated date of compliance.

Estimated cost to properly notify the TCEQ San Angelo Regional Office within the permitted timeframe (\$25 per notification x 5 missed notifications) upon becoming aware of a noncompliance. Date required is the date the first notification was due and the final date is the date the notifications were submitted.

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

\$375

TOTAL

\$52

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.



TCEQ Compliance History Report

PENDING Compliance History Report for CN600247993, RN102806411, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600247993, City of Sonora **Classification:** SATISFACTORY **Rating:** 17.82

Regulated Entity: RN102806411, CITY OF SONORA WWTP **Classification:** SATISFACTORY **Rating:** 25.46

Complexity Points: 7 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: 1585 PRIVATE ROAD 3451 SOUTH OF SONORA AND SOUTH OF DRY DEVILS RIVER, APPROXIMATELY 6,000 FEET SOUTH AND 2,000 FEET WEST OF THE INTERSECTION OF UNITED STATES HIGHWAY 277 AND 290 IN SUTTON COUNTY, TEXAS

TCEQ Region: REGION 08 - SAN ANGELO

ID Number(s):
WASTEWATER PERMIT WQ0010545001 **WASTEWATER EPA ID** TX0023191
WASTEWATER LICENSING LICENSE WQ0010545001

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: November 06, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 06, 2009 to November 06, 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:

- 1 Effective Date: 11/18/2011 ADMINORDER 2010-1891-MWD-E (Findings Order-Agreed Order Without Denial)
Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(9)(A)
Rqmt Prov: Mon. & Rep. Req. No. 7.a PERMIT
Description: Failed to submit a noncompliance notification to the TCEQ.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Sludge Prov., Sec. III.F.1 PERMIT
Description: Failed to maintain records of all liquid paint filter tests conducted on sewage sludge disposed of in MSW landfills.
Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov:Sludge Provisions PERMIT

Description: Failed to submit the ASR for the annual reporting period ending July 31, 2009.
Classification: Minor

Citation: 30 TAC Chapter 317 317.4(b)(4)

Description: Failed to provide containers with lids for the temporary storage of materials removed from the bar screen.
Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11(d)

Rqmt Prov:Monitoring and Reporting Reqs. no. 5 PERMIT

Description: Failed to calibrate the flow meter at least annually.
Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.11(c)
Rqmt Prov:Mon. & Rep. Req. No. 2.a PERMIT

Description: Failed to analyze effluent according to specified test methods.
Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)

Description: Failed to comply with the preservation methods specified in 40 Code of Federal Regulations Part 136.
Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:Effluent Limits and Monitoring Req. 1 PERMIT

Description: Failure to comply with permit effluent limits.
Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.1

Rqmt Prov:Monitoring and Reporting Req. No. 1 PERMIT

Description: Failure to submit monitoring results at the intervals specified in the permit as documented by a TCEQ record review.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	November 23, 2009	(925368)
Item 2	December 21, 2009	(925369)
Item 3	January 21, 2010	(925370)
Item 4	March 26, 2010	(925361)
Item 5	April 26, 2010	(831465)
Item 6	November 22, 2010	(896461)
Item 7	December 31, 2010	(896462)
Item 8	January 04, 2011	(925365)
Item 9	January 21, 2011	(902502)
Item 10	February 22, 2011	(909280)
Item 11	March 14, 2011	(925360)
Item 12	March 22, 2011	(907048)
Item 13	April 13, 2011	(916541)
Item 14	May 18, 2011	(938223)
Item 15	June 16, 2011	(945600)
Item 16	July 25, 2011	(952840)
Item 17	August 18, 2011	(959508)
Item 18	September 21, 2011	(965542)
Item 19	October 19, 2011	(971582)
Item 20	November 16, 2011	(977746)

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF SONORA
RN102806411**

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

AGREED ORDER DOCKET NO. 2014-1438-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 Sonora (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 facility located at 1585 Private Road 3451, south of Sonora and south of Dry Devils River, approximately 6,000 feet south and 2,000 feet west of the intersection of United States Highway 277 and 290 in Sutton 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 September 14, 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 Eighteen Thousand Two Hundred Three Dollars (\$18,203) is assessed by the Commission in settlement of the violations alleged

in Section II ("Allegations"). The Respondent has paid Fourteen Thousand Five Hundred Sixty-Three Dollars (\$14,563) of the administrative penalty and Three Thousand Six Hundred Forty Dollars (\$3,640) 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 recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On June 2, 2014, repaired the standby generator.
 - b. By September 24, 2014, repositioned the V-notch weir to provide the required free-fall.
 - c. By September 29, 2014, submitted the noncompliance notifications for the unauthorized discharges to the TCEQ Regional Office and the Enforcement Division.
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 prevent the discharge of sewage sludge (in amounts which resulted in visible accumulation of sewage sludge solids in the receiving stream) into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (4), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010545001, Effluent Limitations and Monitoring Requirements No. 4, and Permit Conditions No. 2.d., as documented during an investigation conducted on May 28, 2014. Specifically, on May 26, 2014, between 800 to 1,000 gallons of solids were discharged from Outfall No. 001 into the receiving stream due to sludge overflowing into the chlorine contact chamber from Clarifier Nos. 1 and 2; an overnight power outage; and possible inflow and infiltration that occurred within the Facility as a result of an overnight rainfall of 2.5 inches. Several areas in the gravel discharge path leading from Outfall No. 001 to the receiving stream appeared to have areas of accumulated sludge; most of the bottom of the pool at the end of the gravel path and before the road crossing over Dry Devils River appeared to be covered in approximately one foot of sludge; and the bottom of Dry Devils River immediately past the road crossing also appeared to be covered in sewage sludge. In addition, grab samples collected from the receiving stream reflected significant water quality degradation.
2. Failed to ensure that all flow measurements, equipment, installation, and procedures conform with those prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C., or methods that are equivalent as approved by the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 217.33(c)(2)(B) and 319.11(d), as documented during an investigation conducted on May 28, 2014. Specifically, adequate free-fall was not provided following the V-notch weir and the staff gauge provided for flow measurement was installed on the downstream side of the weir.
3. 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 TPDES Permit No. WQ0010545001 Operational Requirements Nos. 1 and 4, as documented during an investigation conducted on May 28, 2014. Specifically, the standby generator at the Facility was inoperable.
4. Failed to notify the TCEQ Regional Office within 24 hours of becoming aware of any noncompliance, orally or by facsimile transmission and failed to submit a written notification to the TCEQ 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(9)(A) and TPDES Permit No. WQ0010545001, Monitoring and Reporting Requirements No. 7.a, as documented during an investigation conducted on May 28, 2014. Specifically, an unauthorized discharge that occurred on July 12, 2012 was not reported to the TCEQ San Angelo Regional Office within 24 hours. In addition, written notifications that were required to be submitted within five days of unauthorized discharges that occurred on June 11, 2012; June 12, 2012; July 5, 2012; and July 17, 2012

were not submitted to the TCEQ San Angelo Regional Office and the Enforcement Division.

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 Sonora, Docket No. 2014-1438-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. Within 30 days after the effective date of this Agreed Order:
 - i. Update the Facility's operational guidance and conduct employee training to ensure that all the noncompliance notifications are properly reported to the TCEQ Regional Office and the Enforcement Division upon becoming aware of a noncompliance, in accordance with TPDES Permit No. WQ0010545001, Monitoring and Reporting Requirements No. 7.a.;
 - ii. Remove and properly dispose of the sludge from the chlorine contact chamber, the discharge path leading from Outfall No. 001 and the receiving stream; and
 - iii. Install the staff gauge in the chlorine contact chamber in accordance with the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions Nos. 2.a.i. through 2.a.iii. 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
San Angelo Regional Office
Texas Commission on Environmental Quality
622 South Oakes, Suite K
San Angelo, Texas 76903-7035

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. 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

Tom Morie
For the Executive Director

3/25/16
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.

Wanda Shurley
Signature

9-29-15
Date

WANDA SHURLEY
Name (Printed or typed)
Authorized Representative of
City of Sonora

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.