

City of Joaquin

RN102095437

Docket No. 2015-1223-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions over the prior five year period for the same violations.

Media:

MWD

Small Business:

N/A

Location(s) Where Violation(s) Occurred:

approximately 2,800 feet east of North Chalk Street on Faulkville Road and approximately 2,700 feet northeast of the intersection of Jackson Street and United States Highway 84, City of Joaquin, Shelby County

Type of Operation:

wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: October 7, 2016

Comments Received: None

Penalty Information

Total Penalty Assessed: \$37,287

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$37,287

Supplemental Environmental Project ("SEP") Conditional Offset: \$37,287

Name of SEP: *WWTP Repairs & Upgrades - City of Joaquin, Shelby County*

Compliance History Classifications:

Person/CN – Satisfactory
Site/RN – Satisfactory

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

City of Joaquin**RN102095437****Docket No. 2015-1223-MWD-E****Investigation Information**

Complaint Date(s):	May 27, 2015
Complaint Information:	Alleged sewage from the Facility's collection system was entering a creek causing a fish kill and fish to gulp for air. Additionally, three lift stations around town had alarms going off for days and had overflowing sewage.
Date(s) of Investigation:	May 29, 2015
Date(s) of NOV(s):	December 31, 2014; April 30, 2015
Date(s) of NOE(s):	July 28, 2015

Violation Information

- Failed to prevent the unauthorized discharge of untreated wastewater into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012718001, Permit Conditions No. 2.g.].
- Failed to report any noncompliance which may endanger human health or safety, or the environment to the TCEQ within 24 hours of becoming aware of the noncompliance [TEX. WATER CODE § 26.039(b), 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A), and TPDES Permit No. WQ0012718001, Monitoring and Reporting Requirements Nos. 7.a. and 7.b.].

Corrective Actions/Technical Requirements**Corrective Action(s) Completed:**

- Ceased the unauthorized discharge of untreated wastewater from the Facility's wet well as of May 29, 2015.
- Reported the unauthorized discharge to the TCEQ via telephone on May 29, 2015 and via fax on May 30, 2015.
- Purchased and installed a new five horsepower submersible pump in the Facility's wet well as of August 6, 2015.
- Repaired the existing submersible pump and grinder in the Facility's wet well as of August 17, 2015.
- Repaired the manhole as of August 25, 2015.
- Cleaned and disinfected the affected areas as of September 2, 2015.

Technical Requirements:

- Within 30 days:
 - Update the Facility's operational guidance and conduct employee training to ensure that:
 - All systems of collection at the Facility are maintained and operated properly to prevent future unauthorized discharges; and
 - All Facility operational and maintenance procedures and reporting requirements are properly accomplished, and ensure that any noncompliance is reported to the TCEQ Beaumont Regional Office within 24 hours upon becoming aware of a noncompliance.
- Within 45 days, submit written certification to demonstrate compliance.

City of Joaquin

RN102095437

Docket No. 2015-1223-MWD-E

Litigation Information

Date Petition(s) Filed: November 18, 2015; June 30, 2016
Date Answer Filed: January 12, 2016
SOAH Referral Date: February 12, 2016
Hearing Date(s):
Preliminary Hearing: March 31, 2016 (waived)
Evidentiary Hearing: October 6, 2016 (scheduled)
Settlement Date: September 7, 2016

Contact Information

TCEQ Attorneys: Amanda Patel, Litigation Division, (512) 239-3400
Ryan Rutledge, Litigation Division, (512) 239-3400
Rudy Calderon, Public Interest Counsel, (512) 239-6363
TCEQ SEP Attorney: Meaghan Bailey, Litigation Division, (512) 239-3400
TCEQ Enforcement Coordinator: Jason Fraley, Enforcement Division, (512) 239-2552
TCEQ Regional Contact: Ronald Hebert, Beaumont Regional Office, (409) 898-3838
Respondent Contact: The Honorable Bill Baker, Mayor, City of Joaquin, P.O. Box 237, Joaquin, Texas 75954-0237
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	3-Aug-2015	Screening	6-Aug-2015	EPA Due	
	PCW	28-Sep-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Joaquin		
Reg. Ent. Ref. No.	RN102095437		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	51098	No. of Violations	2
Docket No.	2015-1223-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jason Fraley
		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	\$23,750
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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	57.0% Adjustment	Subtotals 2, 3, & 7	\$13,537
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Notes: Enhancement for two months of self-reported effluent violations, one NOV with dissimilar violations, one order with denial of liability, and one order without 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: \$303
 Estimated Cost of Compliance: \$18,762
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$37,287
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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	\$37,287
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$37,287
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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	\$37,287
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Screening Date 6-Aug-2015
Respondent City of Joaquin
Case ID No. 51098
Reg. Ent. Reference No. RN102095437
Media [Statute] Water Quality
Enf. Coordinator Jason Fraley

Docket No. 2015-1223-MWD-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	1	2%
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	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) 57%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two months of self-reported effluent violations, one NOV with dissimilar violations, one order with denial of liability, and one order without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 57%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 57%

Screening Date 6-Aug-2015

Docket No. 2015-1223-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 4 (April 2014)

Case ID No. 51098

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Jason Fraley

Violation Number 1

Rule Cite(s) 30 Tex. Admin Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012718001, Permit Conditions No. 2.g.

Violation Description Failed to prevent the unauthorized discharge of untreated wastewater into or adjacent to any water in the state, as documented during an investigation conducted on May 29, 2015. Specifically, from May 25, 2015, through May 29, 2015, approximately 50,000 gallons of untreated wastewater discharged from a manhole into a road-side ditch that flowed into an unnamed tributary of the Toledo Bend Reservoir as a result of both pumps failing within the wastewater treatment plant lift station wet well, resulting in a fish kill.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (30.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 3 Number of violation days 73

Table for event frequency: daily, weekly, monthly (marked with x), quarterly, semiannual, annual, single event.

Violation Base Penalty \$22,500

Three monthly events are recommended, calculated from the initial date of discharge, May 25, 2015, to the screening date, August 6, 2015.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x).

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

Violation Subtotal \$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$286

Violation Final Penalty Total \$35,325

This violation Final Assessed Penalty (adjusted for limits) \$35,325

Economic Benefit Worksheet

Respondent City of Joaquin
Case ID No. 51098
Reg. Ent. Reference No. RN102095437
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	\$13,507	25-May-2015	17-Aug-2015	0.23	\$10	\$207	\$218
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	\$5,000	25-May-2015	2-Sep-2015	0.27	\$68	n/a	\$68
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual equipment costs to purchase and install a new five horsepower submersible pump (\$3,112), to repair the existing submersible pump and grinder (\$5,395), and an estimated cost to repair the manhole (\$5,000). Date required is the initial date of the unauthorized discharge and the final date is the date of compliance.

Estimated remediation/disposal cost to clean and disinfect the affected areas. Date required is the initial date of the unauthorized discharge, and the final date is the date of compliance.

Estimated training/sampling cost is captured in the Economic Benefit Worksheet for Violation No. 2.

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

\$18,507

TOTAL

\$286

Screening Date 6-Aug-2015
Respondent City of Joaquin
Case ID No. 51098
Reg. Ent. Reference No. RN102095437
Media [Statute] Water Quality
Enf. Coordinator Jason Fraley

Docket No. 2015-1223-MWD-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (9)(A), Tex. Water Code § 26.039(b), and TPDES Permit No. WQ0012718001, Monitoring and Reporting Requirements Nos. 7.a. and 7.b.

Violation Description Failed to report any noncompliance which may endanger human health or safety, or the environment to the TCEQ within 24 hours of becoming aware of the noncompliance, as documented during an investigation conducted on May 29, 2015. Specifically, an unauthorized discharge that occurred from May 25, 2015, through May 29, 2015, was not reported to the TCEQ Beaumont Regional Office within 24 hours.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>

Matrix Notes 100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

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

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Joaquin
Case ID No. 51098
Reg. Ent. Reference No. RN102095437
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	29-May-2015	14-May-2016	0.96	\$12	n/a	\$12
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated training/sampling cost to update the Facility's operational guidance and conduct employee training to ensure that the TCEQ Beaumont Regional Office is properly notified within 24 hours upon becoming aware of any noncompliance, and to ensure that all systems of collection, treatment and disposal at the Facility are maintained and operated properly to prevent future unauthorized discharges. Date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$5	25-May-2015	26-May-2015	0.00	\$0	\$5	\$5
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to properly notify the TCEQ Beaumont Regional Office within 24 hours upon becoming aware of a noncompliance. Date required is the 24 hour period in which the notice was due.

Approx. Cost of Compliance \$255

TOTAL \$17

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.



Compliance History Report

PUBLISHED Compliance History Report for CN600667182, RN102095437, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600667182, City of Joaquin
Classification: SATISFACTORY **Rating:** 37.21

Regulated Entity: RN102095437, City of Joaquin WWTP
Classification: SATISFACTORY **Rating:** 37.21

Complexity Points: 7
Repeat Violator: NO

CH Group: 08 - Sewage Treatment Facilities

Location: Approximately 2,800 feet east of North Chalk Street on Faulkville Road and approximately 2,700 feet northeast of the intersection of Jackson Street and United States Highway 84 in the City of Joaquin in Shelby County, Texas

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s): **WASTEWATER PERMIT** WQ0012718001
WASTEWATER EPA ID TX0069213
WASTEWATER AUTHORIZATION R12718001
WASTEWATER LICENSING LICENSE WQ0012718001

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

Date Compliance History Report Prepared: August 06, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 06, 2010 to August 06, 2015

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

Name: Jason Fraley

Phone: (512) 239-2552

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: 03/19/2011 ADMINORDER 2010-1346-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 and Monitoring Req No. 1 PERMIT
Description: Failed to comply with the permitted effluent limitations.
- 2 Effective Date: 05/24/2014 ADMINORDER 2013-0708-MWD-E (Findings Order-Agreed Order Without Denial)**

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
Rqmt Prov: SP, III, No. G, Pg. 22 PERMIT
Description: Failure to timely submit the annual sludge reports for the reporting periods ending July 31, 2010 and July 31, 2011 by September 1, 2010 and September 1, 2011, respectively.

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: OT, No. 8, Pg. 24 PERMIT
Description: Failure to submit quarterly progress reports for ammonia nitrogen ("NH3N") excursions due on February 12, May 12, August 12, and November 12, 2010, 2011, and 2012.

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: M&RR, No. 7(C), Pg. 6 PERMIT
Description: Failure to submit noncompliance notifications for any effluent violation which deviates from the permitted effluent limitation by greater than 40% to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, the daily average concentration for NH3N was exceeded by more than 40% in February, April, and September 2011, and March 2012 and Respondent failed to report the exceedances.

Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: EL&MR No. 1 PERMIT
EL&MR, No. 2, Pg. 2A PERMIT
Description: Failure to comply with permitted effluent limits.

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: OpR, No. 1, Pg. 9 PERMIT
Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: OT, No. 9. Pg. 24 PERMIT
 Description: Failure to submit quarterly progress reports to address the progress towards attaining the water quality-based final effluent limitations. Specifically, the Respondent did not submit the progress reports due on January 1, 2010, April 1, 2010, July 1, 2010, October 1, 2010, January 1, 2011, April 1, 2011, July 1, 2011, October 1, 2011, January 1, 2012, April 1, 2012, July 1, 2012, and October 1, 2012 to the Regional Office and the Enforcement Division.

Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: OT, No. 10. Pg. 24 PERMIT
 Description: Failure to submit a summary submittal letter to the TCEQ Wastewater Permitting Section prior to the final construction phase of the treatment facilities. Specifically, Respondent did not submit a summary letter specifying how the treatment system will meet the final permit effluent limitations prior to November 13, 2011.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	December 17, 2010	(1065491)	Item 22	May 17, 2013	(1107537)
Item 2	January 18, 2011	(1065493)	Item 23	June 24, 2013	(1111178)
Item 3	April 15, 2011	(1065456)	Item 24	July 26, 2013	(1118074)
Item 4	July 22, 2011	(1065472)	Item 25	September 23, 2013	(1130417)
Item 5	September 16, 2011	(1065480)	Item 26	October 28, 2013	(1136188)
Item 6	November 21, 2011	(1065488)	Item 27	December 03, 2013	(1141565)
Item 7	December 21, 2011	(1065492)	Item 28	January 27, 2014	(1154097)
Item 8	December 28, 2011	(1065476)	Item 29	February 24, 2014	(1161423)
Item 9	January 19, 2012	(1065494)	Item 30	March 25, 2014	(1168063)
Item 10	March 19, 2012	(1065460)	Item 31	April 15, 2014	(1175215)
Item 11	May 21, 2012	(1065466)	Item 32	May 20, 2014	(1181408)
Item 12	August 13, 2012	(1065469)	Item 33	June 24, 2014	(1188303)
Item 13	September 25, 2012	(1065481)	Item 34	August 12, 2014	(1194087)
Item 14	October 19, 2012	(1065485)	Item 35	September 24, 2014	(1206683)
Item 15	October 26, 2012	(1065477)	Item 36	November 25, 2014	(1219349)
Item 16	November 20, 2012	(1065489)	Item 37	January 26, 2015	(1225131)
Item 17	January 04, 2013	(1080855)	Item 38	February 20, 2015	(1243145)
Item 18	January 24, 2013	(1080856)	Item 39	March 27, 2015	(1249508)
Item 19	February 26, 2013	(1080854)	Item 40	April 21, 2015	(1256385)
Item 20	March 25, 2013	(1090201)	Item 41	May 13, 2015	(125638)
Item 21	April 22, 2013	(1096576)			

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: 12/31/2014 (1232026) CN600667182

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

2 Date: 04/29/2015 (1251635) CN600667182

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

3 Date: 04/30/2015 (1263126) CN600667182

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

F. Environmental audits: N/A

G. Type of environmental management systems (EMSs): N/A

H. Voluntary on-site compliance assessment dates: N/A

I. Participation in a voluntary pollution reduction program: N/A

J. Early compliance: N/A

Sites Outside of Texas: N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF JOAQUIN;
RN102095437**

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§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2015-1223-MWD-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Joaquin ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

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

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

FINDINGS OF FACT

1. Respondent owns and operates a wastewater treatment plant located at approximately 2,800 feet east of North Chalk Street on Faulkville Road and approximately 2,700 feet northeast of the intersection of Jackson Street and United States Highway 84 in the City of Joaquin, Shelby County, Texas (the "Facility"). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation conducted on May 29, 2015, an investigator documented that Respondent:
 - a. Failed to prevent the unauthorized discharge of untreated wastewater into or adjacent to any water in the state. Specifically, from May 25, 2015, through May 29, 2015, approximately 50,000 gallons of untreated wastewater discharged from a manhole into a road-side ditch that flowed into an unnamed tributary of the Toledo Bend Reservoir as a

result of both pumps failing within the wastewater treatment plant lift station wet well, resulting in a fish kill; and

- b. Failed to report any noncompliance which may endanger human health or safety, or the environment to the TCEQ within 24 hours of becoming aware of the noncompliance. Specifically, an unauthorized discharge that occurred from May 25, 2015, through May 29, 2015, was not reported to the TCEQ Beaumont Regional Office within 24 hours.
3. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility:
 - a. Ceased the unauthorized discharge of untreated wastewater from the Facility's wet well as of May 29, 2015;
 - b. Reported the unauthorized discharge to the TCEQ via telephone on May 29, 2015 and via fax on May 30, 2015;
 - c. Purchased and installed a new five horsepower submersible pump in the Facility's wet well as of August 6, 2015;
 - d. Repaired the existing submersible pump and grinder in the Facility's wet well as of August 17, 2015;
 - e. Repaired the manhole as of August 25, 2015; and
 - f. Cleaned and disinfected the affected areas as of September 2, 2015.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to prevent the unauthorized discharge of untreated wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012718001, Permit Conditions No. 2.g.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to report any noncompliance which may endanger human health or safety, or the environment to the TCEQ within 24 hours of becoming aware of the noncompliance, in violation of TEX. WATER CODE § 26.039(b), 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A), and TPDES Permit No. WQ0012718001, Monitoring and Reporting Requirements Nos. 7.a. and 7.b.
4. Pursuant to TEX. WATER CODE § 7.051, TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of thirty-seven thousand two hundred eighty-seven dollars (\$37,287.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

Pursuant to TEX. WATER CODE § 7.067, thirty-seven thousand two hundred eighty-seven dollars (\$37,287.00) of the penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A" - incorporated herein by reference). Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes any payment schedule and the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. Respondent shall implement and complete a SEP as set forth in Conclusion of Law No. 5. The amount of thirty-seven thousand two hundred eighty-seven dollars (\$37,287.00) of the assessed administrative penalty is conditionally offset based on Respondent's implementation and completion a SEP pursuant to the terms and conditions contained in the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Update the Facility's operational guidance and conduct employee training to ensure that:
 - (1) All systems of collection at the Facility are maintained and operated properly to prevent future unauthorized discharges; and
 - (2) All Facility operational and maintenance procedures and reporting requirements are properly accomplished, and ensure that any noncompliance is reported to the TCEQ Beaumont Regional Office within 24 hours upon becoming aware of a noncompliance, in accordance with TPDES Permit No. WQ0012718001, Monitoring and Reporting Requirements Nos. 7.a. and 7.b; and
 - b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No.

3.a.i. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall 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 fine and imprisonment for knowing violations.”

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

Water Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred.

Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

8. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
9. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
10. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
11. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.
12. 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.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date





For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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 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;
- 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.

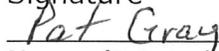
In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.



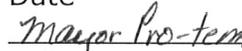
Signature



Date



Name (Printed or typed)



Title

Authorized representative of
City of Joaquin

If mailing address has changed, please check this box and provide the new address below:
