

Executive Summary – Enforcement Matter – Case No. 50297
McMullen County Water Control and Improvement District No. 1 and
McMullen County
RN101919611
Docket No. 2015-0469-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Tilden Wastewater Treatment Plant, located adjacent to the west side of State Highway 16 and south of the intersection of State Highway 16 and Farm-to-Market Road 72, Tilden, McMullen 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: August 21, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,500

Amount Deferred for Expedited Settlement: \$2,100

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$8,400

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

**Executive Summary – Enforcement Matter – Case No. 50297
McMullen County Water Control and Improvement District No. 1 and
McMullen County
RN101919611
Docket No. 2015-0469-MWD-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: December 8, 2014
Date(s) of NOE(s): March 3, 2015

Violation Information

Failed to comply with permitted effluent limits for 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. WQ0014945001, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondents have hired an engineering firm to evaluate the system to make process performance improvements and expand holding tank capabilities.

Technical Requirements:

The Order will require the Respondents to, within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014945001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

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

**Executive Summary – Enforcement Matter – Case No. 50297
McMullen County Water Control and Improvement District No. 1 and
McMullen County
RN101919611
Docket No. 2015-0469-MWD-E**

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jennifer Graves, Enforcement Division,
Enforcement Team 1, MC R-15, (956) 430-6023; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: The Honorable James Teal, McMullen County Judge, McMullen County
Water Control and Improvement District No. 1, P.O. Box 235, Tilden, Texas 78072
Alan Brown, Manager, McMullen County, P.O. Box 235, Tilden, Texas 78072

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	3-Mar-2015	Screening	23-Mar-2015	EPA Due	
	PCW	30-Apr-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	McMullen County Water Control and Improvement District No. 1 and McMullen County		
Reg. Ent. Ref. No.	RN101919611		
Facility/Site Region	16-Laredo	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	50297	No. of Violations	2
Docket No.	2015-0469-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jennifer Graves
		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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability Enhancement **Subtotal 4**

Notes

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

Economic Benefit Enhancement* **Subtotal 6**

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

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 23-Mar-2015

Docket No. 2015-0469-MWD-E

PCW

Respondent McMullen County Water Control and Improvement District No. 1 and M

Policy Revision 4 (April 2014)

Case ID No. 50297

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101919611

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 40%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order with denial, three months of self-reported effluent violations, and one NOV with same/similar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 40%

Screening Date 23-Mar-2015

Docket No. 2015-0469-MWD-E

PCW

Respondent McMullen County Water Control and Improvement District No. 1 and McM

Policy Revision 4 (April 2014)

Case ID No. 50297

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101919611

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

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. WQ0014945001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on December 8, 2014, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		15.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

A simplified model was used to evaluate the values for ammonia nitrogen to determine whether the discharged amounts exceeded levels protective of human health or the environment. Total suspended solids were also considered. The amounts discharged at the time of the violation were significant and did not exceed levels protective of human health or the environment.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 30 Number of violation days

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

Violation Base Penalty \$3,750

One monthly event is recommended for the month of September 2013.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,171

Violation Final Penalty Total \$5,250

This violation Final Assessed Penalty (adjusted for limits) \$5,250

Economic Benefit Worksheet

Respondent McMullen County Water Control and Improvement District No. 1 and McMullen County
Case ID No. 50297
Reg. Ent. Reference No. RN101919611
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				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	30-Sep-2013	2-Feb-2016	2.34	\$1,171	n/a	\$1,171

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

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,171

Screening Date 23-Mar-2015

Docket No. 2015-0469-MWD-E

PCW

Respondent McMullen County Water Control and Improvement District No. 1

Policy Revision 4 (April 2014)

Case ID No. 50297

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101919611

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014945001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on December 8, 2014, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate the values for ammonia nitrogen to determine whether the discharged amounts exceeded levels protective of human health or the environment. Total suspended solids were also considered. The amounts discharged at the time of the violation were insignificant and did not exceed levels protective of human health or the environment.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3

182 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

Three quarterly events are recommended for the quarters containing the months of October 2013, November 2013, January 2014, February 2014, July 2014, and August 2014.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$5,250

This violation Final Assessed Penalty (adjusted for limits) \$5,250

Economic Benefit Worksheet

Respondent McMullen County Water Control and Improvement District No. 1 and McMullen County
Case ID No. 50297
Reg. Ent. Reference No. RN101919611
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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

**McMullen County Water Control and Improvement District No. 1 and
McMullen County**

Docket No. 2015-0469-MWD-E

**Texas Pollutant Discharge Elimination System ("TPDES") Permit No.
WQ0014945001**

EFFLUENT VIOLATION TABLE					
Months	Permitted Effluent Limits				
	Ammonia Nitrogen Daily Average Concentration Limit = 3 mg/L	Ammonia Nitrogen Single Grab Limit = 15 mg/L	Ammonia Nitrogen Daily Average Loading Limit = 2.4 lbs/day	TSS Daily Average Concentration Limit = 15 mg/L	TSS Daily Average Loading Limit = 12 lbs/day
September 2013	19.075	28.3	10.867	38.75	16.9
October 2013	7.08	18.5	3.215	25.2	c
November 2013	c	c	c	15.75	c
January 2014	6.7	17.3	c	18.75	c
February 2014	9.45	31.7	2.824	c	c
July 2014	c	c	c	16.0	c
August 2014	3.5	c	c	c	c

mg/L = milligrams per liter
 lbs/day = pounds per day
 TSS = total suspended solids
 c = compliant



Compliance History Report

PUBLISHED Compliance History Report for CN600737092, RN101919611, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator:	CN600737092, McMullen County Water Control & Improvement District No. 1	Classification: SATISFACTORY	Rating: 3.91
Regulated Entity:	RN101919611, TILDEN WASTEWATER TREATMENT PLANT	Classification: SATISFACTORY	Rating: 3.91
Complexity Points:	7	Repeat Violator: NO	
CH Group:	08 - Sewage Treatment Facilities		
Location:	ADJACENT TO THE WEST SIDE OF STATE HIGHWAY 16 AND IMMEDIATELY SOUTH OF THE INTERSECTION OF STATE HIGHWAY 16 AND FARM-TO-MARKET ROAD 72, TILDEN, MCMULLEN COUNTY, TEXAS		
TCEQ Region:	REGION 16 - LAREDO		

ID Number(s):			
WASTEWATER EPA ID TX0107646		WASTEWATER AUTHORIZATION R14945001	
WASTEWATER PERMIT WQ0014945001		WASTEWATER EPA ID TX0132675	
WASTEWATER LICENSING LICENSE WQ0013543001			

Compliance History Period:	September 01, 2009 to August 31, 2014	Rating Year:	2014	Rating Date:	09/01/2014
Date Compliance History Report Prepared:	April 30, 2015				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	April 15, 2010 to April 15, 2015				

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

Name: Jennifer Graves **Phone:** (956) 430-6023

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: 06/26/2010 ADMINORDER 2009-1322-MWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter D 305.65
30 TAC Chapter 305, SubChapter F 305.125(2)
Description: Failure to maintain authorization for the discharge of wastewater. Specifically, the Respondents did not renew TPDES Permit No. WQ0013543001 before its expiration on May 1, 2009, and continued to discharge without authorization.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 30, 2010	(1233784)
Item 2	September 27, 2010	(1233794)
Item 3	November 15, 2010	(1233804)
Item 4	November 18, 2010	(1233799)
Item 5	January 06, 2011	(1233808)
Item 6	January 24, 2011	(1233813)
Item 7	February 24, 2011	(1233765)
Item 8	March 30, 2011	(1233769)
Item 9	May 23, 2011	(1233772)
Item 10	June 02, 2011	(1233776)
Item 11	July 05, 2011	(1233780)
Item 12	July 14, 2011	(1233785)
Item 13	August 22, 2011	(1233790)
Item 14	September 19, 2011	(1233795)
Item 15	October 20, 2011	(1233800)
Item 16	November 28, 2011	(1233805)
Item 17	December 28, 2011	(1233809)
Item 18	January 20, 2012	(1233814)
Item 19	March 28, 2012	(1233771)
Item 20	May 03, 2012	(1233773)
Item 21	May 25, 2012	(1233777)
Item 22	June 22, 2012	(1233781)
Item 23	September 24, 2012	(1233796)
Item 24	December 06, 2012	(1233801)
Item 25	December 10, 2012	(1233806)
Item 26	January 09, 2013	(1233810)
Item 27	January 18, 2013	(1233815)
Item 28	April 19, 2013	(1233774)
Item 29	July 15, 2013	(1233782)
Item 30	September 27, 2013	(1233797)
Item 31	December 17, 2013	(1233791)
Item 32	January 27, 2014	(1233816)
Item 33	April 24, 2014	(1233775)
Item 34	June 09, 2014	(1233779)
Item 35	June 25, 2014	(1233783)
Item 36	July 16, 2014	(1233788)
Item 37	November 12, 2014	(1233803)
Item 38	February 03, 2015	(1233817)
Item 39	March 06, 2015	(1244521)

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: 07/31/2014 (1233793)	CN600737092
	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: 08/31/2014 (1233798)	CN600737092
	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: 10/03/2014 (1192966)	CN600737092	
	Self Report? NO	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.039(b) 30 TAC Chapter 305, SubChapter F 305.125(5) Page 5, #7 Noncompliance Notification PERMIT		
	Description: Failure to report unauthorized discharges within 24 hours.		
	Self Report? NO	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(4)		
	Description: Failure to prevent an unauthorized discharge of untreated sewage.		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(5) Page 9, Operational Requirements #1 PERMIT		
	Description: Failure to post emergency contact signs at the lift station.		
4	Date: 11/30/2014 (1233812)	CN600737092	
	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

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600900955, RN101919611, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600900955, McMullen County **Classification:** SATISFACTORY **Rating:** 1.95

Regulated Entity: RN101919611, TILDEN WASTEWATER TREATMENT PLANT **Classification:** SATISFACTORY **Rating:** 3.91

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

CH Group: 08 - Sewage Treatment Facilities

Location: ADJACENT TO THE WEST SIDE OF STATE HIGHWAY 16 AND IMMEDIATELY SOUTH OF THE INTERSECTION OF STATE HIGHWAY 16 AND FARM-TO-MARKET ROAD 72, TILDEN, MCMULLEN COUNTY, TEXAS

TCEQ Region: REGION 16 - LAREDO

ID Number(s):

WASTEWATER EPA ID TX0107646 **WASTEWATER AUTHORIZATION** R14945001
WASTEWATER PERMIT WQ0014945001 **WASTEWATER EPA ID** TX0132675
WASTEWATER LICENSING LICENSE WQ0013543001

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

Date Compliance History Report Prepared: April 15, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 15, 2010 to April 15, 2015

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

Name: Jennifer Graves

Phone: (956) 430-6023

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: 06/26/2010 ADMINORDER 2009-1322-MWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter D 305.65
30 TAC Chapter 305, SubChapter F 305.125(2)
Description: Failure to maintain authorization for the discharge of wastewater. Specifically, the Respondents did not renew TPDES Permit No. WQ0013543001 before its expiration on May 1, 2009, and continued to discharge without

authorization.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 30, 2010	(1233784)
Item 2	September 27, 2010	(1233794)
Item 3	November 15, 2010	(1233804)
Item 4	November 18, 2010	(1233799)
Item 5	January 06, 2011	(1233808)
Item 6	January 24, 2011	(1233813)
Item 7	February 24, 2011	(1233765)
Item 8	March 30, 2011	(1233769)
Item 9	May 23, 2011	(1233772)
Item 10	June 02, 2011	(1233776)
Item 11	July 05, 2011	(1233780)
Item 12	July 14, 2011	(1233785)
Item 13	August 22, 2011	(1233790)
Item 14	September 19, 2011	(1233795)
Item 15	October 20, 2011	(1233800)
Item 16	November 28, 2011	(1233805)
Item 17	December 28, 2011	(1233809)
Item 18	January 20, 2012	(1233814)
Item 19	March 28, 2012	(1233771)
Item 20	May 03, 2012	(1233773)
Item 21	May 25, 2012	(1233777)
Item 22	June 22, 2012	(1233781)
Item 23	September 24, 2012	(1233796)
Item 24	December 06, 2012	(1233801)
Item 25	December 10, 2012	(1233806)
Item 26	January 09, 2013	(1233810)
Item 27	January 18, 2013	(1233815)
Item 28	April 19, 2013	(1233774)
Item 29	July 15, 2013	(1233782)
Item 30	September 27, 2013	(1233797)
Item 31	December 17, 2013	(1233791)
Item 32	January 27, 2014	(1233816)
Item 33	April 24, 2014	(1233775)
Item 34	June 09, 2014	(1233779)
Item 35	June 25, 2014	(1233783)
Item 36	July 16, 2014	(1233788)
Item 37	November 12, 2014	(1233803)
Item 38	February 03, 2015	(1233817)
Item 39	March 06, 2015	(1244521)

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: 07/31/2014 (1233793)	CN600900955	
	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: 08/31/2014 (1233798)	CN600900955	
	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: 10/03/2014 (1192966) CN600900955
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.039(b)
30 TAC Chapter 305, SubChapter F 305.125(5)
Page 5, #7 Noncompliance Notification PERMIT
Description: Failure to report unauthorized discharges within 24 hours.
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(4)
Description: Failure to prevent an unauthorized discharge of untreated sewage.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Page 9, Operational Requirements #1 PERMIT
Description: Failure to post emergency contact signs at the lift station.
- 4 Date: 11/30/2014 (1233812) CN600900955
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
MCMULLEN COUNTY WATER
CONTROL AND IMPROVEMENT
DISTRICT NO. 1 AND
MCMULLEN COUNTY
RN101919611**

§
§
§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2015-0469-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 McMullen County Water Control and Improvement District No. 1 and McMullen County (the "Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents together stipulate that:

1. The Respondents own and operate a wastewater treatment facility located adjacent to the west side of State Highway 16 and south of the intersection of State Highway 16 and Farm-to-Market Road 72 in Tilden, McMullen County, Texas (the "Facility").
2. The Respondents have discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondents agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondents are subject to the Commission's jurisdiction.
4. The Respondents received notice of the violations alleged in Section II ("Allegations") on or about March 8, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Ten Thousand Five Hundred Dollars (\$10,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents have paid Eight Thousand Four Hundred Dollars (\$8,400) of the administrative penalty and Two Thousand One Hundred Dollars (\$2,100) is deferred contingent upon the Respondents' 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 Respondents fail to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondents to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondents 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 Respondents have hired an engineering firm to evaluate the system to make process performance improvements and expand holding tank capabilities.
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 Respondents have 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 owners and operators of the Facility, the Respondents are alleged to have 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. WQ0014945001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on December 8, 2014, and shown in the table below:

EFFLUENT VIOLATION TABLE					
Months	Permitted Effluent Limits				
	Ammonia Nitrogen Daily Average Concentration	Ammonia Nitrogen Single Grab	Ammonia Nitrogen Daily Average Loading	TSS Daily Average Concentration	TSS Daily Average Loading
	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 2.4 lbs/day	Limit = 15 mg/L	Limit = 12 lbs/day
September 2013	19.075	28.3	10.867	38.75	16.9
October 2013	7.08	18.5	3.215	25.2	c
November 2013	c	c	c	15.75	c
January 2014	6.7	17.3	c	18.75	c
February 2014	9.45	31.7	2.824	c	c
July 2014	c	c	c	16.0	c
August 2014	3.5	c	c	c	c

mg/L = milligrams per liter
lbs/day = pounds per day

TSS = total suspended solids
c = compliant

III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondents pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondents' 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: McMullen County Water Control and Improvement District No. 1 and McMullen County, Docket No. 2015-0469-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 Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.

3. It is further ordered that within 90 days after the effective date of this Agreed Order, the Respondents shall submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014945001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Laredo Regional Office
Texas Commission on Environmental Quality
707 East Calton Road, Suite 304
Laredo, Texas 78041-3887

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are 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 Respondents fail 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 Respondents' failure to comply is not a violation of this Agreed Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become 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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive 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 Respondents 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 Respondents, or three days after the date on which the Commission mails notice of the Order to the Respondents, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ramon Norvick Jr
For the Executive Director

10/7/15
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.

Alan Brown
Signature

06/25/2015
Date

Alan Brown
Name (Printed or typed)
Authorized Representative of
McMullen County Water Control and Improvement District No. 1

Manager
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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

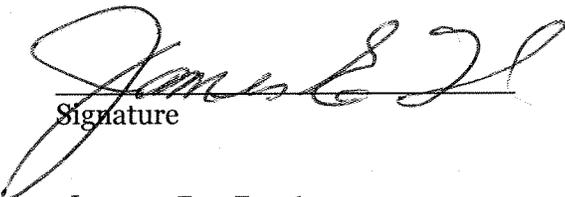
10/7/15
Date

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.


Signature

June 24, 2015
Date

James E. Teal
Name (Printed or typed)
Authorized Representative of
McMullen County

McMullen County Judge
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.