

Executive Summary – Enforcement Matter – Case No. 47240

City of George West

RN101651495

Docket No. 2013-1340-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of George West Sewage Treatment Plant, located on the north side of Timon Creek, 500 feet east-southeast of the intersection of U.S. Highway 59 (By-Pass) and the Missouri Pacific Railroad and approximately 3,000 feet northeast of the intersection of U.S. Highway 59 (By-Pass) and U.S. Highway 281, Live Oak County

Type of Operation:

Wastewater treatment plant (“WWTP”)

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: June 13, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$36,638

Amount Deferred for Expedited Settlement: \$7,327

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$29,311

Name of SEP: WWTP and Lift Station Improvements (Compliance SEP)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

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Investigation Information

Complaint Date(s): April 17, 2013

Complaint Information: Alleged that a sewer manhole intermittently overflowed over the past year and the Respondent had not taken adequate measures to prevent reoccurrences.

Date(s) of Investigation: May 1, 2013 and July 19, 2013

Date(s) of NOE(s): June 28, 2013

Violation Information

1. Failed to maintain authorization for the discharge of wastewater. Specifically, the Respondent did not renew Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0010455001, which expired on May 1, 2010, and continued to discharge wastewater from the Facility without authorization [TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2)].
2. Failed to prevent an unauthorized discharge of wastewater from the collection system into or adjacent to water in the state. Specifically, seven unauthorized discharges of wastewater occurred from November 8, 2012 through April 19, 2013 [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010455002, Permit Conditions Nos. 2.d and 2.g.].
3. Failed to notify the TCEQ Regional Office within 24 hours of becoming aware of any noncompliance, orally or by facsimile transmission. Specifically, the unauthorized discharges that occurred on November 8, 2012; December 12, 2012; January 7, 2013; January 9, 2013; January 28, 2013; and February 19, 2013 were not reported to the TCEQ [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and (9)(B) and TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements Nos. 7.a and 7.b.].
4. Failed to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person at Facility start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Specifically, the Siemens OCM III flow meter and Honeywell chart recorder were last calibrated on March 8, 2012 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements No. 5].
5. Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the following deficiencies were noted at the Facility: the skimmer rake for Clarifier No. 1 was not operational; vegetation was noted in Clarifier No. 2’s center saw-tooth weir chamber; excessive scum was noted in both clarifiers; two of the four mechanical aerators in the oxidation ditch were inoperable; excessive dried sludge and vegetation were noted around both

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inoperable aerators; latex gloves, bar screenings, and other litter was scattered throughout the Facility's grounds; bar screenings were being stored in containers without tight-fitting covers; and the Facility's reduced-pressure principle backflow assembly ("RPBA") was tested following the investigation and failed. In addition, poor housekeeping practices, including but not limited to scattered gloves and litter, was noted at each of the Facility's lift stations [30 TEX. ADMIN. CODE §§ 217.123(b) and (d), 217.152(b)(1) and (e), 217.155(c)(2)(A), 217.251(c)(1), 217.330(a), and 305.125(1) and (5), and TPDES Permit No. WQ0010455002, Operational Requirements No. 1].

6. Failed to provide three or more pumps for a wastewater treatment system with a peak flow greater than 300,000 gallons per day ("GPD"), unless duplex, automatically controlled, variable capacity pumps are provided. Specifically, the Facility has a peak flow of 539,000 GPD and only one operational pump was installed at both the Milam Street and Lamar Street lift stations [30 TEX. ADMIN. CODE § 217.61(e)(2)].

7. Failed to provide the required alarm system. Specifically, the Chappell lift station was not equipped with the required alarm system [30 TEX. ADMIN. CODE § 217.63(b)].

8. Failed to secure the lift stations, including all mechanical and electrical equipment. Specifically, the electrical panels at the Chappell and the Texas Department of Transportation ("TxDOT") lift stations were not secured; the enclosure for the TxDOT lift station was not secured; and the barbed wire surrounding the Lamar Street lift station had deteriorated [30 TEX. ADMIN. CODE § 217.59(b)].

9. Failed to prevent the unauthorized discharge of wastewater from the Facility into or adjacent to water in the state. Specifically, the chlorine contact basin had rising solids in every chamber and the effluent was murky. As a result, floating solids were flowing over the weir into the receiving stream. In addition, sludge was overflowing from the sludge drying beds onto the Facility's grounds [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0010455002, Effluent Limitations and Monitoring Requirements No. 4, and Permit Conditions No. 2.d.].

10. Failed to prevent the unauthorized discharge of wastewater. Specifically, untreated wastewater and sewage debris were noted in emergency holding ponds located at the Facility, which are not authorized under TPDES Permit No. WQ0010455002 [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010455002, Permit Conditions No. 2.e.].

11. Failed to comply with permitted effluent limits for ammonia nitrogen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010455002, Effluent Limitations and Monitoring Requirements No. 1].

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12. Failed to timely submit effluent monitoring results as specified in the permit. Specifically, the discharge monitoring reports (“DMRs”) for the monitoring periods ending November 30, 2012; December 31, 2012; and May 31, 2013 were not submitted by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(d) and TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By February 25, 2011, obtained authorization to discharge wastewater under TPDES Permit No. WQ0010455002.
- b. By March 12, 2013, calibrated the Facility’s flow meter and chart recorder.
- c. By June 5, 2013, replaced the Facility’s existing RPBA; a TCEQ certified backflow assembly tester tested and certified the new RPBA as passing; and began maintaining a copy of the passing certification at the Facility.
- d. By November 13, 2013, secured the TxDOT lift station enclosure and mechanical equipment.
- e. By December 4, 2013, submitted the DMRs for the monitoring periods ending November 30, 2012; December 31, 2012; and May 31, 2013.
- f. By December 17, 2013, secured the Lamar Street lift station by replacing the deteriorated barbed wire.
- g. By January 28, 2014:
 - i. Ceased the unauthorized discharge of sludge from the Facility’s sludge drying beds;
 - ii. Removed and properly disposed of the solids in the chlorine contact basin;
 - iii. Removed and properly disposed of the sludge discharged from the sludge drying beds; and
 - iv. Removed and properly disposed of the vegetation from the saw-tooth weir chamber in Clarifier No. 2, the excessive scum in Clarifier Nos. 1 and 2, and the excessive dried sludge and vegetation in the oxidation ditch.

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h. By February 18, 2014, ceased the unauthorized discharge of floating solids from the chlorine contact basin.

i. By February 24, 2014, began providing containers with tight fitting covers at the Facility and the lift stations for screenings and other debris.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

2. The Order will also require the Respondent to:

a. Immediately, cease unauthorized discharges of wastewater into the Facility's emergency holding ponds and from the collection system.

b. Within 15 days, submit written certification of compliance with Ordering Provision a.

c. Within 30 days:

i. Properly collect and dispose of the wastewater discharged into the Facility's emergency holding ponds and remediate the affected areas;

ii. Properly remediate the areas affected by the discharges of sludge from the sludge drying beds;

iii. Update operational guidance and conduct employee training to ensure that:

(1) Self-reporting requirements are properly accomplished and the timely submittal of signed and certified monthly DMRs;

(2) All non-compliances are properly reported to the TCEQ; and

(3) At a minimum, the following corrective actions are initiated within 24 hours after becoming aware of an unauthorized discharge of wastewater into or adjacent to water in the state:

(a) Identify the cause(s) of the unauthorized discharge and begin taking the appropriate corrective action(s) to cease the unauthorized discharge;

(b) Contain, collect, remove, and properly dispose of all wastewater discharged into and adjacent to water in the state and properly remediate the affected areas; and

(c) Collect, remove, and properly dispose of any dead aquatic wildlife.

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iv. Collect, manage, and properly dispose of the screenings and other debris at the Facility and lift stations and initiate adequate housekeeping practices at the Facility and lift stations; and

v. Submit a permit amendment application to the TCEQ Municipal Permits Team to authorize the use of the Facility's emergency holding ponds.

d. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests or by any other deadline specified in writing.

e. Within 45 days, submit written certification of compliance with Ordering Provisions c.i. through c.v.

f. Within 60 days:

i. Install the required alarm system at the Chappell lift station;

ii. Secure the Chappell and TxDOT lift stations in an intruder-resistant manner, including all mechanical and electrical equipment;

iii. Repair and/or replace the skimmer rake for Clarifier No. 1 and the inoperable mechanical aerators in the oxidation ditch;

iv. Develop and implement a solids management plan ("SMP") to prevent future discharges of solids from the Facility into the receiving stream. The SMP shall include a program of internal process control testing to monitor the efficiency of the Facility and to maintain the proper solids balance. The SMP shall provide procedures designed as guidance for the operator to act on as a result of process control tests, to properly adjust the solids balance, and to determine sludge wasting rates. The SMP shall be prepared by a registered Texas Professional Engineer or an "A" TCEQ Certified Wastewater Operator; and

v. Conduct an engineering evaluation of the Facility's collection system to evaluate the cause of and necessary corrective actions designed to prevent future discharges of wastewater. The evaluation shall be prepared by a registered Texas Professional Engineer and shall include a plan and schedule for the completion of necessary corrective actions within 270 days.

g. Within 75 days, submit written certification of compliance with Ordering Provisions f.i. through f.v.

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h. Within 90 days, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0010455002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limits.

i. Within 225 days:

i. Install the required number of pumps at the Milam Street and Lamar Street lift stations; and

ii. Submit written certification that the permit amendment application submitted to the TCEQ Municipal Permits Team under Ordering Provision c.v. has been approved;

OR, if the permit amendment application is not approved by the TCEQ Municipal Permits Team, submit a closure plan for the Facility's emergency holding ponds for review and approval to the TCEQ Municipal Permits Team.

j. Within 240 days, submit written certification of compliance with Ordering Provision i.i.

k. Within 285 days:

i. Submit written certification that the corrective actions designed to prevent future discharges of wastewater from the collection system have been completed, as prescribed in the engineering evaluation required by Ordering Provision f.v.; and

ii. Submit written certification that that the Facility's emergency holding ponds have been properly and permanently closed in accordance with the closure plan approved by the TCEQ Municipal Permits Team, if a closure plan was submitted to the TCEQ Municipal Permits Team under Ordering Provision i.ii.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Christopher Bost, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4575; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: Meaghan Bailey, SEP Coordinator, Litigation Division, MC 175, (512) 239-0205

Respondent: The Honorable Sylvia Steele, Mayor, City of George West, 406 Nueces Street, George West, Texas 78022

Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-1340-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of George West
Penalty Amount:	Twenty-Nine Thousand Three Hundred Eleven Dollars (\$29,311)
SEP Offset Amount:	Twenty-Nine Thousand Three Hundred Eleven Dollars (\$29,311)
Type of SEP:	Compliance SEP
Project Name:	<i>WWTP and Lift Station Improvements</i>
Location of SEP:	Live Oak County

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

1. Project Description

A. Project

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at the Respondent’s wastewater treatment facility. Respondent shall solicit bids from and hire qualified contractors to install the following: an Open Channel Flow Monitoring Device (OCM) and a Honeywell Chart Recorder Flow Device; a total of four grinder pumps on two lift stations; four starters, four heaters, and four level floats in two control panels; and one backflow preventer. Specifically, the SEP Offset Amount shall be used for materials, supplies, equipment, and contracting services for one or more of the following: OCM, Honeywell Chart Recorder Flow Device, grinder pumps, starters, heaters, level floats, one backflow preventer, and necessary electrical work to install the new equipment (the “Project”).

Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset

Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has not previously performed this Project, and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Quantity	Cost	Units	Total
Contractor Costs: Open Channel Flow Monitor Honeywell Chart Recorder Grinder Pumps Starters Heaters Level Floats Backflow Preventer Electrical Connections	1	\$34,000.00		\$34,000.00
Total				\$34,000.00

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 225 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 225-day time-frame set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
225	Notice of SEP completion

B. Final Report

Within 225 days after the effective date of the Agreed Order, or within 60 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of:
 - a. invoices;
 - b. paid receipts;
 - c. cleared checks; and
 - d. payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity);
4. Dated photographs of:
 - a. the purchased equipment;
 - b. the equipment being removed;
 - c. before and after work being performed during the installation process; and
 - d. photographs of the completed Project;

5. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
6. Any additional information demonstrating compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

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

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

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

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

6. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the**

settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

Respondent shall not include this Project in any application made to TCEQ under the “Clean Texas” (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	1-Jul-2013	Screening	12-Jul-2013	EPA Due	
	PCW	19-Mar-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	City of George West		
Reg. Ent. Ref. No.	RN101651495		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	47240	No. of Violations	1
Docket No.	2013-1340-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	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	30.0% Enhancement	Subtotals 2, 3, & 7	\$3,000
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Notes: Enhancement for two months of self-reported effluent violations and one order with denial.

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	\$2,500
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$411	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$10,000		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$10,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,500
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,100
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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	\$8,400
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Screening Date 12-Jul-2013

Docket No. 2013-1340-MWD-E

PCW

Respondent City of George West

Policy Revision 2 (September 2002)

Case ID No. 47240

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101651495

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>)	2	10%
	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)

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

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

Screening Date 12-Jul-2013
Respondent City of George West
Case ID No. 47240
Reg. Ent. Reference No. RN101651495
Media [Statute] Water Quality
Enf. Coordinator Christopher Bost
Violation Number 1

Docket No. 2013-1340-MWD-E

PCW

Policy Revision 2 (September 2002)
 PCW Revision October 30, 2008

Rule Cite(s) Tex. Water Code § 26.121(a)(1) and 30 Tex. Admin. Code §§ 305.65 and 305.125(2)

Violation Description
 Failed to maintain authorization for the discharge of wastewater, as documented during an investigation conducted on May 1, 2013. Specifically, the Respondent did not renew Texas Pollutant Discharge Elimination System Permit No. WQ0010455001, which expired on May 1, 2010, and continued to discharge wastewater from the Facility without authorization.

Base Penalty \$10,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	x
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty \$10,000

Ten monthly events are recommended from the expiration date of the previous permit (May 1, 2010) to the issuance date of the current permit (February 25, 2011).

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	x	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

Notes: The Respondent returned to compliance by February 25, 2011.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$411

Violation Final Penalty Total \$10,500

This violation Final Assessed Penalty (adjusted for limits) \$10,500

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 47240
Reg. Ent. Reference No. RN101651495
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$10,000	1-May-2010	25-Feb-2011	0.82	\$411	n/a	\$411
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain authorization to discharge wastewater. Date required is the date the previous permit expired. 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

\$10,000

TOTAL

\$411



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

ICEQ

DATES	Assigned	1-Jul-2013	Screening	12-Jul-2013	EPA Due	
	PCW	19-Mar-2014				

RESPONDENT / FACILITY INFORMATION

Respondent	City of George West				
Reg. Ent. Ref. No.	RN101651495				
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	47240	No. of Violations	9
Docket No.	2013-1340-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	\$18,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	30.0% Enhancement	Subtotals 2, 3, & 7	\$5,475
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Notes: Enhancement for two months of self-reported effluent violations and one order with denial.

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	\$187
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$12,041
Approx. Cost of Compliance	\$84,700

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$23,538
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$23,538
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$23,538
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DEFERRAL	20.0% Reduction	Adjustment	-\$4,707
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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	\$18,831
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Screening Date 12-Jul-2013

Docket No. 2013-1340-MWD-E

PCW

Respondent City of George West

Policy Revision 3 (September 2011)

Case ID No. 47240

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101651495

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>)	2	10%
	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) 30%

>> 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 and one order with denial.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date 12-Jul-2013

Docket No. 2013-1340-MWD-E

PCW

Respondent City of George West

Policy Revision 3 (September 2011)

Case ID No. 47240

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101651495

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. WQ0010455002, Permit Conditions Nos. 2.d and 2.g

Violation Description Failed to prevent an unauthorized discharge of wastewater from the collection system into or adjacent to water in the state, as documented during an investigation conducted on May 1, 2013. Specifically, seven unauthorized discharges of wastewater occurred from November 8, 2012 through April 19, 2013, as shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2 162 Number of violation days

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

Violation Base Penalty \$2,500

Two quarterly events are recommended from the date of the first discharge (November 8, 2012) to the date of the last discharge (April 19, 2013).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,560

Violation Final Penalty Total \$3,250

This violation Final Assessed Penalty (adjusted for limits) \$3,250

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 47240
Reg. Ent. Reference No. RN101651495
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$25,000	8-Nov-2012	12-Jun-2015	2.59	\$216	\$4,320	\$4,536
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	8-Nov-2012	15-Oct-2014	1.93	\$24	n/a	\$24
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 for a Texas registered professional engineer to conduct an engineering evaluation of the collection system and submit a plan and schedule for the necessary corrective actions required to prevent the unauthorized discharge of wastewater. Date required is the date of the first documented discharge and the final date is the estimated date of compliance.

The other delayed cost includes the estimated amount to update operational guidance and conduct employee training to ensure that additional unauthorized discharges are properly addressed. Date required is the date of the discharge and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$25,250	TOTAL	\$4,560
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Screening Date 12-Jul-2013

Docket No. 2013-1340-MWD-E

PCW

Respondent City of George West

Policy Revision 3 (September 2011)

Case ID No. 47240

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101651495

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (9)(A) and (9)(B) and TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements Nos. 7.a and 7.b

Violation Description

Failed to notify the TCEQ Regional Office within 24 hours of becoming aware of any noncompliance, orally or by facsimile transmission, as documented during an investigation conducted on May 1, 2013. Specifically, the unauthorized discharges that occurred on November 8, 2012; December 12, 2012; January 7, 2013; January 9, 2013; January 28, 2013; and February 19, 2013 were not reported to the TCEQ.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 6

245 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$7,500

Six single events are recommended, one for each missed notification.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$169

Violation Final Penalty Total \$9,750

This violation Final Assessed Penalty (adjusted for limits) \$9,750

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 47240
Reg. Ent. Reference No. RN101651495
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
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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	\$100	9-Nov-2012	15-Oct-2014	1.93	\$10	n/a	\$10
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the Respondent's standard operating procedures and conduct employee training to ensure that all noncompliances are timely reported. The date required is the date the first 24-hour notification was due and the final date is the estimated date of compliance.

Avoided Costs

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

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]	\$150	9-Nov-2012	20-Feb-2013	1.20	\$9	\$150	\$159
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost avoided by failing to submit the noncompliance notification (\$25 per notification x 6 missed notifications). Date required is the date the first notification was due. Final date is the date the last notification was due.

Approx. Cost of Compliance

\$250

TOTAL

\$169

Screening Date 12-Jul-2013
Respondent City of George West
Case ID No. 47240
Reg. Ent. Reference No. RN101651495
Media [Statute] Water Quality
Enf. Coordinator Christopher Bost
Violation Number 3

Docket No. 2013-1340-MWD-E

PCW

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

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements No. 5
Violation Description Failed to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person at Facility start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period, as documented during an investigation conducted on May 1, 2013. Specifically, the Siemens OCM III flow meter and Honeywell chart recorder were last calibrated on March 8, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					3.0%
Potential			x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction
 Before NOV NOV to EDPRP/Settlement Offer

\$187

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent returned to compliance by March 12, 2013.

Violation Subtotal \$563

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,000

Violation Final Penalty Total \$788

This violation Final Assessed Penalty (adjusted for limits) \$788

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 47240
Reg. Ent. Reference No. RN101651495
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	8-Mar-2013	12-Mar-2013	0.00	\$0	\$1,000	\$1,000
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost for a trained person to calibrate the flow meter and chart recorder. The date required is the date the yearly calibration was due and the final date is the date of compliance.

Approx. Cost of Compliance

\$1,000

TOTAL

\$1,000

Screening Date 12-Jul-2013

Docket No. 2013-1340-MWD-E

PCW

Respondent City of George West

Policy Revision 3 (September 2011)

Case ID No. 47240

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101651495

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 217.123(b) and (d), 217.152(b)(1) and (e), 217.155(c)(2)(A), 217.251(c)(1), 217.330(a), and 305.125(1) and (5), and TPDES Permit No. WQ0010455002, Operational Requirements No. 1

Violation Description

Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted on May 1, 2013. Specifically, the following deficiencies were noted at the Facility: the skimmer rake for Clarifier No. 1 was not operational; vegetation was noted in Clarifier No. 2's center saw-tooth weir chamber; excessive scum was noted in both clarifiers; two of the four mechanical aerators in the oxidation ditch were inoperable; excessive dried sludge and vegetation were noted around both inoperable aerators; latex gloves, bar screenings, and other litter was scattered throughout the Facility's grounds; bar screenings were being stored in containers without tight-fitting covers; and the Facility's reduced-pressure principle backflow assembly ("RPBA") was tested following the investigation and failed. In addition, poor housekeeping practices, including but not limited to scattered gloves and litter, was noted at each of the Facility's lift stations.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 5.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

72 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (May 1, 2013) to the screening date (July 12, 2013).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$675

Violation Final Penalty Total \$1,625

This violation Final Assessed Penalty (adjusted for limits) \$1,625

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 47240
Reg. Ent. Reference No. RN101651495
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$500	1-May-2013	5-Jun-2013	0.10	\$0	\$3	\$3
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	1-May-2013	24-Feb-2014	0.82	\$14	\$273	\$287
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	1-May-2013	14-Nov-2014	1.54	\$385	n/a	\$385

Notes for DELAYED costs

The first delayed cost includes the estimated cost to replace the Facility's existing RPBA; a TCEQ certified backflow prevention assembly tester to test and certify the new RPBA as passing; and begin maintaining a copy of the passing certification at the Facility. Date required is the investigation date. Final date is the date of compliance.

The second delayed cost includes the estimated cost to properly remove and dispose of the vegetation from the saw-tooth weir chamber in Clarifier No. 2; properly remove and dispose of the excessive scum in Clarifier Nos. 1 and 2; properly remove and dispose of the excessive dried sludge and vegetation from the oxidation ditch; and begin providing containers with tight fitting covers for screenings and other debris at the Facility and at the off-site lift stations. Date required is the investigation date. Final date is the date of compliance.

The third delayed cost includes the estimated cost to repair the skimmer rake for Clarifier No. 1; repair the inoperable mechanical aerators; properly remove and dispose of the latex gloves; bar screenings, and other debris at the Facility and off-site lift stations; and begin maintaining adequate housekeeping practices at the Facility and lift stations. 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

\$10,500

TOTAL

\$675

Screening Date 12-Jul-2013
Respondent City of George West
Case ID No. 47240
Reg. Ent. Reference No. RN101651495
Media [Statute] Water Quality
Enf. Coordinator Christopher Bost
Violation Number 5

Docket No. 2013-1340-MWD-E

PCW

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

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0010455002, Effluent Limitations and Monitoring Requirements No. 4, and Permit Conditions No. 2.d
Violation Description Failed to prevent the unauthorized discharge of wastewater from the Facility into or adjacent to water in the state, as documented during an investigation conducted on May 1, 2013. Specifically, the chlorine contact basin had rising solids in every chamber and the effluent was murky. As a result, floating solids were flowing over the weir into the receiving stream. In addition, sludge was overflowing from the sludge drying beds onto the Facility's grounds.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events: 1 72 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (May 1, 2013) to the screening date (July 12, 2013).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$170

Violation Final Penalty Total \$1,625

This violation Final Assessed Penalty (adjusted for limits) \$1,625

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 47240
Reg. Ent. Reference No. RN101651495
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	1-May-2013	18-Feb-2014	0.80	\$3	\$54	\$56
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	\$500	1-May-2013	15-Oct-2014	1.46	\$36	n/a	\$36
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	1-May-2013	14-Nov-2014	1.54	\$77	n/a	\$77

Notes for DELAYED costs

The first delayed cost includes the estimated amount to cease the unauthorized discharges of sludge from the Facility's sludge drying beds and floating solids from the chlorine contact basin; properly remove and dispose of the solids in the chlorine contact basin; properly recover the sludge discharged from the sludge drying beds; and properly dispose of the recovered sludge. Date required is the investigation and the final date is the date of compliance.

The second delayed cost includes the estimated amount to properly remediate the areas surrounding the sludge drying beds affected by the discharged sludge. Date required is the investigation and the final date is the estimated date of compliance.

The third delayed cost includes the estimated amount to develop and implement a solids management plan to prevent future discharges of sludge to the receiving stream. Date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

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

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

\$2,500

TOTAL

\$170

Screening Date 12-Jul-2013

Docket No. 2013-1340-MWD-E

PCW

Respondent City of George West

Policy Revision 3 (September 2011)

Case ID No. 47240

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101651495

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 217.61(e)(2)

Violation Description

Failed to provide three or more pumps for a wastewater treatment system with a peak flow greater than 300,000 gallons per day ("GPD"), unless duplex, automatically controlled, variable capacity pumps are provided, as documented during an investigation conducted on May 1, 2013. Specifically, the Facility has a peak flow of 539,000 GPD and only one operational pump was installed at both the Milam Street and Lamar Street lift stations.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

72 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (May 1, 2013) to the screening date (July 12, 2013).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,486

Violation Final Penalty Total \$1,625

This violation Final Assessed Penalty (adjusted for limits) \$1,625

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 47240
Reg. Ent. Reference No. RN101651495
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<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	\$25,000	1-May-2013	28-Apr-2015	1.99	\$166	\$3,320	\$3,486
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to install the required number of pumps at the Milam Street and Lamar Street off-site lift stations. 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

\$25,000

TOTAL

\$3,486

Screening Date 12-Jul-2013
Respondent City of George West
Case ID No. 47240
Reg. Ent. Reference No. RN101651495
Media [Statute] Water Quality
Enf. Coordinator Christopher Bost
Violation Number 7

Docket No. 2013-1340-MWD-E

PCW

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

Rule Cite(s) 30 Tex. Admin. Code § 217.63(b)
Violation Description Failed to provide the required alarm system, as documented during an investigation conducted on May 1, 2013. Specifically, the Chappell lift station was not equipped with the required alarm system.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (May 1, 2013) to the screening date (July 12, 2013).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$539

Violation Final Penalty Total \$1,625

This violation Final Assessed Penalty (adjusted for limits) \$1,625

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 47240
Reg. Ent. Reference No. RN101651495
Media Water Quality
Violation No. 7

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	\$5,000	1-May-2013	14-Nov-2014	1.54	\$26	\$513	\$539
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to install the required alarm system at the Chappell lift station. 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

\$539

Screening Date 12-Jul-2013
Respondent City of George West
Case ID No. 47240
Reg. Ent. Reference No. RN101651495
Media [Statute] Water Quality
Enf. Coordinator Christopher Bost

Docket No. 2013-1340-MWD-E

PCW

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

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 217.59(b)

Violation Description

Failed to secure the lift stations, including all mechanical and electrical equipment, in an intruder-resistant manner, as documented during an investigation conducted on May 1, 2013. Specifically, the electrical panels at the Chappell and the Texas Department of Transportation ("TxDOT") lift stations were not secured; the enclosure for the TxDOT lift station was not secured; and the barbed wire surrounding the Lamar Street lift station had deteriorated.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (May 1, 2013) to the screening date (July 12, 2013).

Good Faith Efforts to Comply

Reduction

\$0

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

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$37

Violation Final Penalty Total \$1,625

This violation Final Assessed Penalty (adjusted for limits) \$1,625

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 47240
Reg. Ent. Reference No. RN101651495
Media Water Quality
Violation No. 8

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	\$500	1-May-2013	17-Dec-2013	0.63	\$1	\$21	\$22
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)	\$200	1-May-2013	14-Nov-2014	1.54	\$15	n/a	\$15

Notes for DELAYED costs

The first delayed cost includes the estimated amount to secure the enclosure for the TxDOT lift station in an intruder-resistant manner and to secure the Lamar Street lift station in an intruder resistant manner. Date required is the investigation date. Final date is the date of compliance.

The second delayed cost includes the estimated amount to secure the electrical panels at the Chappell and the TxDOT lift stations in an intruder-resistant manner. 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

\$700

TOTAL

\$37

Screening Date 12-Jul-2013
Respondent City of George West
Case ID No. 47240
Reg. Ent. Reference No. RN101651495
Media [Statute] Water Quality
Enf. Coordinator Christopher Bost
Violation Number 9

Docket No. 2013-1340-MWD-E

PCW

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

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010455002, Permit Conditions No. 2.e

Violation Description Failed to prevent the unauthorized discharge of wastewater, as documented during an investigation conducted on May 1, 2013. Specifically, untreated wastewater and sewage debris were noted in emergency holding ponds located at the Facility, which are not authorized under TPDES Permit No. WQ0010455002.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	5.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (May 1, 2013) to the screening date (July 12, 2013).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,406

Violation Final Penalty Total \$1,625

This violation Final Assessed Penalty (adjusted for limits) \$1,625

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 47240
Reg. Ent. Reference No. RN101651495
Media Water Quality
Violation No. 9

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	\$1,000	1-May-2013	15-Oct-2014	1.46	\$73	n/a	\$73
Permit Costs	\$3,500	1-May-2013	15-Oct-2014	1.46	\$255	n/a	\$255
Other (as needed)	\$10,000	1-May-2013	27-Jun-2015	2.16	\$1,078	n/a	\$1,078

Notes for DELAYED costs

The first delayed cost includes the estimated amount to properly recover the wastewater, to remediate the affected areas, and to properly dispose of the wastewater collected from the emergency holding ponds. Date required is the date of the investigation and the final date is the estimated date of compliance.

The second delayed cost includes the estimated amount to submit a permit amendment application to the TCEQ Municipal Permits Team to authorize the use of the Facility's emergency holding ponds. Date required is the date of the investigation and the final date is the estimated date of compliance.

The third delayed cost includes the estimated amount to submit a closure plan to the TCEQ Municipal Permits Team for review and approval if the submitted permit amendment is not approved. The delayed cost also includes the estimated amount to properly and permanently close the Facility's emergency holding ponds in accordance with the approved closure plan, if a closure plan was submitted to the TCEQ Municipal Permits Team. Date required is the date of the investigation and the final date is the estimated date of compliance.

Avoided Costs

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

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

\$14,500

TOTAL

\$1,406

UNAUTHORIZED DISCHARGE TABLE**City of George West****TPDES Permit No. WQ0010455002****Docket No. 2013-1340-MWD-E**

Date	Locations	Amount Discharged (Gallons)	Description
November 8, 2012	1000 Bowie	Unknown/ Not reported	City sewer backup
December 12, 2012	1200 Jeffrey	Unknown/ Not reported	City sewer backup
January 7, 2013	709 Lopez	Unknown/ Not reported	City sewer backup
January 9, 2013	1207 Teto	Unknown/ Not reported	City sewer backup
January 28, 2013	201 Celia	Unknown/ Not reported	City sewer backup
February 19, 2013	Manhole at 701 Robert Lloyd Drive	Unknown/ Not reported	Servicing lift station failure
April 19, 2013	Manhole at 701 Robert Lloyd Drive	50	Servicing lift station pump failure



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	24-Jul-2013	Screening	24-Jul-2013	EPA Due	
	PCW	19-Mar-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	City of George West		
Reg. Ent. Ref. No.	RN101651495		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	47240	No. of Violations	2
Docket No.	2013-1340-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	\$2,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	30.0% Enhancement	Subtotals 2, 3, & 7	\$600
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Notes: Enhancement for two months of self-reported effluent violations and one order with denial.

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
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$866
 Approx. Cost of Compliance \$10,175
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,600
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$2,600
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,600
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DEFERRAL	20.0% Reduction	Adjustment	-\$520
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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	\$2,080
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Screening Date 24-Jul-2013

Docket No. 2013-1340-MWD-E

PCW

Respondent City of George West

Policy Revision 3 (September 2011)

Case ID No. 47240

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101651495

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>)	2	10%
	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)

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

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

Screening Date 24-Jul-2013
 Respondent City of George West
 Case ID No. 47240

Docket No. 2013-1340-MWD-E

PCW

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

Reg. Ent. Reference No. RN101651495
 Media [Statute] Water Quality
 Enf. Coordinator Christopher Bost

Violation Number

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. WQ0010455002, 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 19, 2013 and shown in the attached table.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	<input type="text" value="5.0%"/>
	Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				<input type="text" value="0.0%"/>

Matrix Notes A simplified model was used to evaluate ammonia-nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	X
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with x)

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 47240
Reg. Ent. Reference No. RN101651495
Media Water Quality
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Mar-2013	14-Dec-2014	1.71	\$853	n/a	\$853

Notes for DELAYED costs

Estimated costs to determine the cause of non-compliance and to implement corrective actions. Date required is the first date of non-compliance. Final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$853

Screening Date 24-Jul-2013
 Respondent City of George West
 Case ID No. 47240

Docket No. 2013-1340-MWD-E

PCW

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

Reg. Ent. Reference No. RN101651495
 Media [Statute] Water Quality
 Enf. Coordinator Christopher Bost
 Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.7(d) and TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements No. 1

Violation Description Failed to timely submit effluent monitoring results as specified in the permit, as documented during a record review conducted on July 19, 2013. Specifically, the discharge monitoring reports ("DMRs") for the monitoring periods ending November 30, 2012; December 31, 2012; and May 31, 2013 were not submitted by the 20th day of the following month.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%

Matrix Notes More than 70% of permit requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 3 93 Number of violation days

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

Violation Base Penalty \$750

Three single events are recommended, one for each late report.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13 Violation Final Penalty Total \$975

This violation Final Assessed Penalty (adjusted for limits) \$975

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 47240
Reg. Ent. Reference No. RN101651495
Media Water Quality
Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	20-Dec-2012	15-Oct-2014	1.82	\$9	n/a	\$9
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$75	20-Dec-2012	4-Dec-2013	0.96	\$4	n/a	\$4

Notes for DELAYED costs

The first delayed cost is the estimated amount to update operational procedures and conduct employee training to ensure that all reports required by the permit are submitted as required. Date required is the date the first DMR was due. Final date is the estimated date of compliance.

The second delayed cost is the estimated amount to submit each late DMR (\$25 x 3 late DMRs). Date required is the date the first DMR was due. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$175

TOTAL \$13

EFFLUENT VIOLATION TABLE			
City of George West			
TPDES Permit No. WQ0010455002			
Docket No. 2013-1340-MWD-E			
Months	NH₃-N daily avg. conc.	NH₃-N daily max. conc.	NH₃-N daily avg. load.
	Limit = 3 mg/L	Limit = 10 mg/L	Limit = 13 lbs/day
March 2013	7.5	15	19
April 2013	4.2	c	c

c = compliant

mg/L = milligrams per liter

lbs/day = pounds per day

conc. = concentration

NH₃-N = ammonia-nitrogen

load. = loading

avg. = average

max. = maximum



Compliance History Report

Compliance History Report for CN600889414, RN101651495, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600889414, City of George West **Classification:** SATISFACTORY **Rating:** 8.17

Regulated Entity: RN101651495, CITY OF GEORGE WEST SEWAGE TREATMENT PLANT **Classification:** SATISFACTORY **Rating:** 8.17

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

CH Group: 08 - Sewage Treatment Facilities

Location: Located on the north side of Timon Creek, 500 feet east-southeast of the intersection of United States Highway 59 (By-Pass) and the Missouri Pacific Railroad and approximately 3,000 feet northeast of the intersection of United States Highway 59 (By-Pass) and United States Highway 281 in Live Oak County, Texas

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):
WASTEWATER AUTHORIZATION R10455002 **WASTEWATER EPA ID** TX0020371
WASTEWATER PERMIT WQ0010455002 **WASTEWATER EPA ID** TX0132799

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

Date Compliance History Report Prepared: October 25, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 25, 2008 to October 25, 2013

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: 11/22/2012 ADMINORDER 2012-0783-MWD-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
 30 TAC Chapter 319, SubChapter A 319.1
 30 TAC Chapter 319, SubChapter A 319.7(d)
 Rqmt Prov: Effluent Reporting Requirements PERMIT
 Mon. & Reporting Req. No. 1 PERMIT
 Description: Failure to submit effluent monitoring results at the intervals specified in the permit substantially interfering with the ability to determine compliance status as documented by a TCEQ record review.
 Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
 Rqmt Prov: Sludge Reporting Requirements PERMIT
 Description: Failure to timely submit an annual sludge report for the monitoring period ending July 31, 2011 by September 30, 201, as documented by a TCEQ record review.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	November 04, 2008	(727693)
Item 2	December 01, 2008	(750545)
Item 3	January 06, 2009	(750546)
Item 4	January 23, 2009	(750547)
Item 5	February 26, 2009	(750544)
Item 6	March 13, 2009	(768553)
Item 7	April 08, 2009	(768554)
Item 8	July 22, 2009	(805391)
Item 9	October 20, 2009	(805392)
Item 10	December 29, 2009	(805397)
Item 11	February 25, 2010	(789435)
Item 12	March 01, 2010	(805399)
Item 13	May 06, 2010	(805390)
Item 14	June 24, 2010	(845070)
Item 15	March 21, 2011	(1000291)
Item 16	March 21, 2012	(1000289)
Item 17	June 04, 2012	(1026485)
Item 18	July 26, 2012	(1033818)
Item 19	October 25, 2012	(1071153)
Item 20	December 03, 2012	(1071156)
Item 21	May 28, 2013	(1098016)

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:	03/31/2013 (1109059)	CN600889414	
	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:	04/30/2013 (1109060)	CN600889414	
	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 GEORGE WEST
RN101651495

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2013-1340-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 George West ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located on the north side of Timon Creek, 500 feet east-southeast of the intersection of United States Highway 59 (By-Pass) and the Missouri Pacific Railroad and approximately 3,000 feet northeast of the intersection of United States Highway 59 (By-Pass) and United States Highway 281 in Live Oak County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 3, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Thirty-Six Thousand Six Hundred Thirty-Eight Dollars (\$36,638) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Seven Thousand Three Hundred Twenty-Seven Dollars (\$7,327) 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. Twenty-Nine Thousand Three Hundred Eleven Dollars (\$29,311) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By February 25, 2011, obtained authorization to discharge wastewater under Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010455002.
 - b. By March 12, 2013, calibrated the Facility's flow meter and chart recorder, in accordance with 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements No. 5.
 - c. By June 5, 2013, replaced the Facility's existing reduced-pressure principle backflow assembly ("RPBA"); a TCEQ certified backflow assembly tester tested and certified the new RPBA as passing; and began maintaining a copy of the passing certification at the Facility, in accordance with 30 TEX. ADMIN. CODE § 217.330.
 - d. By November 13, 2013, secured the Texas Department of Transportation ("TxDOT") lift station enclosure and mechanical equipment, in accordance with 30 TEX. ADMIN. CODE § 217.59.
 - e. By December 4, 2013, submitted the discharge monitoring reports ("DMRs") for the monitoring periods ending November 30, 2012; December 31, 2012; and May 31, 2013.
 - f. By December 17, 2013, secured the Lamar Street lift station by replacing the deteriorated barbed wire, in accordance with 30 TEX. ADMIN. CODE § 217.59.
 - g. By January 28, 2014:
 - i. Ceased the unauthorized discharge of sludge from the Facility's sludge drying beds;

- ii. Removed and properly disposed of the solids in the chlorine contact basin;
 - iii. Removed and properly disposed of the sludge discharged from the sludge drying beds; and
 - iv. Removed and properly disposed of the vegetation from the saw-tooth weir chamber in Clarifier No. 2, the excessive scum in Clarifier Nos. 1 and 2, and the excessive dried sludge and vegetation in the oxidation ditch.
- h. By February 18, 2014, ceased the unauthorized discharge of floating solids from the chlorine contact basin.
- i. By February 24, 2014, began providing containers with tight fitting covers at the Facility and the lift stations for screenings and other debris.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to maintain authorization for the discharge of wastewater, in violation of TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2), as documented during an investigation conducted on May 1, 2013. Specifically, the Respondent did not renew TPDES Permit No. WQ0010455001, which expired on May 1, 2010, and continued to discharge wastewater from the Facility without authorization.
2. Failed to prevent an unauthorized discharge of wastewater from the collection system into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010455002, Permit Conditions Nos. 2.d and 2.g, as documented during an investigation conducted on May 1, 2013. Specifically, seven unauthorized discharges of wastewater occurred from November 8, 2012 through April 19, 2013, as shown in the table below:

UNAUTHORIZED DISCHARGE TABLE			
Date	Locations	Amount Discharged (Gallons)	Description
November 8, 2012	1000 Bowie	Unknown/Not reported	City sewer backup
December 12, 2012	1200 Jeffrey	Unknown/Not reported	City sewer backup
January 7, 2013	709 Lopez	Unknown/Not reported	City sewer backup
January 9, 2013	1207 Teto	Unknown/Not reported	City sewer backup
January 28, 2013	201 Celia	Unknown/Not reported	City sewer backup
February 19, 2013	Manhole at 701 Robert Lloyd Drive	Unknown/Not reported	Servicing lift station failure
April 19, 2013	Manhole at 701 Robert Lloyd Drive	50	Servicing lift station pump failure

3. Failed to notify the TCEQ Regional Office within 24 hours of becoming aware of any noncompliance, orally or by facsimile transmission, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and (9)(B) and TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements Nos. 7.a and 7.b, as documented during an investigation conducted on May 1, 2013. Specifically, the unauthorized discharges that occurred on November 8, 2012; December 12, 2012; January 7, 2013; January 9, 2013; January 28, 2013; and February 19, 2013 were not reported to the TCEQ.

4. Failed to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person at Facility start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements No. 5, as documented during an investigation conducted on May 1, 2013. Specifically, the Siemens OCM III flow meter and Honeywell chart recorder were last calibrated on March 8, 2012.

5. Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 217.123(b) and (d), 217.152(b)(1) and (e), 217.155(c)(2)(A), 217.251(c)(1), 217.330(a), and 305.125(1) and (5), and TPDES Permit No. WQ0010455002, Operational Requirements No. 1, as documented during an investigation conducted on May 1, 2013. Specifically, the following deficiencies were noted at the Facility: the skimmer rake for Clarifier No. 1 was not operational; vegetation was noted in Clarifier No. 2's center saw-tooth weir chamber; excessive scum was noted in both clarifiers; two of the four mechanical aerators in the oxidation ditch were inoperable; excessive dried sludge and vegetation were noted

- around both inoperable aerators; latex gloves, bar screenings, and other litter was scattered throughout the Facility's grounds; bar screenings were being stored in containers without tight-fitting covers; and the Facility's RPBA was tested following the investigation and failed. In addition, poor housekeeping practices, including but not limited to scattered gloves and litter, was noted at each of the Facility's lift stations.
6. Failed to provide three or more pumps for a wastewater treatment system with a peak flow greater than 300,000 gallons per day ("GPD"), unless duplex, automatically controlled, variable capacity pumps are provided, in violation of 30 TEX. ADMIN. CODE § 217.61(e)(2), as documented during an investigation conducted on May 1, 2013. Specifically, the Facility has a peak flow of 539,000 GPD and only one operational pump was installed at both the Milam Street and Lamar Street lift stations.
 7. Failed to provide the required alarm system, in violation of 30 TEX. ADMIN. CODE § 217.63(b), as documented during an investigation conducted on May 1, 2013. Specifically, the Chappell lift station was not equipped with the required alarm system.
 8. Failed to secure the lift stations, including all mechanical and electrical equipment, in an intruder-resistant manner, in violation of 30 TEX. ADMIN. CODE § 217.59(b), as documented during an investigation conducted on May 1, 2013. Specifically, the electrical panels at the Chappell and the TxDOT lift stations were not secured; the enclosure for the TxDOT lift station was not secured; and the barbed wire surrounding the Lamar Street lift station had deteriorated.
 9. Failed to prevent the unauthorized discharge of wastewater from the Facility into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0010455002, Effluent Limitations and Monitoring Requirements No. 4, and Permit Conditions No. 2.d, as documented during an investigation conducted on May 1, 2013. Specifically, the chlorine contact basin had rising solids in every chamber and the effluent was murky. As a result, floating solids were flowing over the weir into the receiving stream. In addition, sludge was overflowing from the sludge drying beds onto the Facility's grounds.
 10. Failed to prevent the unauthorized discharge of wastewater, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010455002, Permit Conditions No. 2.e, as documented during an investigation conducted on May 1, 2013. Specifically, untreated wastewater and sewage debris were noted in emergency holding ponds located at the Facility, which are not authorized under TPDES Permit No. WQ0010455002.
 11. 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. WQ0010455002, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on July 19, 2013 and shown in the table below:

EFFLUENT VIOLATION TABLE			
Months	NH₃-N daily avg. conc.	NH₃-N daily max. conc.	NH₃-N daily avg. load.
	Limit = 3 mg/L	Limit = 10 mg/L	Limit = 13 lbs/day
March 2013	7.5	15	19
April 2013	4.2	c	c

c = compliant

mg/L = milligrams per liter

lbs/day = pounds per day

conc. = concentration

NH₃-N = ammonia-nitrogen

load. = loading

avg. = average

max. = maximum

- Failed to timely submit effluent monitoring results as specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(d) and TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on July 19, 2013. Specifically, the DMRs for the monitoring periods ending November 30, 2012; December 31, 2012; and May 31, 2013 were not submitted by the 20th day of the following month.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

- 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 George West, Docket No. 2013-1340-MWD-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twenty-Nine Thousand Three Hundred Eleven Dollars (\$29,311) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately after the effective date of this Agreed Order, cease unauthorized discharges of wastewater into the Facility's emergency holding ponds and from the collection system.
 - b. Within 15 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.a, in accordance with Ordering Provision No. 3.l below.
 - c. Within 30 days after the effective date of this Agreed Order:
 - i. Properly collect and dispose of the wastewater discharged into the Facility's emergency holding ponds and remediate the affected areas;
 - ii. Properly remediate the areas affected by the discharges of sludge from the sludge drying beds;
 - iii. Update operational guidance and conduct employee training to ensure that:
 - (1) Self-reporting requirements are properly accomplished and the timely submittal of signed and certified monthly DMRs, in accordance with TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements No. 1;
 - (2) All noncompliances are properly reported to the TCEQ, in accordance with 30 TEX. ADMIN. CODE § 305.125(9)(A) and (9)(B) and TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements Nos. 7.a and 7.b; and
 - (3) At a minimum, the following corrective actions are initiated within 24 hours after becoming aware of an unauthorized discharge of wastewater into or adjacent to water in the state:

- (a) Identify the cause(s) of the unauthorized discharge and begin taking the appropriate corrective action(s) to cease the unauthorized discharge;
 - (b) Contain, collect, remove, and properly dispose of all wastewater discharged into and adjacent to water in the state and properly remediate the affected areas; and
 - (c) Collect, remove, and properly dispose of any dead aquatic wildlife.
- iv. Collect, manage, and properly dispose of the screenings and other debris at the Facility and lift stations, in accordance with 30 TEX. ADMIN. CODE § 330 (relating to Municipal Solid Waste), and initiate adequate housekeeping practices at the Facility and lift stations, in accordance with 30 TEX. ADMIN. CODE § 217.123; and
 - v. Submit a permit amendment application to the TCEQ Municipal Permits Team at the address listed below to authorize the use of the Facility's emergency holding ponds:

Municipal Permits Team
Wastewater Permitting Section, MC 148
P.O. Box 13088
Austin, Texas 78711-3088

with a copy to:

Water Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

- d. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests or by any other deadline specified in writing.
- e. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions Nos. 3.c.i through 3.c.v, in accordance with Ordering Provision No. 3.1 below.
- f. Within 60 days after the effective date of this Agreed Order:
 - i. Install the required alarm system at the Chappell lift station, in accordance with 30 TEX. ADMIN. CODE § 217.63;

- ii. Secure the Chappell and TxDOT lift stations in an intruder-resistant manner, including all mechanical and electrical equipment, in accordance with 30 TEX. ADMIN. CODE § 217.59;
 - iii. Repair and/or replace the skimmer rake for Clarifier No. 1 and the inoperable mechanical aerators in the oxidation ditch;
 - iv. Develop and implement a solids management plan (“SMP”) to prevent future discharges of solids from the Facility into the receiving stream. The SMP shall include a program of internal process control testing to monitor the efficiency of the Facility and to maintain the proper solids balance. The SMP shall provide procedures designed as guidance for the operator to act on as a result of process control tests, to properly adjust the solids balance, and to determine sludge wasting rates. The SMP shall be prepared by a registered Texas Professional Engineer or an “A” TCEQ Certified Wastewater Operator; and
 - v. Conduct an engineering evaluation of the Facility’s collection system to evaluate the cause of and necessary corrective actions designed to prevent future discharges of wastewater. The evaluation shall be prepared by a registered Texas Professional Engineer and shall include a plan and schedule for the completion of necessary corrective actions within 270 days after the effective date of this Agreed Order.
- g. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions Nos. 3.f.i through 3.f.v, in accordance with Ordering Provision No. 3.l below.
- h. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0010455002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, 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. 3.l below.
- i. Within 225 days after the effective date of this Agreed Order:
- i. Install the required number of pumps at the Milam Street and Lamar Street lift stations, in accordance with 30 TEX. ADMIN. CODE § 217.61(e)(2); and
 - ii. Submit written certification that the permit amendment application submitted to the TCEQ Municipal Permits Team under Ordering Provision No. 3.c.v has been approved, in accordance with Ordering Provision No. 3.l below;

OR, if the permit amendment application is not approved by the TCEQ Municipal Permits Team, submit a closure plan, in accordance with TPDES Permit No. WQ0010455002, Operational Requirements No. 3b, for the Facility’s emergency holding ponds for review and approval to the TCEQ

Municipal Permits Team, with a copy to the TCEQ Corpus Christi Regional Office at the addresses listed under Ordering Provision No. 3.c.v;

- j. Within 240 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.i.i, in accordance with Ordering Provision No. 3.l below.
- k. Within 285 days after the effective date of this Agreed Order:
 - i. Submit written certification that the corrective actions designed to prevent future discharges of wastewater from the collection system have been completed, as prescribed in the engineering evaluation required by Ordering Provision No. 3.f.v, in accordance with Ordering Provision 3.l below; and
 - ii. Submit written certification that that the Facility's emergency holding ponds have been properly and permanently closed in accordance with the closure plan approved by the TCEQ Municipal Permits Team, if a closure plan was submitted to the TCEQ Municipal Permits Team under Ordering Provision No. 3.i.ii, in accordance with Ordering Provision No. 3.l below.
- l. The written certifications of compliance required by Ordering Provisions Nos. 3.b, 3.e, 3.g, 3.h, 3.i.ii, 3.j, 3.k.i, and 3.k.ii shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, shall 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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ramon Manera
For the Executive Director

7/18/14
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.

Sylvia Steele
Signature

8-1-2014
Date

Sylvia Steele
Name (Printed or typed)
Authorized Representative of
City of George West

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.

Attachment A

Docket Number: 2013-1340-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of George West
Penalty Amount:	Twenty-Nine Thousand Three Hundred Eleven Dollars (\$29,311)
SEP Offset Amount:	Twenty-Nine Thousand Three Hundred Eleven Dollars (\$29,311)
Type of SEP:	Compliance SEP
Project Name:	<i>WWTP and Lift Station Improvements</i>
Location of SEP:	Live Oak County

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

1. Project Description

A. Project

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at the Respondent’s wastewater treatment facility. Respondent shall solicit bids from and hire qualified contractors to install the following: an Open Channel Flow Monitoring Device (OCM) and a Honeywell Chart Recorder Flow Device; a total of four grinder pumps on two lift stations; four starters, four heaters, and four level floats in two control panels; and one backflow preventer. Specifically, the SEP Offset Amount shall be used for materials, supplies, equipment, and contracting services for one or more of the following: OCM, Honeywell Chart Recorder Flow Device, grinder pumps, starters, heaters, level floats, one backflow preventer, and necessary electrical work to install the new equipment (the “Project”).

Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset

Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has not previously performed this Project, and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Quantity	Cost	Units	Total
Contractor Costs: Open Channel Flow Monitor Honeywell Chart Recorder Grinder Pumps Starters Heaters Level Floats Backflow Preventer Electrical Connections	1	\$34,000.00		\$34,000.00
Total				\$34,000.00

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 225 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 225-day time-frame set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
225	Notice of SEP completion

B. Final Report

Within 225 days after the effective date of the Agreed Order, or within 60 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of:
 - a. invoices;
 - b. paid receipts;
 - c. cleared checks; and
 - d. payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity);
4. Dated photographs of:
 - a. the purchased equipment;
 - b. the equipment being removed;
 - c. before and after work being performed during the installation process; and
 - d. photographs of the completed Project;

5. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
6. Any additional information demonstrating compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

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

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director (“ED”) may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

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

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

6. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the**

settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

Respondent shall not include this Project in any application made to TCEQ under the “Clean Texas” (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

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