

Executive Summary – Enforcement Matter – Case No. 50881

City of Pharr

RN102928041

Docket No. 2015-1115-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Pharr WWTP, located adjacent to South "I" Road, approximately 1.9 miles south of the intersection of South "I" Road and U.S. Highway 83 Business, Hidalgo County

Type of Operation:

Wastewater treatment facility with an associated wastewater collection system

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainants have expressed an interest in this matter but do not wish to speak at Agenda.

Texas Register Publication Date: November 27, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$27,625

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$27,625

Name of SEP: 3 New Pumps for Lift Station #25 (Compliance)

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. 50881
City of Pharr
RN102928041
Docket No. 2015-1115-MWD-E

Investigation Information

Complaint Date(s): June 1, 2015, June 9, 2015, and June 21, 2015

Complaint Information: Alleged the city sewers were overflowing into yards and neighborhoods.

Date(s) of Investigation: June 3, 2015 through June 9, 2015

Date(s) of NOE(s): July 10, 2015

Violation Information

Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(1), TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010596001, Permit Conditions No. 2.g.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective actions:

a. By February 10, 2015, hired an engineering firm to conduct an engineering evaluation of the collection system, and create a plan and schedule to eliminate sanitary sewer overflows in the Lift Station 25 Sanitary Sewer Catchment Service Area; and

b. By June 10, 2015, cleaned and disinfected the affected areas, repaired a pump station line, returned power to a lift station, and unclogged two service lines.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Compliance SEP (see Compliance SEP Attachment A).

2. The Order will also require the Respondent to, within 285 days, submit written certification that corrective actions designed to prevent future discharges of wastewater from the collection system have been completed within the Lift Station 25 Sewer Catchment Service Area to demonstrate compliance.

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. 50881
City of Pharr
RN102928041
Docket No. 2015-1115-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Larry Butler, Enforcement Division,
Enforcement Team 3, MC 169, (512) 239-2543; Melissa Cordell, Enforcement Division,
MC 219, (512) 239-2483

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

Respondent: The Honorable Ambrosio Hernandez, Mayor, City of Pharr, P.O. Box
1729, Pharr, Texas 78577

Respondent's Attorney: N/A

Attachment A
Docket Number: 2015-1115-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Pharr
Penalty Amount:	Twenty-Seven Thousand Six Hundred Twenty-Five Dollars (\$27,625)
SEP Offset Amount:	Twenty-Seven Thousand Six Hundred Twenty-Five Dollars (\$27,625)
Type of SEP:	Compliance SEP
Project Name:	<i>3 New Pumps for Lift Station #25</i>
Location of SEP:	Hidalgo County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the 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

The 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. The Respondent shall hire a contractor and labor to build a new lift station with three new larger pumps and associated control panels. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for the following: purchase and installation of three new pumps and associated control panels (the "Project"). The Respondent shall solicit bids from qualified contractors to install the pumps and associated control panels. 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.

The 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.

The Respondent's signature affixed to the attached Agreed Order certifies that the Respondent is performing the Compliance SEP 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 wastewater treatment plant's ability to handle peak flow during heavy rain events and 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

The 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. The Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Quantity	Cost	Units	Total
Purchase and Installation of Submersible Pump and Associated Control Panel; and labor	3	\$70,000	1	\$210,000
Total				\$210,000

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall begin implementation of the SEP. The Respondent shall have completed the SEP in its entirety within 285 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, the 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, the 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 285-day time-frame set forth in Section 2, Performance Schedule, above. Thereafter, the 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
270	Actions completed during previous 90-day period
285	Notice of SEP completion

B. Final Report

Within 285 days after the effective date of the Agreed Order, or within 30 days after completion of SEP, whichever is earlier, the 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 invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids, if applicable (publication must include the enforcement statement, as stated in Section 6, Publicity);
4. Dated photographs of the purchased equipment; the equipment being removed; before and after work being performed during the installation process; and of the completed Project;
5. Copies of all engineering plans related to work performed pursuant to the Project;
6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
7. Any additional information demonstrating compliance with this Attachment A.

C. Address

The 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

The Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. The 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 the 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 the Respondent failed to fully implement and complete the Project, the 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, the 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 the 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. Recognition

The Respondent may not seek recognition for this project 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 the 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 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	13-Jul-2015			
	PCW	3-Sep-2015	Screening	21-Jul-2015	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	City of Pharr				
Reg. Ent. Ref. No.	RN102928041				
Facility/Site Region	15-Harlingen	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	50881	No. of Violations	1		
Docket No.	2015-1115-MWD-E	Order Type	Findings		
Media Program(s)	Water Quality	Government/Non-Profit	Yes		
Multi-Media		Enf. Coordinator	Larry Butler		
		EC's Team	Enforcement Team 3		
Admin. Penalty \$ Limit	Minimum	\$0	Maximum	\$25,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$21,250
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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	\$6,375
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Notes: Enhancement for one NOV with same/similar violations and one agreed order without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$441,769
Estimated Cost of Compliance	\$2,320,433

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$27,625
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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	\$27,625
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$27,625
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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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.

PAYABLE PENALTY	\$27,625
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Screening Date 21-Jul-2015

Docket No. 2015-1115-MWD-E

PCW

Respondent City of Pharr

Policy Revision 4 (April 2014)

Case ID No. 50881

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102928041

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

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>)	1	5%
	Other written NOVs	0	0%
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	1	25%
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) 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 one NOV with same/similar violations and one agreed order without a denial of liability.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date 21-Jul-2015

Docket No. 2015-1115-MWD-E

PCW

Respondent City of Pharr

Policy Revision 4 (April 2014)

Case ID No. 50881

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102928041

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010596001, Permit Conditions No. 2.g

Violation Description

Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state, as documented during an investigation conducted from June 3 through June 9, 2015, and shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 17

24 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$21,250

Seventeen single events are recommended, one for each date that a discharge occurred.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$21,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$441,769

Violation Final Penalty Total \$27,625

This violation Final Assessed Penalty (adjusted for limits) \$27,625

Economic Benefit Worksheet

Respondent City of Pharr
Case ID No. 50881
Reg. Ent. Reference No. RN102928041
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
<i>No commas or \$</i>							

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	\$2,319,433	1-Apr-2014	19-Dec-2016	2.72	\$21,034	\$420,675	\$441,709
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-Apr-2014	10-Jun-2015	1.19	\$60	n/a	\$60
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated engineering/construction cost to replace and upgrade Lift Station No. 25 and the associated force main. Date required is the date of the first documented unauthorized discharge, and the final date is the estimated date of compliance.

Estimated remediation/disposal cost to clean and disinfect the affected areas. Date required is the date of the first documented unauthorized discharge, and the final date is the date remediation was completed on the last documented unauthorized discharge.

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	\$2,320,433	TOTAL	\$441,769
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City of Pharr
Docket No. 2015-1115-MWD-E
Texas Pollutant Discharge Elimination System Permit No. WQ0010596001

Unauthorized Discharge Table

Date	Location	Amount Discharged (gallons)	Description
April 1, 2014	100 East Nolana Loop	500	Clogged Line
April 17, 2014	Ridge Road & I Road	400	Clogged Line
August 14, 2014	Dicker Road & Oro Lane	300	Broken Force Main
September 3, 2014	8802 South Cage Boulevard	600	Inflow/Infiltration
September 13, 2014	400 Rhett Drive	2,000	Inflow/Infiltration
September 13, 2014	707 West Hall Acres Road	1,000	Inflow/Infiltration
September 13, 2014	7916 South Palo Verde Circle	1,000	Inflow/Infiltration
September 13, 2014	8400 South Colima Road	2,000	Inflow/Infiltration
September 13, 2014	541 East Saint Anne Drive	1,500	Inflow/Infiltration
September 13, 2014	5409 North Gumwood Street	2,000	Inflow/Infiltration
September 13, 2014	South Sinaloa Drive & East Durango Road	2,000	Inflow/Infiltration
September 13, 2014	552 East Saint Anne Drive	1,000	Inflow/Infiltration
September 13, 2014	East Cheyenne Avenue & Huisache Avenue	2,000	Inflow/Infiltration
September 26, 2014	Blanca Lane & Longoria Street	1,200	Manhole Cave-In
September 26, 2014	619 West Longoria Drive	1,200	Manhole Cave-In
September 28, 2014	400 Rhett Drive	500	Inflow/Infiltration
September 28, 2014	700 Dicker Road	500	Inflow/Infiltration
September 28, 2014	7916 South Palo Verde Circle	500	Inflow/Infiltration
September 28, 2014	360 South Palo Verde Circle	500	Inflow/Infiltration
September 28, 2014	8400 South Sinaloa Drive	500	Inflow/Infiltration
September 28, 2014	221 East Durango Road	500	Inflow/Infiltration
September 28, 2014	8400 South Colima Road	500	Inflow/Infiltration
September 28, 2014	500 West Habitat Circle North	500	Inflow/Infiltration
September 28, 2014	4801 South Sevilla Street	500	Inflow/Infiltration

September 28, 2014	1201 East Helmer Street	500	Inflow/Infiltration
September 28, 2014	134 East Jones Avenue	500	Inflow/Infiltration
November 7, 2014	North Huisache Street & East Canela Avenue	300	Inflow/Infiltration
November 7, 2014	North Huisache Street & East Comino Avenue	300	Inflow/Infiltration
November 7, 2014	North Huisache Street & East Azucar Avenue	300	Inflow/Infiltration
November 7, 2014	East Cheyenne Avenue & North Gumwood Avenue	300	Inflow/Infiltration
November 7, 2014	North Gumwood Street & East Canela Avenue	300	Inflow/Infiltration
November 7, 2014	North Ebony Street & East Cheyenne Avenue	300	Inflow/Infiltration
November 11, 2014	Red Bugambilia	150	Pump Failure
November 11, 2014	South Dahlia Street	200	Pump Failure
March 9, 2015	South Colima Road & East Durango Road	1,000	Inflow/Infiltration
March 10, 2015	South Seguin Drive & West Hi Line Road	500	Inflow/Infiltration
March 10, 2015	East Dorathy Avenue & North Gumwood Street	300	Clogged Line
April 25, 2015	South Cage Boulevard & West Anaya Road	160	Power Outage
April 25, 2015	8401 East Puebla Road	160	Power Outage
April 25, 2015	8408 East Puebla Road	160	Power Outage
April 25, 2015	South Palo Verde Circle	160	Power Outage
April 25, 2015	West Ruisenor Avenue	160	Power Outage
May 11, 2015	400 Rhett Drive	1,000	Lift Station Fail
May 12, 2015	South Seguin Drive & West Hi Line Road	1,800	Inflow/Infiltration
May 12, 2015	South Austin Drive & West Hi Line Road	1,800	Inflow/Infiltration
May 15, 2015	200 South Palo Verde Circle	1,000	Inflow/Infiltration
May 15, 2015	South Seguin Drive & West Hi Line Road	3,500	Inflow/Infiltration

May 15, 2015	7905 South Palo Verde Circle	1,000	Inflow/Infiltration
May 31, 2015	West Hi line Road & South Austin Drive	600	Inflow/Infiltration
May 31, 2015	East Cheyenne Avenue & North Huisache Avenue	800	Inflow/Infiltration
May 31, 2015	East Moore Road & South Cage Boulevard	800	Inflow/Infiltration
May 31, 2015	North Plantation Drive & Atlanta Drive	1,000	Inflow/Infiltration
June 9, 2015	4100 East Rio Vista Avenue	1,000	Inflow/Infiltration
June 9, 2015	913 East Canela Avenue	200	Inflow/Infiltration
June 9, 2015	913 East Oregano Avenue	200	Inflow/Infiltration
June 9, 2015	913 East Comino Avenue	200	Inflow/Infiltration
June 9, 2015	3405 North Tequila	1,000	Inflow/Infiltration
June 9, 2015	712 East Buchanan Drive	1,000	Inflow/Infiltration
June 9, 2015	512 East Cheyenne Avenue	1,000	Inflow/Infiltration
June 9, 2015	612 East Cheyenne Avenue	1,000	Inflow/Infiltration
June 9, 2015	5000 North Huisache Avenue	1,000	Inflow/Infiltration
June 9, 2015	5100 North Huisache Avenue	1,000	Inflow/Infiltration
June 9, 2015	5409 North Gumwood Street	1,000	Inflow/Infiltration
June 9, 2015	5607 North Gumwood Street	1,000	Inflow/Infiltration
June 9, 2015	5301 North Gumwood Street	1,000	Inflow/Infiltration
June 9, 2015	5804 North Gumwood Street	1,000	Inflow/Infiltration
June 9, 2015	5901 North Gumwood Street	1,000	Inflow/Infiltration

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

Item 1	August 13, 2010	(867694)	Item 30	January 15, 2013	(1080645)
Item 2	August 19, 2010	(960051)	Item 31	February 12, 2013	(1080644)
Item 3	September 20, 2010	(874665)	Item 32	March 07, 2013	(1090099)
Item 4	October 12, 2010	(882248)	Item 33	March 14, 2013	(1096482)
Item 5	November 17, 2010	(888715)	Item 34	May 09, 2013	(1107433)
Item 6	December 20, 2010	(897061)	Item 35	June 14, 2013	(1111082)
Item 7	January 18, 2011	(902979)	Item 36	July 17, 2013	(1117969)
Item 8	February 19, 2011	(909849)	Item 37	August 19, 2013	(1125772)
Item 9	March 09, 2011	(917088)	Item 38	September 06, 2013	(1130319)
Item 10	April 15, 2011	(927320)	Item 39	October 18, 2013	(1136089)
Item 11	May 19, 2011	(938783)	Item 40	November 14, 2013	(1141464)
Item 12	June 20, 2011	(946151)	Item 41	December 13, 2013	(1147920)
Item 13	July 19, 2011	(953418)	Item 42	January 07, 2014	(1153995)
Item 14	September 16, 2011	(966102)	Item 43	February 10, 2014	(1161317)
Item 15	October 20, 2011	(972127)	Item 44	March 11, 2014	(1167967)
Item 16	November 15, 2011	(978288)	Item 45	April 17, 2014	(1175118)
Item 17	December 06, 2011	(985088)	Item 46	May 15, 2014	(1181305)
Item 18	January 16, 2012	(991366)	Item 47	June 17, 2014	(1188200)
Item 19	February 09, 2012	(998724)	Item 48	June 26, 2014	(1199825)
Item 20	March 20, 2012	(1004249)	Item 49	August 25, 2014	(1199826)
Item 21	April 05, 2012	(1010814)	Item 50	September 10, 2014	(1206580)
Item 22	May 10, 2012	(1017189)	Item 51	October 15, 2014	(1212997)
Item 23	June 13, 2012	(1024970)	Item 52	November 14, 2014	(1219255)
Item 24	July 02, 2012	(1032319)	Item 53	December 09, 2014	(1225034)
Item 25	August 23, 2012	(1038743)	Item 54	January 13, 2015	(1231900)
Item 26	September 13, 2012	(1047624)	Item 55	February 06, 2015	(1243047)
Item 27	October 12, 2012	(1064854)	Item 56	March 10, 2015	(1249410)
Item 28	November 15, 2012	(1064855)	Item 57	April 17, 2015	(1256291)
Item 29	December 12, 2012	(1064856)	Item 58	May 19, 2015	(1263023)

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: 08/14/2014 (1177416) CN600245898
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125
 Permit WQ0010596001 OP
 Description: There shall be no unauthorized discharge of wastewater or any other waste into or adjacent to any water in the state.

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

5 Date: 08/10/2012 (1016041) CN600245898
 Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 2D TWC Chapter 26, SubChapter A 26.121(a)(3)
 2D TWC Chapter 26, SubChapter A 26.121(b)
 2D TWC Chapter 26, SubChapter A 26.121(c)
 2D TWC Chapter 26, SubChapter A 26.121(d)
 2D TWC Chapter 26, SubChapter A 26.121(e)
 30 TAC Chapter 305, SubChapter F 305.125(4)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Permit Conditions, 2. Compliance, g., PERMIT
 TWC Chapter 26 26.121
 TWC Chapter 26 26.121(a)(2)
 Description: Failure to prevent the unauthorized discharge of wastewater into or adjacent to any waters in the state.

6* Date: 12/09/2013 (1122374) CN600245898
 Classification: Minor
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: The regulated entity failed to comply with all permit conditions as listed in Water Quality Permit WQ10596001, Permit Conditions, Section 2, (g) there shall be no unauthorized discharge of wastewater or any other waste

7* Date: 08/14/2014 (1177416) CN600245898
 Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125
 Permit WQ0010596001 OP
 Description: There shall be no unauthorized discharge of wastewater or any other waste into or adjacent to any water in the state.

* NOVs applicable for the Compliance History rating period 9/1/2009 to 8/31/2014

Appendix B
All Investigations Conducted During Component Period July 14, 2010 and July 14, 2015

- Item 1* August 13, 2010** (867694) For Informational Purposes Only
- Item 2* August 19, 2010** (960051) For Informational Purposes Only
- Item 3* September 20, 2010** (874665) For Informational Purposes Only
- Item 4* October 12, 2010** (882248) For Informational Purposes Only
- Item 5* November 17, 2010** (888715) For Informational Purposes Only
- Item 6* December 20, 2010** (897061) For Informational Purposes Only
- Item 7* January 18, 2011** (902979) For Informational Purposes Only
- Item 8* February 19, 2011** (909849) For Informational Purposes Only

Item 9*	March 09, 2011**	(917088) For Informational Purposes Only
Item 10*	April 15, 2011**	(927320) For Informational Purposes Only
Item 11*	May 19, 2011**	(938783) For Informational Purposes Only
Item 12*	June 20, 2011**	(946151) For Informational Purposes Only
Item 13*	July 19, 2011**	(953418) For Informational Purposes Only
Item 14*	September 16, 2011**	(966102) For Informational Purposes Only
Item 15*	October 20, 2011**	(972127) For Informational Purposes Only
Item 16*	November 15, 2011**	(978288) For Informational Purposes Only
Item 17*	December 06, 2011**	(985088) For Informational Purposes Only
Item 18*	January 16, 2012**	(991366) For Informational Purposes Only
Item 19*	February 09, 2012**	(998724) For Informational Purposes Only
Item 20*	March 20, 2012**	(1004249) For Informational Purposes Only
Item 21*	April 05, 2012**	(1010814) For Informational Purposes Only
Item 22*	May 10, 2012**	(1017189) For Informational Purposes Only
Item 23*	June 13, 2012**	(1024970) For Informational Purposes Only
Item 24*	July 02, 2012**	(1032319) For Informational Purposes Only
Item 25	August 08, 2012**	(1016041) For Informational Purposes Only
Item 26*	August 23, 2012**	(1038743) For Informational Purposes Only
Item 27*	September 13, 2012**	(1047624) For Informational Purposes Only
Item 28*	October 12, 2012**	(1064854) For Informational Purposes Only
Item 29*	November 15, 2012**	(1064855) For Informational Purposes Only

		(1064856)
Item 30*	December 12, 2012**	For Informational Purposes Only
		(1080645)
Item 31*	January 15, 2013**	For Informational Purposes Only
		(1080644)
Item 32*	February 12, 2013**	For Informational Purposes Only
		(1090099)
Item 33*	March 07, 2013**	For Informational Purposes Only
		(1096482)
Item 34*	March 14, 2013**	For Informational Purposes Only
		(1107433)
Item 35*	May 09, 2013**	For Informational Purposes Only
		(1111082)
Item 36*	June 14, 2013**	For Informational Purposes Only
		(1117969)
Item 37*	July 17, 2013**	For Informational Purposes Only
		(1125772)
Item 38*	August 19, 2013**	For Informational Purposes Only
		(1130319)
Item 39*	September 06, 2013**	For Informational Purposes Only
		(1136089)
Item 40*	October 18, 2013**	For Informational Purposes Only
		(1141464)
Item 41*	November 14, 2013**	For Informational Purposes Only
		(1147920)
Item 42*	December 13, 2013**	For Informational Purposes Only
		(1153995)
Item 43*	January 07, 2014**	For Informational Purposes Only
		(1161317)
Item 44*	February 10, 2014**	For Informational Purposes Only
		(1167967)
Item 45*	March 11, 2014**	For Informational Purposes Only
		(1175118)
Item 46*	April 17, 2014**	For Informational Purposes Only
		(1181305)
Item 47*	May 15, 2014**	For Informational Purposes Only
		(1188200)
Item 48*	June 17, 2014**	For Informational Purposes Only
		(1199825)
Item 49*	June 26, 2014**	For Informational Purposes Only
		(1177416)
Item 50	August 15, 2014**	For Informational Purposes Only

Item 51*	August 25, 2014**	(1199826) For Informational Purposes Only
Item 52*	September 10, 2014	(1206580) For Informational Purposes Only
Item 53*	October 15, 2014	(1212997) For Informational Purposes Only
Item 54*	November 14, 2014	(1219255) For Informational Purposes Only
Item 55*	December 09, 2014	(1225034) For Informational Purposes Only
Item 56*	January 13, 2015	(1231900) For Informational Purposes Only
Item 57*	February 06, 2015	(1243047) For Informational Purposes Only
Item 58*	March 10, 2015	(1249410) For Informational Purposes Only
Item 59*	April 17, 2015	(1256291) For Informational Purposes Only
Item 60*	May 19, 2015	(1263023) For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2009 and 08/31/2014.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF PHARR
RN102928041**

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

**AGREED ORDER
DOCKET NO. 2015-1115-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 Pharr (the "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 it has 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 adjacent to South "I" Road, approximately 1.9 miles south of the intersection of South "I" Road and United States Highway 83 Business in Hidalgo County, Texas with an associated wastewater collection system (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 an investigation conducted from June 3 through June 9, 2015, TCEQ staff documented the following unauthorized discharges:

Date	Location	Amount Discharged (gallons)	Description
April 1, 2014	100 East Nolana Loop	500	Clogged Line
April 17, 2014	Ridge Road & I Road	400	Clogged Line
August 14, 2014	Dicker Road & Oro Lane	300	Broken Force Main
September 3, 2014	8802 South Cage Boulevard	600	Inflow/Infiltration
September 13, 2014	400 Rhett Drive	2,000	Inflow/Infiltration
September 13, 2014	707 West Hall Acres Road	1,000	Inflow/Infiltration
September 13, 2014	7916 South Palo Verde Circle	1,000	Inflow/Infiltration
September 13, 2014	8400 South Colima Road	2,000	Inflow/Infiltration
September 13, 2014	541 East Saint Anne Drive	1,500	Inflow/Infiltration
September 13, 2014	5409 North Gumwood Street	2,000	Inflow/Infiltration
September 13, 2014	South Sinaloa Drive & East Durango Road	2,000	Inflow/Infiltration
September 13, 2014	552 East Saint Anne Drive	1,000	Inflow/Infiltration
September 13, 2014	East Cheyanne Avenue & Huisache Avenue	2,000	Inflow/Infiltration
September 26, 2014	Blanca Lane & Longoria Street	1,200	Manhole Cave-In
September 26, 2014	619 West Longoria Drive	1,200	Manhole Cave-In
September 28, 2014	400 Rhett Drive	500	Inflow/Infiltration
September 28, 2014	700 Dicker Road	500	Inflow/Infiltration
September 28, 2014	7916 South Palo Verde Circle	500	Inflow/Infiltration
September 28, 2014	360 South Palo Verde Circle	500	Inflow/Infiltration
September 28, 2014	8400 South Sinaloa Drive	500	Inflow/Infiltration
September 28, 2014	221 East Durango Road	500	Inflow/Infiltration

September 28, 2014	8400 South Colima Road	500	Inflow/Infiltration
September 28, 2014	500 West Habitat Circle North	500	Inflow/Infiltration
September 28, 2014	4801 South Sevilla Street	500	Inflow/Infiltration
September 28, 2014	1201 East Helmer Street	500	Inflow/Infiltration
September 28, 2014	134 East Jones Avenue	500	Inflow/Infiltration
November 7, 2014	North Huisache Street & East Canela Avenue	300	Inflow/Infiltration
November 7, 2014	North Huisache Street & East Comino Avenue	300	Inflow/Infiltration
November 7, 2014	North Huisache Street & East Azucar Avenue	300	Inflow/Infiltration
November 7, 2014	East Cheyenne Avenue & North Gumwood Avenue	300	Inflow/Infiltration
November 7, 2014	North Gumwood Street & East Canela Avenue	300	Inflow/Infiltration
November 7, 2014	North Ebony Street & East Cheyenne Avenue	300	Inflow/Infiltration
November 11, 2014	Red Bugambilia	150	Pump Failure
November 11, 2014	South Dahlia Street	200	Pump Failure
March 9, 2015	South Colima Road & East Durango Road	1,000	Inflow/Infiltration
March 10, 2015	South Seguin Drive & West Hi Line Road	500	Inflow/Infiltration
March 10, 2015	East Dorathy Avenue & North Gumwood Street	300	Clogged Line
April 25, 2015	South Cage Boulevard & West Anaya Road	160	Power Outage
April 25, 2015	8401 East Puebla Road	160	Power Outage
April 25, 2015	8408 East Puebla Road	160	Power Outage
April 25, 2015	South Palo Verde Circle	160	Power Outage
April 25, 2015	West Ruisenor Avenue	160	Power Outage
May 11, 2015	400 Rhett Drive	1,000	Lift Station Fail

May 12, 2015	South Seguin Drive & West Hi Line Road	1,800	Inflow/Infiltration
May 12, 2015	South Austin Drive & West Hi Line Road	1,800	Inflow/Infiltration
May 15, 2015	200 South Palo Verde Circle	1,000	Inflow/Infiltration
May 15, 2015	South Seguin Drive & West Hi Line Road	3,500	Inflow/Infiltration
May 15, 2015	7905 South Palo Verde Circle	1,000	Inflow/Infiltration
May 31, 2015	West Hi line Road & South Austin Drive	600	Inflow/Infiltration
May 31, 2015	East Cheyenne Avenue & North Huisache Avenue	800	Inflow/Infiltration
May 31, 2015	East Moore Road & South Cage Boulevard	800	Inflow/Infiltration
May 31, 2015	North Plantation Drive & Atlanta Drive	1,000	Inflow/Infiltration
June 9, 2015	4100 East Rio Vista Avenue	1,000	Inflow/Infiltration
June 9, 2015	913 East Canela Avenue	200	Inflow/Infiltration
June 9, 2015	913 East Oregon Avenue	200	Inflow/Infiltration
June 9, 2015	913 East Comino Avenue	200	Inflow/Infiltration
June 9, 2015	3405 North Tequila	1,000	Inflow/Infiltration
June 9, 2015	712 East Buchanan Drive	1,000	Inflow/Infiltration
June 9, 2015	512 East Cheyenne Avenue	1,000	Inflow/Infiltration
June 9, 2015	612 East Cheyenne Avenue	1,000	Inflow/Infiltration
June 9, 2015	5000 North Huisache Avenue	1,000	Inflow/Infiltration
June 9, 2015	5100 North Huisache Avenue	1,000	Inflow/Infiltration
June 9, 2015	5409 North Gumwood Street	1,000	Inflow/Infiltration
June 9, 2015	5607 North Gumwood Street	1,000	Inflow/Infiltration
June 9, 2015	5301 North Gumwood Street	1,000	Inflow/Infiltration
June 9, 2015	5804 North Gumwood Street	1,000	Inflow/Infiltration
June 9, 2015	5901 North Gumwood Street	1,000	Inflow/Infiltration

4. The Respondent received notice of the violations on July 14, 2015.
5. The Executive Director recognizes that the Respondent has implemented the following corrective actions:
 - a. By February 10, 2015, the Respondent hired an engineering firm to conduct an engineering evaluation of the collection system, and create a plan and schedule to eliminate sanitary sewer overflows in the Lift Station 25 Sanitary Sewer Catchment Service Area.
 - b. By June 10, 2015, the Respondent cleaned and disinfected the affected areas, repaired a pump station line, returned power to a lift station, and unclogged two service lines.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010596001, Permit Conditions No. 2.g.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Twenty-Seven Thousand Six Hundred Twenty-Five Dollars (\$27,625) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Twenty-Seven Thousand Six Hundred Twenty-Five Dollars (\$27,625) shall be conditionally offset by the Respondent's completion of a Compliance Supplemental Environmental Project ("C-SEP").

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 Twenty-Seven Thousand Six Hundred Twenty-Five Dollars (\$27,625) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Pharr, Docket No. 2015-1115-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 C-SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Twenty-Seven Thousand Six Hundred Twenty-Five Dollars (\$27,625) of the assessed administrative penalty shall be offset with the condition that the C-SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the C-SEP agreement.
3. The Respondent shall, within 285 days after the effective date of this Agreed Order, submit written certification as described below that corrective actions designed to prevent future discharges of wastewater from the collection system have been completed within the Lift Station 25 Sewer Catchment Service Area, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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 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 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

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. 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.
8. 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.

9. 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.
10. 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.
11. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

2/18/16

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Pharr. I am authorized to agree to the attached Agreed Order on behalf of the City of Pharr, 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 Pharr 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.

Signature

Date

OCTOBER 27, 2015

AMBROSIO HERNANDEZ

Name (Printed or typed)
Authorized Representative of
City of Pharr

MAYOR

Title

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

Attachment A
Docket Number: 2015-1115-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Pharr
Penalty Amount:	Twenty-Seven Thousand Six Hundred Twenty-Five Dollars (\$27,625)
SEP Offset Amount:	Twenty-Seven Thousand Six Hundred Twenty-Five Dollars (\$27,625)
Type of SEP:	Compliance SEP
Project Name:	<i>3 New Pumps for Lift Station #25</i>
Location of SEP:	Hidalgo County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the 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

The 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. The Respondent shall hire a contractor and labor to build a new lift station with three new larger pumps and associated control panels. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for the following: purchase and installation of three new pumps and associated control panels (the "Project"). The Respondent shall solicit bids from qualified contractors to install the pumps and associated control panels. 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.

The 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.

The Respondent's signature affixed to the attached Agreed Order certifies that the Respondent is performing the Compliance SEP 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 wastewater treatment plant's ability to handle peak flow during heavy rain events and 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

The 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. The Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Quantity	Cost	Units	Total
Purchase and Installation of Submersible Pump and Associated Control Panel; and labor	3	\$70,000	1	\$210,000
Total				\$210,000

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall begin implementation of the SEP. The Respondent shall have completed the SEP in its entirety within 285 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, the 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, the 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 285-day time-frame set forth in Section 2, Performance Schedule, above. Thereafter, the 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
270	Actions completed during previous 90-day period
285	Notice of SEP completion

B. Final Report

Within 285 days after the effective date of the Agreed Order, or within 30 days after completion of SEP, whichever is earlier, the 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 invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids, if applicable (publication must include the enforcement statement, as stated in Section 6, Publicity);
4. Dated photographs of the purchased equipment; the equipment being removed; before and after work being performed during the installation process; and of the completed Project;
5. Copies of all engineering plans related to work performed pursuant to the Project;
6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
7. Any additional information demonstrating compliance with this Attachment A.

C. Address

The 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

The Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. The 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 the 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 the Respondent failed to fully implement and complete the Project, the 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, the 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 the 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. Recognition

The Respondent may not seek recognition for this project 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 the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.