

**Executive Summary – Enforcement Matter – Case No. 47784**

**City of Hidalgo**

**RN101919975**

**Docket No. 2013-1891-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

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

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Hidalgo WWTF, located east of Hidalgo approximately 0.5 mile north of U.S. Highway 281 and 0.5 mile east of Farm-to-Market Road 336, Hidalgo County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** January 2, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$73,025

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$2,045

**Total Due to General Revenue:** \$70,980

Payment Plan: 35 payments of \$2,028 each

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 47784**  
**City of Hidalgo**  
**RN101919975**  
**Docket No. 2013-1891-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** September 9, 2013

**Date(s) of NOE(s):** September 20, 2013

***Violation Information***

1. Failed to comply with permitted effluent limits for *Escherichia coli*, ammonia nitrogen, and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011080001, Interim Effluent Limitations and Monitoring Requirements No. 1.
2. Failed to submit monitoring results for whole effluent toxicity ("WET") for the semiannual biomonitoring monitoring period ending June 30, 2013 by July 20, 2013 [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0011080001, 24-hour Acute Biomonitoring Requirements: Freshwater No. 3.b.1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:
  - i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified discharge monitoring reports ("DMRs"); and
  - ii. Submit the monitoring results for WET for the semiannual 24-hour acute biomonitoring monitoring period ending June 30, 2013.
- b. Within 45 days, submit written certification of compliance with Ordering Provisions a;
- c. Within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0011080001, 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 limitations.

**Executive Summary – Enforcement Matter – Case No. 47784**  
**City of Hidalgo**  
**RN101919975**  
**Docket No. 2013-1891-MWD-E**

***Litigation Information***

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

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Had Darling, Enforcement Division,  
Enforcement Team 1, MC 169, (512) 239-2520; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** The Honorable Martin Cepeda, Mayor, City of Hidalgo, 704 East Texano  
Drive, Hidalgo, Texas 78557  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

<b>DATES</b>	Assigned	30-Sep-2013			
	PCW	3-Oct-2013	Screening	2-Oct-2013	EPA Due 5-Dec-2013

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	City of Hidalgo
Reg. Ent. Ref. No.	RN101919975
Facility/Site Region	15-Harlingen
Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	47784	No. of Violations	3
Docket No.	2013-1891-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Had Darling
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$57,500</b>
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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.

<b>Compliance History</b>	<b>27.0%</b> Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$15,525</b>
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Notes: Enhancement for five months of self-reported effluent violations and one NOV with dissimilar violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$715	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$10,275	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$73,025</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$73,025</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$73,025</b>
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<b>DEFERRAL</b>	<b>0.0%</b> Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$73,025</b>
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Screening Date 2-Oct-2013

Docket No. 2013-1891-MWD-E

PCW

Respondent City of Hidalgo

Policy Revision 3 (September 2011)

Case ID No. 47784

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101919975

Media [Statute] Water Quality

Enf. Coordinator Had Darling

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	5	25%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 27%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for five months of self-reported effluent violations and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 27%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 27%

**Screening Date** 2-Oct-2013  
**Respondent** City of Hidalgo  
**Case ID No.** 47784  
**Reg. Ent. Reference No.** RN101919975  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Had Darling

**Docket No.** 2013-1891-MWD-E

**PCW**

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**Violation Number** 1

**Rule Cite(s)**

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011080001, Interim Effluent Limitations and Monitoring Requirements No. 1

**Violation Description**

Failed to comply with permitted effluent limits, as documented during a record review conducted on September 9, 2013, and shown in the attached violation table. Also, failed to comply with the quarterly 48-hour acute whole effluent toxicity ("WET") limit of not less than 100 percent ("%"). Specifically, 32% was reported for the month of June 2013.

**Base Penalty** \$25,000

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

**Percent** 100.0%

**>> Programmatic Matrix**

Falsification	Harm		
	Major	Moderate	Minor

**Percent** 0.0%

**Matrix Notes**

A simplified model was utilized to evaluate the values for ammonia nitrogen to determine whether the discharged amounts exceeded levels protective of human health and the environment. Total suspended solids and WET were also considered. The amounts discharged at the time of the violation were significant and exceeded levels protective of human health or the environment.

**Adjustment** \$0

\$25,000

**Violation Events**

Number of Violation Events

Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semianoual	
annual	
single event	

**Violation Base Penalty** \$50,000

Two monthly events are recommended for the monitoring periods ending May 31, 2013 and June 30, 2013.

**Good Faith Efforts to Comply**

**0.0%** Reduction

\$0

	Reduction	
	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** \$50,000

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$705

**Violation Final Penalty Total** \$63,500

**This violation Final Assessed Penalty (adjusted for limits)** \$63,500

## Economic Benefit Worksheet

**Respondent** City of Hidalgo  
**Case ID No.** 47784  
**Reg. Ent. Reference No.** RN101919975  
**Media Violation No.** Water Quality  
 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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### 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	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)	\$10,000	31-Jan-2013	30-Jun-2014	1.41	\$705	\$0	\$705

#### Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility. Date required is the initial date of noncompliance. Final date is the expected date of compliance.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

<b>Approx. Cost of Compliance</b>	\$10,000	<b>TOTAL</b>	\$705
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**Screening Date** 2-Oct-2013  
**Respondent** City of Hidalgo  
**Case ID No.** 47784  
**Reg. Ent. Reference No.** RN101919975  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Had Darling

**Docket No.** 2013-1891-MWD-E

**PCW**

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

**Violation Number**

**Rule Cite(s)** Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011080001, Interim Effluent Limitations and Monitoring Requirements No. 1

**Violation Description** Failed to comply with permitted effluent limits, as documented during a record review conducted on September 9, 2013, and shown in the attached violation table.

**Base Penalty**

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

Matrix Notes

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

**Adjustment**

**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	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
Single event	<input type="text"/>	

**Violation Base Penalty**

One quarterly event is recommended for the quarter containing the month of January 2013.

**Good Faith Efforts to Comply**

**0.0%** Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(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 Hidalgo  
**Case ID No.** 47784  
**Reg. Ent. Reference No.** RN101919975  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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

See economic benefit for violation No. 1.

### 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

\$0

**TOTAL**

\$0

**Screening Date** 2-Oct-2013  
**Respondent** City of Hidalgo  
**Case ID No.** 47784  
**Reg. Ent. Reference No.** RN101919975  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Had Darling

**Docket No.** 2013-1891-MWD-E

**PCW**

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0011080001, 24-hour Acute Biomonitoring Requirements: Freshwater No. 3(b)(1)

**Violation Description**

Failed to submit monitoring results for WET for the semiannual 24-hour acute biomonitoring monitoring period ending June 30, 2013 by July 20, 2013, as documented during a record review conducted on September 9, 2013.

**Base Penalty**

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Percent**

Matrix Notes

100% of the rule requirement was not met.

**Adjustment**

**Violation Events**

Number of Violation Events

Number of violation days

mark only one with an x

daily	<input type="checkbox"/>
weekly	<input type="checkbox"/>
monthly	<input type="checkbox"/>
quarterly	<input type="checkbox"/>
semiannual	<input type="checkbox"/>
annual	<input type="checkbox"/>
single event	<input checked="" type="checkbox"/>

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**

**0.0%** Reduction

	Reduction	
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(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 Hidalgo  
**Case ID No.** 47784  
**Reg. Ent. Reference No.** RN101919975  
**Media Violation No.** Water Quality  
 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

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	\$250	20-Jul-2013	1-May-2014	0.78	\$10	n/a	\$10
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	20-Jul-2013	1-May-2014	0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, and submit the monitoring results for WET for the semiannual monitoring period ending June 30, 2013. Date required is the date the monitoring reports were due. Final date is the projected 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

\$275

**TOTAL**

\$10

**City of Hidalgo**  
**TPDES Permit No. WQ0011080001**  
**Docket No. 2013-1891-MWD-E**

Effluent Violation Table			
Permitted Effluent Limits	Monitoring Period		
	January 2013	May 2013	June 2013
<i>Escherichia coli</i> Daily Average Limit = 126 CFU/100 mL	154	c	c
<i>Escherichia coli</i> Daily Maximum Limit = 394 CFU/100 mL	686	c	c
Ammonia Nitrogen Daily Average Concentration Limit = 3 mg/L	c	26	12
Ammonia Nitrogen Daily Maximum Concentration Limit = 10 mg/L	c	34	36
Ammonia Nitrogen Daily Average Loading Limit = 30 lbs/day	c	171	69
TSS Daily Average Concentration Limit = 15 mg/L	c	22	c
TSS Daily Maximum Concentration Limit = 40 mg/L	c	46	43
TSS Daily Average Loading Limit = 150 lbs/day	c	151	c

CFU/100 mL = colony forming units per 100 milliliters  
TSS = total suspended solids  
mg/L = milligrams per liter  
lbs/day = pounds per day  
c = compliant





# Compliance History Report

**PUBLISHED** Compliance History Report for CN600692529, RN101919975, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600692529, City of Hidalgo	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	1.43
<b>Regulated Entity:</b>	RN101919975, CITY OF HIDALGO	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	1.91
<b>Complexity Points:</b>	6	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	08 - Sewage Treatment Facilities				
<b>Location:</b>	East of the City of Hidalgo, approximately 0.5 mile north of United States Highway 281 and 0.5 mile east of Farm-to-Market Road 336 in Hidalgo County, Texas				
<b>TCEQ Region:</b>	REGION 15 - HARLINGEN				
<b>ID Number(s):</b>					
<b>WASTEWATER PERMIT</b>	WQ0011080001	<b>WASTEWATER EPA ID</b>	TX0058386		
<b>WASTEWATER LICENSING LICENSE</b>	WQ0011080001	<b>SLUDGE REGISTRATION</b>	23448		
<b>Compliance History Period:</b>	September 01, 2008 to August 31, 2013	<b>Rating Year:</b>	2013	<b>Rating Date:</b>	09/01/2013
<b>Date Compliance History Report Prepared:</b>	January 17, 2014				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	January 17, 2009 to January 17, 2014				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Herbert Darling			<b>Phone:</b>	(512) 239-1000

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

Item 1	February 12, 2009	(752713)
Item 2	March 19, 2009	(752714)
Item 3	April 20, 2009	(770381)
Item 4	May 15, 2009	(927247)
Item 5	June 11, 2009	(927248)
Item 6	August 24, 2009	(927249)
Item 7	September 16, 2009	(927250)
Item 8	October 22, 2009	(810709)

Item 9	November 20, 2009	(810710)
Item 10	February 19, 2010	(810708)
Item 11	March 26, 2010	(832973)
Item 12	April 26, 2010	(832974)
Item 13	May 12, 2010	(832975)
Item 14	June 07, 2010	(846920)
Item 15	July 15, 2010	(867670)
Item 16	August 25, 2010	(867671)
Item 17	September 01, 2010	(874641)
Item 18	October 27, 2010	(882220)
Item 19	December 13, 2010	(897042)
Item 20	January 18, 2011	(902955)
Item 21	March 10, 2011	(917067)
Item 22	March 15, 2011	(927246)
Item 23	May 19, 2011	(938759)
Item 24	June 09, 2011	(946130)
Item 25	June 24, 2011	(938760)
Item 26	July 01, 2011	(953391)
Item 27	August 26, 2011	(960029)
Item 28	September 19, 2011	(966082)
Item 29	October 14, 2011	(972105)
Item 30	November 09, 2011	(978265)
Item 31	December 13, 2011	(991343)
Item 32	February 07, 2012	(998704)
Item 33	March 15, 2012	(1004229)
Item 34	April 04, 2012	(1010792)
Item 35	May 14, 2012	(1017162)
Item 36	July 12, 2012	(1032295)
Item 37	August 16, 2012	(1038719)
Item 38	September 13, 2012	(1047599)
Item 39	October 11, 2012	(1064783)
Item 40	November 16, 2012	(1064784)
Item 41	December 12, 2012	(1064785)
Item 42	March 11, 2013	(1090075)
Item 43	April 10, 2013	(1096461)
Item 44	May 07, 2013	(1107411)
Item 45	September 17, 2013	(1130296)
Item 46	November 15, 2013	(1141439)

**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: 01/31/2013 (1080597)	CN600692529	
	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: 05/31/2013 (1111060)	CN600692529	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
3	Date: 06/30/2013 (1117947)	CN600692529	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
4	Date: 07/31/2013 (1125744)	CN600692529	
	Self Report? YES	Classification: Moderate	

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

5 Date: 08/30/2013 (1099772) CN600692529  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 312, SubChapter G 312.142(c)  
Description: Failure to provide a copy of the sludge transporter registration.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 312, SubChapter G 312.144(a)  
Description: Failure to properly mark the vehicle used for collection with the TCEQ sludge transporter authorization sticker.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 312, SubChapter G 312.145  
Description: Failure to maintain trip tickets for 2012 & 2013.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
WQ0011800001 PERMIT  
Description: Failure to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
WQ0011080001 PERMIT  
Description: Failure to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

6 Date: 09/30/2013 (1136066) CN600692529  
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 HIDALGO  
RN101919975**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2013-1891-MWD-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Hidalgo ("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 presented this agreement to the Commission.

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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

**I. FINDINGS OF FACT**

1. The Respondent owns and operates a wastewater treatment facility located east of Hidalgo, approximately 0.5 mile north of United States Highway 281 and 0.5 mile east of Farm-to-Market Road 336, in Hidalgo 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. During a record review conducted on September 9, 2013, TCEQ staff documented from self-reported discharge monitoring reports (“DMRs”) that the Facility did not comply with the quarterly 48-hour acute whole effluent toxicity (“WET”) limit of not less than 100 percent (“%”) for the quarter ending June 30, 2013 (32%), and documented the following monthly effluent violations:

Effluent Violation Table			
Permitted Effluent Limits	Monitoring Period		
	January 2013	May 2013	June 2013
<i>Escherichia coli</i> Daily Average Limit = 126 CFU/100 mL	154	c	c
<i>Escherichia coli</i> Daily Maximum Limit = 394 CFU/100 mL	686	c	c
Ammonia Nitrogen Daily Average Concentration Limit = 3 mg/L	c	26	12
Ammonia Nitrogen Daily Maximum Concentration Limit = 10 mg/L	c	34	36
Ammonia Nitrogen Daily Average Loading Limit = 30 lbs/day	c	171	69
TSS Daily Average Concentration Limit = 15 mg/L	c	22	c
TSS Daily Maximum Concentration Limit = 40 mg/L	c	46	43
TSS Daily Average Loading Limit = 150 lbs/day	c	151	c

CFU/100 mL = colony forming units per 100 milliliters  
 TSS = total suspended solids  
 mg/L = milligrams per liter  
 lbs/day = pounds per day  
 c = compliant

4. During a record review conducted on September 9, 2013, TCEQ staff documented that the Facility did not submit monitoring results for WET for the semiannual 24-hour acute biomonitoring monitoring period ending June 30, 2013 by July 20, 2013.
5. The Respondent received notice of the violations on September 23, 2013.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011080001, Interim Effluent Limitations and Monitoring Requirements No. 1.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to submit monitoring results for WET for the semiannual 24-hour acute biomonitoring monitoring period ending June 30, 2013 by July 20, 2013, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0011080001, 24-hour Acute Biomonitoring Requirements: Freshwater No. 3.b.1.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Seventy-Three Thousand Twenty-Five Dollars (\$73,025) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Two Thousand Forty-Five Dollars (\$2,045) of the administrative penalty. The remaining amount of Seventy Thousand Nine Hundred Eighty Dollars (\$70,980) of the administrative penalty shall be payable in 35 monthly payments of Two Thousand Twenty-Eight Dollars (\$2,028) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Seventy-Three Thousand Twenty-Five Dollars (\$73,025) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Hidalgo, Docket No. 2013-1891-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 undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DMRs, in accordance with TPDES Permit No. WQ0011080001, Biomonitoring Requirements and Monitoring and Reporting Requirements No. 1, and
    - ii. Submit the monitoring results for WET for the semiannual 24-hour acute biomonitoring monitoring period ending June 30, 2013, in accordance with the requirements of TPDES Permit No. WQ0011080001 to:

Compliance Monitoring Team (MC 224)  
Enforcement Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a.i and 2.a.ii, as described in Ordering Provision No. 2.d below;

- c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0011080001, 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 limitations; and
- d. The certifications required by Ordering Provision Nos. 2.b and 2.c shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Harlingen Regional Office  
Texas Commission on Environmental Quality  
1804 West Jefferson Avenue  
Harlingen, Texas 78550-5247

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes

aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ramon M. ...  
For the Executive Director

5/4/15  
Date

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

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

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Ruben Puentes  
Signature

4-2-15  
Date

Rubén Puentes  
Name (Printed or typed)  
Authorized Representative of the  
City of Hidalgo

Public Works Dir.  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order