

Executive Summary – Enforcement Matter – Case No. 50885

City of Teague

RN102181716 and RN101607935

Docket No. 2015-1122-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

a. West WWTP, located near the intersection of West 11th Street and Fillmore Street; approximately 4,000 feet west of the intersection of Farm-to-Market Road 80, Jackson Street, and Mulberry Street, Freestone County ("West Facility")

b. City of Teague North Plant, located 3,000 feet east of the intersection of U.S. Highway 84 and Farm-to-Market Road 1367, Freestone County ("North Facility")

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: April 8, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$17,323

Amount Deferred for Expedited Settlement: \$3,464

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$13,859

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 21, 2015 and July 30, 2015

Date(s) of NOE(s): July 2, 2015 and August 21, 2015

Violation Information

1. At the West Facility:

a. Failed to monitor sludge accumulations and water depth in the facultative lagoon and/or stabilization ponds at least once every three years to ensure the ponds maintain the design storage volume and provide sufficient volume for sludge accumulation. Specifically, the Respondent was not monitoring sludge accumulations and water depths in the Facility's facultative lagoon and stabilization pond [30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010300001, Other Requirements Nos. 5.a and 5.b.].

b. Failed to properly document monitoring activities. Specifically, the identity of the individual who collected the sample or made the measurement and the time of the analysis were missing from the operator logs [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(C), 319.7(a), and TPDES Permit No. WQ0010300001, Monitoring and Reporting Requirements No. 3.c.].

c. Failed to employ or contract with one or more licensed wastewater treatment facility operators holding the appropriate level of license or a wastewater system operations company holding a valid registration and employing licensed wastewater treatment facility operators holding the appropriate level of license for the Facility. Specifically, an unlicensed individual was performing process control duties at the Facility [TEX. WATER CODE § 26.0301(a), 30 TEX. ADMIN. CODE §§ 30.350(d), (e), and (j), 305.125(1), and TPDES Permit No. WQ0010300001, Other Requirements No. 1].

d. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2014 by September 30, 2014 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010300001, Sludge Provisions].

2. At the North Facility:

a. Failed to comply with permitted effluent limits for *Escherichia coli* and 5-day biochemical oxygen demand [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010300003, Interim Effluent Limitations and Monitoring Requirements No. 1].

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b. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2014 by September 30, 2014 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010300003, Sludge Provisions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

a. At the West Facility:

- i. By May 25, 2015, began including all required information on the operator's logs;
- ii. By June 15, 2015, submitted a letter stating that only licensed operators are operating the Facility and the Facility's collection system; and
- iii. By July 30, 2015, submitted the annual sludge report for the monitoring period ending July 31, 2014.

b. At the North Facility, submitted the annual sludge report for the monitoring period ending July 31, 2014 by September 8, 2015.

Technical Requirements:

The Order will require the Respondent to:

a. At the West Facility:

i. Within 30 days:

(a) Begin monitoring the sludge accumulation and water depth in the facultative lagoon and stabilization pond at least once every three years and maintain records of the monitoring results; and

(b) Update operational guidance and conduct employee training to ensure that the annual sludge report is submitted to the TCEQ by September 30th of each year.

ii. Within 45 days, submit written certification of compliance with a.i.(a) and a.i.(b)

b. At the North Facility:

i. Within 30 days, update operational guidance and conduct employee training to ensure that the annual sludge report is submitted to the TCEQ by September 30th of each year;

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- ii. Within 45 days, submit written certification of compliance with b.i.;
- iii. Within 60 days, conduct an engineering evaluation of the treatment capabilities of the Facility's treatment units and treatment processes. Based on the findings of the engineering evaluation, prepare and initiate a corrective action plan and schedule that will return the Facility to compliance with all permitted effluent limits. The plan and schedule shall, at a minimum, include the changes, repairs and/or improvements necessary to ensure the effective treatment and disinfection of the Facility's wastewater during all weather conditions, including heavy rainfall events. The engineering evaluation, corrective action plan, and schedule shall be conducted by a registered Texas Professional Engineer or a TCEQ certified Class A wastewater operator;
- iv. Within 285 days, submit written certification of compliance with b.iii.; and
- v. Within 375 days, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0010300003, 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 limits.

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: Claudia Corrales, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4935; Melissa Cordell, Enforcement Division, MC 219, (512) 239-2483
TCEQ SEP Coordinator: N/A
Respondent: The Honorable Earnest Pack, Mayor, City of Teague, 105 South 4th Avenue, Teague, Texas 75860
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ
DATES

Assigned PCW	6-Jul-2015	Screening	20-Jul-2015	EPA Due	
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RESPONDENT/FACILITY INFORMATION

Respondent	City of Teague (West Wastewater Treatment Facility)		
Reg. Ent. Ref. No.	RN102181716		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	50885	No. of Violations	4
Docket No.	2015-1122-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Christopher Bost
		EC's Team	Enforcement Team 1

Admin. Penalty \$ Limit Minimum **Maximum**

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability Enhancement **Subtotal 4**

Notes

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	<input type="text" value="\$2,816"/>	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	<input type="text" value="\$40,325"/>	

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 20-Jul-2015

Docket No. 2015-1122-MWD-E

PCW

Respondent City of Teague (West Wastewater Treatment Facility)

Policy Revision 4 (April 2014)

Case ID No. 50885

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102181716

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for one month of self-reported effluent violations and one order with denial of liability.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

Screening Date 20-Jul-2015

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PCW

Respondent City of Teague (West Wastewater Treatment Facility)

Policy Revision 4 (April 2014)

Case ID No. 50885

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102181716

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010300001, Other Requirements Nos. 5.a and 5.b

Violation Description

Failed to monitor sludge accumulations and water depth in the facultative lagoon and/or stabilization ponds at least once every three years to ensure the ponds maintain the design storage volume and provide sufficient volume for sludge accumulation, as documented during an investigation conducted on May 21, 2015. Specifically, the Respondent was not monitoring sludge accumulations and water depths in the Facility's facultative lagoon and stabilization pond.

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 2

60 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

Two monthly events are recommended from the investigation date (May 21, 2015) to the screening date (July 20, 2015).

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/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 \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$275

Violation Final Penalty Total \$9,150

This violation Final Assessed Penalty (adjusted for limits) \$9,150

Economic Benefit Worksheet

Respondent City of Teague (West Wastewater Treatment Facility)
Case ID No. 50885
Reg. Ent. Reference No. RN102181716
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	21-May-2015	25-Jun-2016	1.10	\$275	n/a	\$275

Notes for DELAYED costs

Estimated amount to begin monitoring sludge accumulations and water depths in the facultative lagoon and stabilization pond and maintaining records of the measurements and calculations. Date required is the investigation date. Final date is 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

\$5,000

TOTAL

\$275

Screening Date 20-Jul-2015

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PCW

Respondent City of Teague (West Wastewater Treatment Facility)

Policy Revision 4 (April 2014)

Case ID No. 50885

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102181716

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (11)(C), 319.7(a), and TPDES Permit No. WQ0010300001, Monitoring and Reporting Requirements No. 3.c

Violation Description

Failed to properly document monitoring activities, as documented during an investigation conducted on May 21, 2015. Specifically, the identity of the individual who collected the sample or made the measurement and the time of the analysis were missing from the operator logs.

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

At least 70% of the rule requirements were met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

4 Number of violation days

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

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$62

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

Notes The Respondent returned to compliance by May 25, 2015.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$243

This violation Final Assessed Penalty (adjusted for limits) \$243

Economic Benefit Worksheet

Respondent City of Teague (West Wastewater Treatment Facility)
Case ID No. 50885
Reg. Ent. Reference No. RN102181716
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$25	21-May-2015	25-May-2015	0.01	\$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 amount to begin including all the required information on the operator logs. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$0

Screening Date 20-Jul-2015

Docket No. 2015-1122-MWD-E

PCW

Respondent City of Teague (West Wastewater Treatment Facility)

Policy Revision 4 (April 2014)

Case ID No. 50885

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102181716

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 3

Rule Cite(s) Tex. Water Code § 26.0301(a), 30 Tex. Admin. Code §§ 30.350(d), (e), and (j), 305.125(1), and TPDES Permit No. WQ0010300001, Other Requirements No. 1

Violation Description

Failed to employ or contract with one or more licensed wastewater treatment facility operators holding the appropriate level of license or a wastewater system operations company holding a valid registration and employing licensed wastewater treatment facility operators holding the appropriate level of license for the Facility, as documented during an investigation conducted on May 21, 2015. Specifically, an unlicensed individual was performing process control duties at the Facility.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential	x			

>> 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 Number of violation days 25

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One monthly event is recommended from the investigation date (May 21, 2015) to the compliance date (June 15, 2015).

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes The Respondent returned to compliance by June 15, 2015.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,517

Violation Final Penalty Total \$3,638

This violation Final Assessed Penalty (adjusted for limits) \$3,638

Economic Benefit Worksheet

Respondent City of Teague (West Wastewater Treatment Facility)
Case ID No. 50885
Reg. Ent. Reference No. RN102181716
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
<small>No commas or \$</small>							

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

N/A

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel	\$35,000	21-May-2015	15-Jun-2015	0.07	\$120	\$2,397	\$2,517
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

The avoided cost includes the estimated amount to annually employ a licensed wastewater treatment facility operator holding a valid license or registration to operate the Facility. Date required is the investigation date. Final date is the date of compliance.

Approx. Cost of Compliance

\$35,000

TOTAL

\$2,517

Screening Date 20-Jul-2015

Docket No. 2015-1122-MWD-E

PCW

Respondent City of Teague (West Wastewater Treatment Facility)

Policy Revision 4 (April 2014)

Case ID No. 50885

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102181716

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0010300001, Sludge Provisions

Violation Description Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2014 by September 30, 2014, as documented during an investigation conducted on May 21, 2015.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1.0%

Matrix Notes At least 70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 293

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

Violation Base Penalty \$250

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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$24

Violation Final Penalty Total \$305

This violation Final Assessed Penalty (adjusted for limits) \$305

Economic Benefit Worksheet

Respondent City of Teague (West Wastewater Treatment Facility)

Case ID No. 50885

Reg. Ent. Reference No. RN102181716

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
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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	\$50	30-Sep-2014	30-Jul-2015	0.83	\$2	n/a	\$2
Training/Sampling	\$250	30-Sep-2014	25-Jun-2016	1.74	\$22	n/a	\$22
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

The first delayed cost includes the estimated amount to submit the annual sludge report for the monitoring period ending July 31, 2014 to the TCEQ. Date required is the date the annual sludge report was due. Final date is the date the report was received.

Notes for DELAYED costs

The second delayed cost includes the estimated amount to update operational guidance and conduct employee training to ensure that future annual sludge reports are submitted by September 30th of each year. Date required is the date the annual sludge report was due. Final date is 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 \$300

TOTAL \$24



Compliance History Report

PUBLISHED Compliance History Report for CN600513121, RN102181716, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator:	CN600513121, City of Teague	Classification:	SATISFACTORY	Rating:	4.21
Regulated Entity:	RN102181716, WEST WWTP	Classification:	SATISFACTORY	Rating:	6.33
Complexity Points:	4	Repeat Violator:	NO		
CH Group:	08 - Sewage Treatment Facilities				
Location:	Located near the intersection of West 11th Street and Fillmore Street; approximately 4,000 feet west of the intersection of Farm-to-Market Road 80, Jackson Street, and Mulberry Street in Freestone County, Texas				
TCEQ Region:	REGION 09 - WACO				
ID Number(s):					
WASTEWATER PERMIT	WQ0010300001	WASTEWATER EPA ID	TX0034509		
WASTEWATER LICENSING LICENSE	WQ0010300001				
Compliance History Period:	September 01, 2010 to August 31, 2015	Rating Year:	2015	Rating Date:	09/01/2015
Date Compliance History Report Prepared:	February 03, 2016				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	February 03, 2011 to February 03, 2016				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Christopher Bost		Phone:	(512) 239-4575	

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: 12/09/2013 ADMINORDER 2013-1039-MWD-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: Eff. Lim. Mon. Req. Nos. 1 & 6 PERMIT
 Effluent Limits PERMIT
 Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

- Item 1 February 07, 2011 (909602)

Item 2	March 23, 2011	(916825)
Item 3	April 04, 2011	(926439)
Item 4	June 17, 2011	(945907)
Item 5	July 21, 2011	(953164)
Item 6	August 04, 2011	(953165)
Item 7	September 02, 2011	(965847)
Item 8	October 31, 2011	(984826)
Item 9	February 08, 2012	(991116)
Item 10	April 20, 2012	(1004013)
Item 11	April 23, 2012	(1010574)
Item 12	May 24, 2012	(1016953)
Item 13	June 21, 2012	(1024708)
Item 14	July 16, 2012	(1032073)
Item 15	August 24, 2012	(1038498)
Item 16	December 19, 2012	(1063168)
Item 17	April 19, 2013	(1096223)
Item 18	July 23, 2013	(1117703)
Item 19	August 21, 2013	(1125492)
Item 20	November 22, 2013	(1141203)
Item 21	December 18, 2013	(1147667)
Item 22	January 21, 2014	(1153719)
Item 23	March 18, 2014	(1167709)
Item 24	April 24, 2014	(1174833)
Item 25	June 24, 2014	(1187938)
Item 26	July 24, 2014	(1199405)
Item 27	August 22, 2014	(1199406)
Item 28	September 22, 2014	(1206323)
Item 29	October 23, 2014	(1212733)
Item 30	November 25, 2014	(1218988)
Item 31	March 25, 2015	(1249146)
Item 32	April 28, 2015	(1256031)
Item 33	May 22, 2015	(1262748)
Item 34	June 25, 2015	(1269914)
Item 35	July 06, 2015	(1261507)
Item 36	July 23, 2015	(1277446)
Item 37	September 09, 2015	(1283625)
Item 38	October 01, 2015	(1290775)
Item 39	October 30, 2015	(1296971)

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: 10/31/2015 (1302421) CN600513121
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	14-Sep-2015	Screening	25-Sep-2015	EPA Due	
	PCW	8-Oct-2015				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Teague (North Wastewater Treatment Facility)
Reg. Ent. Ref. No.	RN101607935
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	50885	No. of Violations	2
Docket No.	2015-1122-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Christopher Bost
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,750
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1	Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance History	45.0% Adjustment	Subtotals 2, 3, & 7 \$1,237

Notes: Enhancement for five months of self-reported effluent violations and one order with denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
--	-------------------	-----

Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$43,232	*Capped at the Total EB \$ Amount	
Estimated Cost of Compliance	\$300,300		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,987
-----------------------------	-----------------------	---------

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	\$3,987
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,987
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DEFERRAL	20.0% Reduction	Adjustment	-\$797
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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	\$3,190
------------------------	---------

Screening Date 25-Sep-2015

Docket No. 2015-1122-MWD-E

PCW

Respondent City of Teague (North Wastewater Treatment Facility)

Policy Revision 4 (April 2014)

Case ID No. 50885

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101607935

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

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>)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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) 45%

>> 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 five months of self-reported effluent violations and one order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 45%

Screening Date 25-Sep-2015

Docket No. 2015-1122-MWD-E

PCW

Respondent City of Teague (North Wastewater Treatment Facility)

Policy Revision 4 (April 2014)

Case ID No. 50885

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101607935

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

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. WQ0010300003, Interim Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on July 30, 2015 and shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate the values for biochemical oxygen demand (five-day) to determine whether the discharged amounts exceeded levels protective of human health or the environment. Escherichia coli were also considered. The amounts discharged at the time of the violation were insignificant and did not exceed levels protective of human health or the environment.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2

151 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

Two quarterly events are recommended.

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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$43,208

Violation Final Penalty Total \$3,625

This violation Final Assessed Penalty (adjusted for limits) \$3,625

Economic Benefit Worksheet

Respondent City of Teague (North Wastewater Treatment Facility)
Case ID No. 50885
Reg. Ent. Reference No. RN101607935
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	\$300,000	31-Jan-2015	20-Feb-2017	2.06	\$2,058	\$41,151	\$43,208
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

The delayed cost includes the estimated amount to conduct an engineering evaluation of the treatment capabilities of the Facility's treatment units and implement a corrective action plan and schedule to return the Facility to compliance with all permitted effluent limits. Date required is the date of non-compliance. Final date is 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

\$300,000

TOTAL

\$43,208

Screening Date 25-Sep-2015

Docket No. 2015-1122-MWD-E

PCW

Respondent City of Teague (North Wastewater Treatment Facility)

Policy Revision 4 (April 2014)

Case ID No. 50885

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101607935

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0010300003, Sludge Provisions

Violation Description Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2014 by September 30, 2014, as documented during a record review conducted on July 30, 2015.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

344 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$250

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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$24

Violation Final Penalty Total \$363

This violation Final Assessed Penalty (adjusted for limits) \$363

Economic Benefit Worksheet

Respondent City of Teague (North Wastewater Treatment Facility)
Case ID No. 50885
Reg. Ent. Reference No. RN101607935
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	\$50	30-Sep-2014	8-Sep-2015	0.94	\$2	n/a	\$2
Training/Sampling	\$250	30-Sep-2014	25-Jun-2016	1.74	\$22	n/a	\$22
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

The first delayed cost includes the estimated amount to submit the annual sludge report for the monitoring period ending July 31, 2014 to the TCEQ. Date required is the date the annual sludge report was due. Final date is the date the report was received.

The second delayed cost includes the estimated amount to update operational guidance and conduct employee training to ensure that future annual sludge reports are submitted by September 30th of each year. Date required is the date the annual sludge report was due. Final date is 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 \$300

TOTAL \$24

EFFLUENT VIOLATION TABLE			
City of Teague (North Wastewater Treatment Facility)			
TPDES Permit No. WQ0010300003			
Docket No. 2015-1122-MWD-E			
Month	BOD ₅ daily average conc.	<i>E. coli</i> daily average conc.	<i>E. coli</i> single grab conc.
	Limit = 30 mg/L	Limit = 126 CFU/100 mL	Limit = 399 CFU/100 mL
January 2015	33	c	c
February 2015	35	182	c
March 2015	40	c	c
April 2015	32	c	c
May 2015	c	c	411

BOD₅ = biochemical oxygen demand (five-day)

E. coli = *Escherichia coli*

mg/L = milligrams per liter

CFU/100 mL = Colony Forming Units per 100 milliliters

conc. = concentration

c = compliant



Compliance History Report

PUBLISHED Compliance History Report for CN600513121, RN101607935, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator:	CN600513121, City of Teague	Classification:	SATISFACTORY	Rating:	4.21
Regulated Entity:	RN101607935, CITY OF TEAGUE NORTH PLANT	Classification:	SATISFACTORY	Rating:	5.31
Complexity Points:	4	Repeat Violator:	NO		
CH Group:	08 - Sewage Treatment Facilities				
Location:	Located 3,000 feet east of the intersection of United States Highway 84 and Farm-to-Market Road 1367 in Freestone County, Texas				
TCEQ Region:	REGION 09 - WACO				

ID Number(s):		WASTEWATER PERMIT	WQ0010300003	WASTEWATER EPA ID	TX0034495
Compliance History Period:	September 01, 2010 to August 31, 2015	Rating Year:	2015	Rating Date:	09/01/2015
Date Compliance History Report Prepared:	February 03, 2016				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	February 03, 2011 to February 03, 2016				

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Christopher Bost **Phone:** (512) 239-4575

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: 03/18/2012 ADMINORDER 2011-1542-MWD-E (1660 Order-Agreed Order With Denial)
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 PERMIT
Description: Failure to comply with permit effluent limitations as documented during a record review conducted on August 5, 2011.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

- Item 1 April 04, 2011 (926438)

Item 2	August 04, 2011	(953163)
Item 3	September 02, 2011	(965846)
Item 4	October 11, 2011	(971890)
Item 5	October 31, 2011	(971891)
Item 6	December 05, 2011	(978053)
Item 7	February 08, 2012	(991115)
Item 8	May 24, 2012	(1016952)
Item 9	June 21, 2012	(1024707)
Item 10	August 23, 2012	(1038497)
Item 11	September 19, 2012	(1047304)
Item 12	November 02, 2012	(1063163)
Item 13	December 19, 2012	(1063164)
Item 14	January 25, 2013	(1080072)
Item 15	March 04, 2013	(1089826)
Item 16	April 19, 2013	(1096222)
Item 17	July 23, 2013	(1125490)
Item 18	August 21, 2013	(1125491)
Item 19	September 25, 2013	(1130058)
Item 20	October 21, 2013	(1135809)
Item 21	November 22, 2013	(1141202)
Item 22	December 18, 2013	(1147666)
Item 23	January 21, 2014	(1153718)
Item 24	April 24, 2014	(1174832)
Item 25	July 24, 2014	(1199403)
Item 26	August 22, 2014	(1199404)
Item 27	September 22, 2014	(1206322)
Item 28	October 23, 2014	(1212732)
Item 29	November 25, 2014	(1218987)
Item 30	December 17, 2014	(1224770)
Item 31	January 22, 2015	(1231465)
Item 32	July 23, 2015	(1277445)
Item 33	October 01, 2015	(1290774)
Item 34	October 30, 2015	(1296970)
Item 35	December 02, 2015	(1302420)

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: 02/28/2015 (1249145) CN600513121
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

- 2 Date: 03/31/2015 (1256030) CN600513121
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

- 3 Date: 04/30/2015 (1262747) CN600513121
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

- 4 Date: 05/31/2015 (1269913) CN600513121
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

5

Date: 07/31/2015 (1283624)

CN600513121

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF TEAGUE
RN102181716 AND RN101607935

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2015-1122-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 Teague ("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 wastewater treatment facilities at the following locations (the "Facilities"):
 - a. Near the intersection of West 11th Street and Fillmore Street; approximately 4,000 feet west of the intersection of Farm-to-Market Road 80, Jackson Street, and Mulberry Street in Freestone County, Texas (the "West Facility").
 - b. 3,000 feet east of the intersection of United States Highway 84 and Farm-to-Market Road 1367 in Freestone County, Texas (the "North 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 notices of the violations alleged in Section II ("Allegations") on or about July 7, 2015 and on or about August 26, 2015.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seventeen Thousand Three Hundred Twenty-Three Dollars (\$17,323) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Thirteen Thousand Eight Hundred Fifty-Nine Dollars (\$13,859) of the administrative penalty and Three Thousand Four Hundred Sixty-Four Dollars (\$3,464) 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:
 - a. At the West Facility:
 - i. By May 25, 2015, began including all required information on the operator's logs;
 - ii. By June 15, 2015, submitted a letter stating that only licensed operators are operating the Facility and the Facility's collection system; and
 - iii. By July 30, 2015, submitted the annual sludge report for the monitoring period ending July 31, 2014.
 - b. At the North Facility, submitted the annual sludge report for the monitoring period ending July 31, 2014 by September 8, 2015.
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 Facilities, the Respondent is alleged to have:

1. At the West Facility:
 - a. Failed to monitor sludge accumulations and water depth in the facultative lagoon and/or stabilization ponds at least once every three years to ensure the ponds maintain the design storage volume and provide sufficient volume for sludge accumulation, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010300001, Other Requirements Nos. 5.a and 5.b, as documented during an investigation conducted on May 21, 2015. Specifically, the Respondent was not monitoring sludge accumulations and water depths in the Facility's facultative lagoon and stabilization pond.
 - b. Failed to properly document monitoring activities, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(C), 319.7(a), and TPDES Permit No. WQ0010300001, Monitoring and Reporting Requirements No. 3.c, as documented during an investigation conducted on May 21, 2015. Specifically, the identity of the individual who collected the sample or made the measurement and the time of the analysis were missing from the operator logs.
 - c. Failed to employ or contract with one or more licensed wastewater treatment facility operators holding the appropriate level of license or a wastewater system operations company holding a valid registration and employing licensed wastewater treatment facility operators holding the appropriate level of license for the Facility, in violation of TEX. WATER CODE § 26.0301(a), 30 TEX. ADMIN. CODE §§ 30.350(d), (e), and (j), 305.125(1), and TPDES Permit No. WQ0010300001, Other Requirements No. 1, as documented during an investigation conducted on May 21, 2015. Specifically, an unlicensed individual was performing process control duties at the Facility.
 - d. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2014 by September 30, 2014, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010300001, Sludge Provisions, as documented during an investigation conducted on May 21, 2015.

2. At the North Facility:

- a. Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010300003, Interim Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on July 30, 2015 and shown in the table below:

EFFLUENT VIOLATION TABLE			
Month	BOD ₅ daily average conc.	<i>E. coli</i> daily average conc.	<i>E. coli</i> single grab conc.
	Limit = 30 mg/L	Limit = 126 CFU/100 mL	Limit = 399 CFU/100 mL
January 2015	33	c	c
February 2015	35	182	c
March 2015	40	c	c
April 2015	32	c	c
May 2015	c	c	411

BOD₅ = biochemical oxygen demand (five-day)

E. coli = *Escherichia coli*

mg/L = milligrams per liter

CFU/100 mL = Colony Forming Units per 100 milliliters

conc. = concentration

c = compliant

- b. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2014 by September 30, 2014, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010300003, Sludge Provisions, as documented during a record review conducted on July 30, 2015.

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 Teague, Docket No. 2015-1122-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. At the West Facility:
 - i. Within 30 days after the effective date of this Agreed Order:
 - (a) Begin monitoring the sludge accumulation and water depth in the facultative lagoon and stabilization pond at least once every three years and maintain records of the monitoring results, in accordance with TPDES Permit No. WQ0010300001, Other Requirements No. 5; and
 - (b) Update operational guidance and conduct employee training to ensure that the annual sludge report is submitted to the TCEQ by September 30th of each year, in accordance with TPDES Permit No. WQ0010300001, Sludge Provisions.
 - ii. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions Nos. 2.a.i.(a) and 2.a.i.(b), in accordance with Ordering Provision No. 2.c. below.
 - b. At the North Facility:
 - i. Within 30 days after the effective date of this Agreed Order, update operational guidance and conduct employee training to ensure that the annual sludge report is submitted to the TCEQ by September 30th of each year, in accordance with TPDES Permit No. WQ0010300003, Sludge Provisions;

- ii. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.b.i., in accordance with Ordering Provision No. 2.c. below;
 - iii. Within 60 days after the effective date of this Agreed Order, conduct an engineering evaluation of the treatment capabilities of the Facility's treatment units and treatment processes. Based on the findings of the engineering evaluation, prepare and initiate a corrective action plan and schedule that will return the Facility to compliance with all permitted effluent limits. The plan and schedule shall, at a minimum, include the changes, repairs and/or improvements necessary to ensure the effective treatment and disinfection of the Facility's wastewater during all weather conditions, including heavy rainfall events. The engineering evaluation, corrective action plan, and schedule shall be conducted by a registered Texas Professional Engineer or a TCEQ certified Class A wastewater operator;
 - iv. Within 285 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.b.iii., in accordance with Ordering Provision No. 2.c. below; and
 - v. Within 375 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0010300003, 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 limits. The written certification shall be written in accordance with Ordering Provision No. 2.c. below.
- c. The written certifications of compliance required by Ordering Provisions Nos. 2.a.ii., 2.b.ii., 2.b.iv., and 2.v. shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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 certifications 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 copies to:

Water Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

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

Ramon Ramirez Jr
For the Executive Director

6/29/16
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.

Earnest G. Pack
Signature

02/16/2016
Date

EARNEST G. PACK
Name (Printed or typed)
Authorized Representative of
City of Teague

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.