

Executive Summary – Enforcement Matter – Case No. 48150
Town of Flower Mound
RN102074663
Docket No. 2014-0104-WQ-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

Town of Flower Mound WWTF associated manhole, located at 100 yards west of 1700 Rockcreek Court, Flower Mound, Denton County

Type of Operation:

Collection system with a manhole

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 4, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$8,625

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$8,625

Total Due to General Revenue: \$0

Payment Plan: N/A

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: September 2011

**Executive Summary – Enforcement Matter – Case No. 48150
Town of Flower Mound
RN102074663
Docket No. 2014-0104-WQ-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: November 11, 2013
Date(s) of NOE(s): January 3, 2014

Violation Information

Failed to prevent an unauthorized discharge of untreated wastewater from the collection system [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0011321001, Permit Conditions No. 2.g.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On November 2, 2013
 - i. Penetrated blockage with a high pressured jet truck;
 - ii. Collected and returned sewage back into the sewer system;
 - iii. Collected and properly disposed of the dead fish;
 - iv. Cleaned the spill area and removed all solid materials; and
 - v. Conducted video inspection of the gravity sewer main.
- b. On November 4 and November 7, 2013 collected grab samples from the creek at the spill site, upstream from the spill, and downstream from the spill.

Technical Requirements:

N/A

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

Executive Summary – Enforcement Matter – Case No. 48150
Town of Flower Mound
RN102074663
Docket No. 2014-0104-WQ-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Cheryl Thompson, Enforcement Division,
Enforcement Team 3, MC R-04, (817) 588-5886; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Tom Hayden, Mayor, Town of Flower Mound, 1101
Duncan Lane, Flower Mound, Texas 75028

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	6-Jan-2014	Screening	16-Jan-2014	EPA Due	
	PCW	27-Jan-2014				

RESPONDENT/FACILITY INFORMATION			
Respondent	Town of Flower Mound		
Reg. Ent. Ref. No.	RN102074663		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	48150	No. of Violations	1
Docket No.	2014-0104-WQ-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Cheryl Thompson
		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**

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: Enhancement for two months of self-reported effluent violations, two NOV's with same/similar violations and one order with denial of liability.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

Economic Benefit Enhancement* **Subtotal 6**

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

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

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 16-Jan-2014

Docket No. 2014-0104-WQ-E

PCW

Respondent Town of Flower Mound

Policy Revision 3 (September 2011)

Case ID No. 48150

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102074663

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

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>)	4	20%
	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 judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 40%

>> **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 two months of self-reported effluent violations, two NOVs with same/similar violations and one order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 40%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 40%

Screening Date 16-Jan-2014
Respondent Town of Flower Mound
Case ID No. 48150
Reg. Ent. Reference No. RN102074663
Media [Statute] Water Quality
Enf. Coordinator Cheryl Thompson

Docket No. 2014-0104-WQ-E

PCW

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

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 Permit No. WQ0011321001, Permit Conditions No. 2.g.

Violation Description Failed to prevent an unauthorized discharge of untreated wastewater from the collection system. Specifically, on November 2, 2013, an unauthorized discharge occurred from a manhole located approximately 100 yards west of 1700 Rockcreek Court in the Town of Flower Mound. The Respondent discharged approximately 36,000 to 48,000 gallons into Baker's Branch Creek killing approximately 18 fish.

Base Penalty \$25,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			30.0%
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or the environment as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$7,500

One daily event is recommended for the discharge that occurred on November 2, 2013 and ceased on November 2, 2013.

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

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

Notes The Respondent returned to compliance on November 7, 2013.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$8,625

This violation Final Assessed Penalty (adjusted for limits) \$8,625

Economic Benefit Worksheet

Respondent Town of Flower Mound
Case ID No. 48150
Reg. Ent. Reference No. RN102074663
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$4,000	2-Nov-2013	7-Nov-2013	0.01	\$3	n/a	\$3
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	2-Nov-2013	7-Nov-2013	0.01	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to penetrate blockage with a high pressured jet truck, collect and return sewage back into the sewer system, collect grab samples from the creek at the spill site, upstream from the spill, and downstream from the spill, clean the spill area and remove all solid materials, collect and properly dispose of the dead fish; and conduct video inspection of the gravity sewer main. Date required is the date of the discharge. 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	\$6,000	TOTAL	\$4
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Compliance History Report

PUBLISHED Compliance History Report for CN600639835, RN102074663, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN600639835, Town of Flower Mound	Classification: SATISFACTORY	Rating: 0.38
Regulated Entity:	RN102074663, TOWN OF FLOWER MOUND WWTF	Classification: SATISFACTORY	Rating: 1.29
Complexity Points:	11	Repeat Violator: NO	
CH Group:	08 - Sewage Treatment Facilities		
Location:	LOCATED APPROXIMATELY 100 YARDS WEST OF 1700 ROCKCREEK COURT IN THE TOWN OF FLOWER MOUND, TX 75028-3488, DENTON COUNTY		
TCEQ Region:	REGION 04 - DFW METROPLEX		

ID Number(s):

WASTEWATER PERMIT WQ0011321001	WASTEWATER EPA ID TX0020711
WASTEWATER AUTHORIZATION R11321001	WASTEWATER LICENSING LICENSE WQ0011321001
STORMWATER PERMIT TXR05AP58	

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: January 28, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 28, 2009 to January 28, 2014

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

Name: Cheryl Thompson **Phone** (817) 588-5886

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: 08/23/2009 ADMINORDER 2008-1725-MWD-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: 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 27, 2009 (750596)

Item 2	March 26, 2009	(750597)
Item 3	April 24, 2009	(768581)
Item 4	May 21, 2009	(805539)
Item 5	June 24, 2009	(805540)
Item 6	July 29, 2009	(805541)
Item 7	September 11, 2009	(805542)
Item 8	September 23, 2009	(805543)
Item 9	October 21, 2009	(805544)
Item 10	November 16, 2009	(805545)
Item 11	December 16, 2009	(805546)
Item 12	January 20, 2010	(805547)
Item 13	February 16, 2010	(805538)
Item 14	March 09, 2010	(794263)
Item 15	March 19, 2010	(831193)
Item 16	April 12, 2010	(831194)
Item 17	May 17, 2010	(831195)
Item 18	June 18, 2010	(846362)
Item 19	August 17, 2010	(866943)
Item 20	September 24, 2010	(874008)
Item 21	October 20, 2010	(881611)
Item 22	December 14, 2010	(888115)
Item 23	December 20, 2010	(896353)
Item 24	January 06, 2011	(902405)
Item 25	February 25, 2011	(952737)
Item 26	February 28, 2011	(909187)
Item 27	March 14, 2011	(916444)
Item 28	May 16, 2011	(938125)
Item 29	June 13, 2011	(945498)
Item 30	September 12, 2011	(971480)
Item 31	September 16, 2011	(965438)
Item 32	September 23, 2011	(977643)
Item 33	November 16, 2011	(977644)
Item 34	December 21, 2011	(984407)
Item 35	January 17, 2012	(990701)
Item 36	February 21, 2012	(998070)
Item 37	April 02, 2012	(1003594)
Item 38	May 21, 2012	(1016553)
Item 39	June 25, 2012	(1024276)
Item 40	July 20, 2012	(1031666)
Item 41	August 22, 2012	(1038041)
Item 42	September 24, 2012	(1061191)
Item 43	November 26, 2012	(1061192)
Item 44	December 12, 2012	(1061193)
Item 45	December 21, 2012	(1079181)
Item 46	March 11, 2013	(1117283)
Item 47	April 26, 2013	(1095796)
Item 48	May 20, 2013	(1106726)
Item 49	June 26, 2013	(1110401)
Item 50	August 30, 2013	(1125047)
Item 51	September 23, 2013	(1129638)
Item 52	October 24, 2013	(1135372)
Item 53	November 21, 2013	(1140770)

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.

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: 02/28/2013 (1089409) CN600639835
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: 06/17/2013 (1085152) CN600639835
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0011321-001 PERMIT
Description: Failure to maintain compliance with effluent permit limits. Specifically, during the record review period of March 2011 through March 2013, one TSS daily maximum concentration (March 2011, 90.4 mg/L), and two E. coli daily maximum values (August 2012, 1986.3 CFU/100 mL); January 2013, 829.7 CFU/100 mL) were noted. Compliance with the permitted effluent limits must be maintained.

4 Date: 09/20/2013 (1120415) CN600639835
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Permit Conditions PERMIT
TWC Chapter 26 26.121
Description: Failure to prevent the unauthorized discharge of wastewater resulting in a documented serious impact to the environment.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(9)(A)
Monitoring and Reporting Requirements PERMIT
Description: Failure to provide noncompliance notification as required.

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

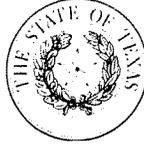
J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TOWN OF FLOWER MOUND
RN102074663**

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

**AGREED ORDER
DOCKET NO. 2014-0104-WQ-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the Town of Flower Mound ("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.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a collection system with a manhole located approximately 100 yards west of 1700 Rockecreek Court in the Town of Flower Mound, Denton County, Texas (the "Facility").

2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. During a record review conducted on November 11, 2013, TCEQ staff documented an unauthorized discharge of untreated wastewater from the collection system. Specifically, on November 2, 2013, an unauthorized discharge occurred from a manhole located approximately 100 yards west of 1700 Rockcreek Court in the Town of Flower Mound. The Respondent discharged approximately 36,000 to 48,000 gallons into Baker's Branch Creek killing approximately 18 fish.
4. The Respondent received notice of the violations on January 6, 2014.
5. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On November 2, 2013:
 - i. Penetrated blockage with a high pressured jet truck;
 - ii. Collected and returned sewage back into the sewer system;
 - iii. Collected and properly disposed of the dead fish;
 - iv. Cleaned the spill area and removed all solid materials; and
 - v. Conducted video inspection of the gravity sewer main.
 - b. On November 4 and November 7, 2013, collected grab samples from the creek at the spill site, upstream from the spill, and downstream from the spill.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent an unauthorized discharge of untreated wastewater from the collection system, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0011321001, Permit Conditions No. 2.g.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for

violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

4. An administrative penalty in the amount of Eight Thousand Six Hundred Twenty-Five Dollars (\$8,625) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Eight Thousand Six Hundred Twenty-Five Dollar (\$8,625) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Eight Thousand Six Hundred Twenty-Five Dollars (\$8,625) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Town of Flower Mound, Docket No. 2014-0104-WQ-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The 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.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.
5. 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.

6. 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.

7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Marva
For the Executive Director

9/5/14
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Town of Flower Mound. I am authorized to agree to the attached Agreed Order on behalf of Town of Flower Mound, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Town of Flower Mound waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

Thomas E. Hayden
Signature

5-4-14
Date

THOMAS E. HAYDEN
Name (Printed or typed)
Authorized Representative of
Town of Flower Mound

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 III, Paragraph 1 of this Agreed Order.