

Executive Summary – Enforcement Matter – Case No. 54671

City of Rio Grande City

RN102777661

Docket No. 2017-0961-MLM-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:

MLM - MSW, WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

Rio Grande City WWTP, located on the north bank of the Rio Grande, approximately 0.5 mile upstream of the International Bridge (Farm-to-Market Road 755) on the Old Fort Ringgold Site east of Rio Grande City, Starr County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 20, 2018

Comments Received: No

Penalty Information

Total Penalty Assessed: \$120,124

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$120,124

Name of SEP: Lift Station Rehabilitation (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 18, 2017 through April 21, 2017 and June 12, 2017

Date(s) of NOE(s): June 1, 2017

Executive Summary – Enforcement Matter – Case No. 54671
City of Rio Grande City
RN102777661
Docket No. 2017-0961-MLM-E

Violation Information

1. Failed to equip the lift stations with a standby pump [30 TEX. ADMIN. CODE § 305.125(1) and (5) and 317.3(b)(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010802001, Operational Requirements No. 1].
2. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010802001, Operational Requirements No. 1].
3. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010802001, Operational Requirements No. 1 and Effluent Limitations and Monitoring Requirements No. 4].
4. Failed to initiate engineering and financial planning for expansion and/or upgrading the wastewater treatment and/or collection facilities whenever the flow measurements reach 75% of the permitted daily average flow for three consecutive months [30 TEX. ADMIN. CODE §§ 305.125(1) and 305.126(a) and TPDES Permit No. WQ0010802001, Operational Requirements No. 8.a].
5. Caused, suffered, allowed, or permitted the unauthorized discharge of waste [30 TEX. ADMIN. CODE § 330.15(a) and TEX. WATER CODE § 26.121(c)].
6. Failed to comply with permitted effluent limitations for *Escherichia coli*, 2-hour peak flow, and residual chlorine [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010802001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Immediately, cease the unauthorized discharge of waste at the Facility.

Executive Summary – Enforcement Matter – Case No. 54671
City of Rio Grande City
RN102777661
Docket No. 2017-0961-MLM-E

b. Within 60 days:

- i. Install a permanent backup pump at the Banco, Los Garcia, and Mascorro Lift Stations;
- ii. Install fencing, remove the excess debris in the wet well, and lock the wet well at the Banco Lift Station;
- iii. Install barbed wire along the top of the fencing at all lift stations;
- iv. Remove the excess solids, vegetation, grit, and debris in drying bed Numbers 8 and 9, and ensure appropriate means are provided to facilitate the removal of the dried sludge from the beds for disposal;
- v. Replace the worn staff gauge;
- vi. Remove the cinderblock and install a stairway landing on the catwalk over Clarifier Number 2;
- vii. Remove the excess grease and foam in the aeration basin;
- viii. Remove scum, foam, grease, and algae, and reduce the sludge content depth in Clarifier Numbers 1 and 2 to 25% of the depth of each clarifier;
- ix. Remove solids from the chlorine contact basin and effluent weir, and provide a means to remove sludge and scum, such as a small hydraulic dredge and skimmers, without taking the contact basin out of service or ensure the contact basin is configured so that one half of the contact basin can be drained for cleaning without interrupting flow through the other half;
- x. Remove all dried wastewater treatment plant sludge, wasted sludge, and headworks grit and debris at the Facility and dispose of it at an authorized facility.

c. Within 75 days, submit written certification to demonstrate compliance with b.

d. Within 90 days:

- i. Conduct an engineering evaluation of the Facility and the associated collection system to evaluate the cause of and necessary corrective actions designed to minimize or prevent the discharge of excess solids and visible foam in the chlorine contact basin, discharges in other than trace amounts over the effluent weir, and discharges that exceed permitted effluent limits. The evaluation shall be prepared by a Texas registered

Executive Summary – Enforcement Matter – Case No. 54671
City of Rio Grande City
RN102777661
Docket No. 2017-0961-MLM-E

professional engineer and shall include a plan and schedule for the completion of necessary corrective actions within 270 days;

ii. Initiate engineering and financial planning for expansion or upgrade of the Facility and/or collection facilities; and/or

iii. Obtain permit modification for increased limits for flow.

e. Within 105 days, submit written certification to demonstrate compliance with d.

f. Within 285 days, submit written certification of completion of the corrective actions designed to prevent discharge of excess solids and visible foam in the chlorine contact basin and discharges in other than trace amounts over the effluent weir.

g. Within 415 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010802001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations to demonstrate compliance.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Steven Van Landingham, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-5717; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

Respondent: Alberto Perez, City Manager, City of Rio Grande City, 5332 East Texas Highway 83, Rio Grande City, Texas 78582-9475

The Honorable Joel Villareal, Mayor, City of Rio Grande City, 5332 East Texas Highway 83, Rio Grande City, Texas 78582-9475

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	5-Jun-2017	Screening	12-Jun-2017	EPA Due	
	PCW	15-Feb-2018				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Rio Grande City		
Reg. Ent. Ref. No.	RN102777661		
Facility/Site Region	15-Harlingen	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	54671	No. of Violations	10
Docket No.	2017-0961-MLM-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media	Municipal Solid Waste	Enf. Coordinator	Steven Van Landingham
		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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability Enhancement **Subtotal 4**

Notes

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	\$51,174
Estimated Cost of Compliance	\$537,600

*Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction Adjustment

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

PAYABLE PENALTY

Screening Date 12-Jun-2017

Docket No. 2017-0961-MLM-E

PCW

Respondent City of Rio Grande City

Policy Revision 4 (April 2014)

Case ID No. 54671

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102777661

Media [Statute] Water Quality

Enf. Coordinator Steven Van Landingham

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	6	30%
	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%
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) 55%

>> 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 six self-reported effluent violations and one order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 55%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 55%

Screening Date 12-Jun-2017
Respondent City of Rio Grande City
Case ID No. 54671

Docket No. 2017-0961-MLM-E

PCW

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

Reg. Ent. Reference No. RN102777661
Media [Statute] Water Quality
Enf. Coordinator Steven Van Landingham

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (5) and 317.3(b)(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010802001, Operational Requirements No. 1

Violation Description Failed to equip the lift stations with a standby pump. Specifically, the Banco, Los Garcia, and Mascorro Lift Stations had only one operable pump.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				30.0%
	Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 3 Number of violation days 55

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Three quarterly events are recommended (one event per lift station) from the April 18, 2017 initial investigation date to the June 12, 2017 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	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 \$29,342

Violation Final Penalty Total \$34,875

This violation Final Assessed Penalty (adjusted for limits) \$34,875

Economic Benefit Worksheet

Respondent City of Rio Grande City
Case ID No. 54671
Reg. Ent. Reference No. RN102777661
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Item Description

Delayed Costs

Equipment	\$375,000	18-Apr-2017	31-May-2018	1.12	\$1,397	\$27,945	\$29,342
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Equipment cost to install a permanent backup pump at the Banco, Los Garcia, and Mascorro Lift Stations (\$125,000 x 3 lift stations). The date required is the initial investigation date, and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$375,000

TOTAL \$29,342

Screening Date 12-Jun-2017
Respondent City of Rio Grande City
Case ID No. 54671
Reg. Ent. Reference No. RN102777661
Media [Statute] Water Quality
Enf. Coordinator Steven Van Landingham
Violation Number 2

Docket No. 2017-0961-MLM-E

PCW

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

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010802001, Operational Requirements No. 1

Violation Description Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Banco Lift Station was not secured from intruders as it did not have fencing, barbed wire, or a lock on the wet well, and had an excessive amount of debris in the wet well.

Base Penalty \$25,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				30.0%
Potential	x			

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events: 1 55 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One quarterly event is recommended for the Banco Lift Station, from the April 18, 2017 initial investigation date to the June 12, 2017 screening date.

Good Faith Efforts to Comply

0.0% Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,096

Violation Final Penalty Total \$11,625

This violation Final Assessed Penalty (adjusted for limits) \$11,625

Economic Benefit Worksheet

Respondent City of Rio Grande City
Case ID No. 54671
Reg. Ent. Reference No. RN102777661
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$25,000	18-Apr-2017	31-May-2018	1.12	\$93	\$1,863	\$1,956
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	\$2,500	18-Apr-2017	31-May-2018	1.12	\$140	n/a	\$140
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 install fencing and lock the wet well at the Banco Lift Station, and to install barbed wire along the top of the fencing at all lift stations. The date required is the initial investigation date, and the final date is the estimated date of compliance.

Estimated Remediation/Disposal cost to remove excess debris in the wet well at the Banco Lift Station. The date required is the initial investigation date, and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$27,500

TOTAL \$2,096

Screening Date 12-Jun-2017
Respondent City of Rio Grande City
Case ID No. 54671

Docket No. 2017-0961-MLM-E

PCW

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

Reg. Ent. Reference No. RN102777661
Media [Statute] Water Quality
Enf. Coordinator Steven Van Landingham

Violation Number
Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010802001, Operational Requirements No. 1

Violation Description

Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Los Garcia and Mascorro Lift Stations were not secured from intruders as they did not have barbed wire along the top of the fencing.

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="7.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> Programmatic Matrix

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

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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="checkbox"/>

Violation Base Penalty

Two single events are recommended (one event per lift station).

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="checkbox"/>	<input type="checkbox"/>

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 Rio Grande City
Case ID No. 54671
Reg. Ent. Reference No. RN102777661
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Economic Benefit included in 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

\$0

TOTAL

\$0

Screening Date 12-Jun-2017
Respondent City of Rio Grande City
Case ID No. 54671
Reg. Ent. Reference No. RN102777661
Media [Statute] Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2017-0961-MLM-E

PCW

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

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010802001, Operational Requirements No. 1

Violation Description Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, sludge drying bed Numbers 8 and 9 contained excessive solids, vegetation, grit, and debris.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				7.0%
	Potential			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$1,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$279

Violation Final Penalty Total \$2,713

This violation Final Assessed Penalty (adjusted for limits) \$2,713

Economic Benefit Worksheet

Respondent City of Rio Grande City

Case ID No. 54671

Reg. Ent. Reference No. RN102777661

Media Water Quality

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$5,000	18-Apr-2017	31-May-2018	1.12	\$279	n/a	\$279
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Remediation/Disposal cost to remove the excess solids, vegetation, grit, and debris in drying bed Numbers 8 and 9, and ensure appropriate means are provided to facilitate the removal of the dried sludge from the beds for disposal. The date required is the initial investigation date, and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$279

Screening Date 12-Jun-2017
Respondent City of Rio Grande City
Case ID No. 54671
Reg. Ent. Reference No. RN102777661
Media [Statute] Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2017-0961-MLM-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 (5) and TPDES Permit No. WQ0010802001, Operational Requirements No. 1

Violation Description

Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the staff gauge was worn.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events

Number of violation days

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 EDRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

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 Rio Grande City
Case ID No. 54671
Reg. Ent. Reference No. RN102777661
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$100	18-Apr-2017	31-May-2018	1.12	\$0	\$7	\$8
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Equipment cost to replace the worn staff gauge. The date required is the initial investigation date, and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$8

Screening Date 12-Jun-2017
Respondent City of Rio Grande City
Case ID No. 54671
Reg. Ent. Reference No. RN102777661
Media [Statute] Water Quality
Enf. Coordinator Steven Van Landingham
Violation Number 6

Docket No. 2017-0961-MLM-E

PCW

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

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010802001, Operational Requirements No. 1
Violation Description Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, a cinderblock was utilized as a stairway landing on the catwalk over Clarifier Number 2.

Base Penalty \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				7.0%
	Potential			x	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$1,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$782 **Violation Final Penalty Total** \$2,713

This violation Final Assessed Penalty (adjusted for limits) \$2,713

Economic Benefit Worksheet

Respondent City of Rio Grande City
Case ID No. 54671
Reg. Ent. Reference No. RN102777661
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$10,000	18-Apr-2017	31-May-2018	1.12	\$37	\$745	\$782
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Engineering/Construction cost to remove the cinderblock and install a stairway landing on the catwalk over Clarifier Number 2. The date required is the initial investigation date, and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$782

Screening Date 12-Jun-2017
Respondent City of Rio Grande City
Case ID No. 54671
Reg. Ent. Reference No. RN102777661
Media [Statute] Water Quality
Enf. Coordinator Steven Van Landingham
Violation Number 7

Docket No. 2017-0961-MLM-E

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

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0010802001, Operational Requirements No. 1 and Effluent Limitations and Monitoring Requirements No. 4

Violation Description

Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, an abundance of foam was observed in the aeration basin due to excessive grease; surface scum, foam, grease, and algae were observed in Clarifier Number 1 and six feet of sludge was documented in a ten-foot water depth; and surface scum, foam, and grease were observed in Clarifier Number 2 and seven feet of sludge was documented in a ten-foot water depth; which resulted in excess solids and visible foam observed in the chlorine contact basin and were discharging in other than trace amounts over the effluent weir.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended from the April 18, 2017 initial investigation date to the June 12, 2017 screening date.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11,378

Violation Final Penalty Total \$5,813

This violation Final Assessed Penalty (adjusted for limits) \$5,813

Economic Benefit Worksheet

Respondent City of Rio Grande City
Case ID No. 54671
Reg. Ent. Reference No. RN102777661
Media Water Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$50,000	30-Jun-2016	5-Jun-2019	2.93	\$489	\$9,772	\$10,260
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	\$20,000	18-Apr-2017	31-May-2018	1.12	\$1,118	n/a	\$1,118
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Remediation/Disposal cost to remove excess grease and foam in the aeraton basin; remove scum, foam, grease, and algae, and reduce the sludge content depths in both Clarifier Numbers 1 and 2 to 25% of the depth of the clarifiers; remove excess solids and visible foam from the chlorine contact basin and effluent weir; and provide a means to remove sludge and scum, such as a small hydraulic dredge and skimmers, without taking the contact basin out of service or ensure the contact basin is configured so that one half of the contact basin can be drained for cleaning without interrupting flow through the other half. The date required is the initial investigation date, and the final date is the estimated date of compliance.

Estimated Engineering/Construction cost to conduct an engineering evaluation of the Facility and the associated collection system to evaluate the cause of and necessary corrective actions designed to minimize or prevent the discharge of excess solids and visible foam in the chlorine contact basin, discharges in other than trace amounts over the effluent weir, and discharges that exceed permitted effluent limits. The date required is the end date of the first month of noncompliance, and the final date is the estimated date of compliance.

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

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

Approx. Cost of Compliance \$70,000

TOTAL \$11,378

Screening Date 12-Jun-2017
Respondent City of Rio Grande City
Case ID No. 54671
Reg. Ent. Reference No. RN102777661
Media [Statute] Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2017-0961-MLM-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 305.126(a) and TPDES Permit No. WQ0010802001, Operational Requirements No. 8.a

Violation Description

Failed to initiate engineering and financial planning for expansion and/or upgrading of the wastewater treatment and/or collection facilities whenever the flow measurements reach 75% of the permitted daily average flow for three consecutive months. Specifically, the Facility reached 75% of the permitted effluent limitation for flow of 1.5 million gallons per day ("MGD") for the months of March 2016 (1.327 MGD), April 2016 (1.351 MGD), and May 2016 (1.353 MGD).

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

100% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

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"/>	<input type="text"/>

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 Rio Grande City
Case ID No. 54671
Reg. Ent. Reference No. RN102777661
Media Water Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$50,000	31-May-2016	30-Jun-2018	2.08	\$347	\$6,941	\$7,288
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Engineering/Construction cost to initiate engineering and financial planning for the expansion or upgrade of the Facility and/or collection facilities. The date required is the third of three consecutive months of permitted flow exceedences, and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50,000

TOTAL

\$7,288

Screening Date 12-Jun-2017
Respondent City of Rio Grande City
Case ID No. 54671
Reg. Ent. Reference No. RN102777661
Media [Statute] Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2017-0961-MLM-E

PCW

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

Violation Number
Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010802001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Two monthly events are recommended for the months of December 2016 and February 2017.

Good Faith Efforts to Comply

0.0% 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"/>	<input type="text"/>

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 Rio Grande City
Case ID No. 54671
Reg. Ent. Reference No. RN102777661
Media Water Quality
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Economic Benefit included in Violation No. 7.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 12-Jun-2017
Respondent City of Rio Grande City
Case ID No. 54671
Reg. Ent. Reference No. RN102777661
Media [Statute] Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2017-0961-MLM-E

PCW

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

Violation Number 10
Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010802001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description

Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 4

153 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Four quarterly events are recommended for the quarters containing the months of June, July and September 2016, and January and March 2017.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$23,250

This violation Final Assessed Penalty (adjusted for limits) \$23,250

Economic Benefit Worksheet

Respondent City of Rio Grande City
Case ID No. 54671
Reg. Ent. Reference No. RN102777661
Media Water Quality
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic Benefit included in Violation No. 7.

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	5-Jun-2017	Screening	12-Jun-2017	EPA Due	
	PCW	14-Nov-2017				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Rio Grande City
Reg. Ent. Ref. No.	RN102777661
Facility/Site Region	15-Harlingen
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	1
Enf./Case ID No.	54671	Order Type	Findings
Docket No.	2017-0961-MLM-E	Government/Non-Profit	Yes
Media Program(s)	Municipal Solid Waste	Enf. Coordinator	Steven Van Landingham
Multi-Media	Water Quality	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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability Enhancement **Subtotal 4**

Notes

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

Economic Benefit Enhancement* **Subtotal 6**

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

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

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction Adjustment

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

PAYABLE PENALTY

Screening Date 12-Jun-2017

Docket No. 2017-0961-MLM-E

PCW

Respondent City of Rio Grande City

Policy Revision 4 (April 2014)

Case ID No. 54671

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102777661

Media [Statute] Municipal Solid Waste

Enf. Coordinator Steven Van Landingham

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Number	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>)	6	30%
	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%
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) 55%

>> **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 six self-reported effluent violations and one order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 55%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 55%

Screening Date 12-Jun-2017
Respondent City of Rio Grande City
Case ID No. 54671
Reg. Ent. Reference No. RN102777661
Media [Statute] Municipal Solid Waste
Enf. Coordinator Steven Van Landingham
Violation Number 1

Docket No. 2017-0961-MLM-E

PCW

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

Rule Cite(s) 30 Tex. Admin. Code § 330.15(a) and Tex. Water Code § 26.121(c)

Violation Description Caused, suffered, allowed, or permitted the unauthorized discharge of waste. Specifically, approximately 5,293 cubic yards of waste consisting of, but not limited to, dried wastewater treatment plant sludge, wasted sludge, and headworks grit and debris were observed in two off-line oxidation ditches and an off-line headworks located at the Facility.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	5.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the April 18, 2017 initial investigation date to the June 12, 2017 screening date.

Good Faith Efforts to Comply

Reduction \$0

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,776

Violation Final Penalty Total \$1,938

This violation Final Assessed Penalty (adjusted for limits) \$1,938

Economic Benefit Worksheet

Respondent City of Rio Grande City
Case ID No. 54671
Reg. Ent. Reference No. RN102777661
Media Municipal Solid Waste
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$53,612	18-Apr-2017	1-May-2018	1.04	\$2,776	n/a	\$2,776
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Remediation/Disposal cost to remove all dried wastewater treatment plant sludge, wasted sludge, and headworks grit and debris at the Facility and dispose of it at an authorized facility. The date required is the initial investigation date, and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$53,612

TOTAL

\$2,776

City of Rio Grande City
Docket No. 2017-0961-MLM-E
TPDES Permit No. WQ0010802001

Effluent Violation Table

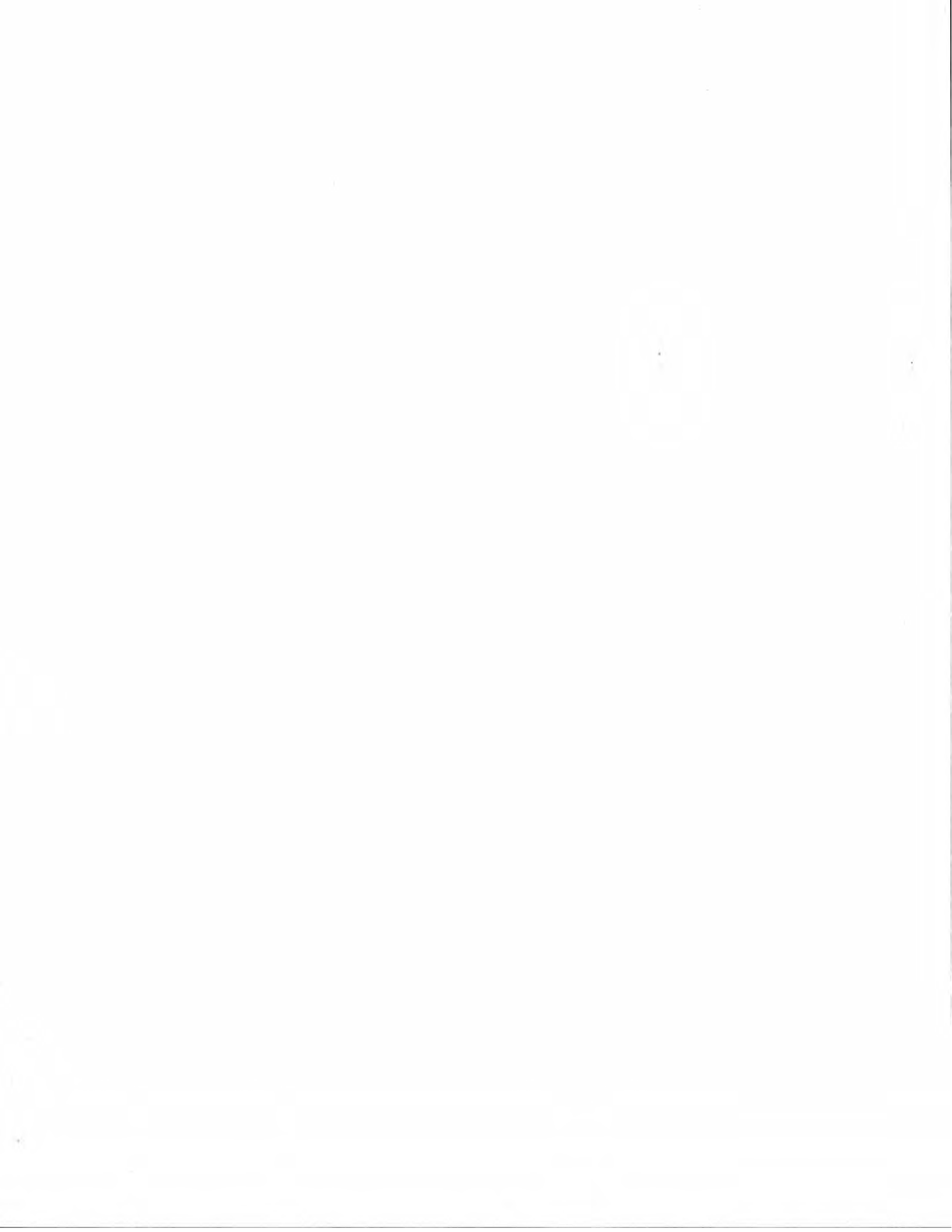
	<i>Escherichia coli</i>		Chlorine Residual	Flow
	Daily Average Concentration	Daily Maximum Concentration	Monthly Maximum	Two-Hour Peak
Month/Year	Limit = 126 CFU/100	Limit = 399 CFU/100	Limit = 4 mg/L	Limit = 2,041 gal/min
June 2016	c	c	c	2,052
July 2016	170	665	c	c
September 2016	c	c	c	2,121
December 2016	629	2,420	4.2	c
January 2017	c	c	4.1	c
February 2017	606.05	2,419.60	c	c
March 2017	c	c	c	2,247

c = compliant

CFU/100 = colony forming units per 100 milliliters

gal/min = gallons per minute

mg/L = milligrams per liter



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

Compliance History Report for CN600735476, RN102777661, Rating Year 2017 which includes Compliance History (CH) components from September 1, 2012, through August 31, 2017.

Customer, Respondent, or Owner/Operator: CN600735476, City of Rio Grande City
Classification: SATISFACTORY **Rating:** 5.33

Regulated Entity: RN102777661, Rio Grande City Wastewater Treatment Plant
Classification: SATISFACTORY **Rating:** 8.00

Complexity Points: 8 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: ON THE NORTH BANK OF THE RIO GRANDE, APPROXIMATELY 0.5 MILE UPSTREAM OF THE INTERNATIONAL BRIDGE (FARM-TO-MARKET ROAD 755) ON THE OLD FORT RINGGOLD SITE EAST OF RIO GRANDE CITY IN STARR COUNTY, TEXAS

TCEQ Region: REGION 15 - HARLINGEN

ID Number(s): **WASTEWATER PERMIT** WQ0010802001
WASTEWATER EPA ID TX0068764
WASTEWATER LICENSING LICENSE WQ0010802001

Compliance History Period: September 01, 2012 to August 31, 2017 **Rating Year:** 2017 **Rating Date:** 09/01/2017

Date Compliance History Report Prepared: November 14, 2017

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 14, 2012 to November 14, 2017

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Steven Van Landingham **Phone:** (512) 239-5717

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

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

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

- 1 Effective Date: 07/12/2017 ADMINORDER 2016-1614-MWD-E (Findings Order-Agreed Order Without Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
- Rqmt Prov: WQ0010802001, Operational Requirements 1 PERMIT
- Description: Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Veterans of Foreign Wars ("VFW") Lift Station did not have two operational pumps, and a portable diesel pump was retrofitted to pump sewage from a wet well into the main through a flexible hose
- Classification: Minor
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 317 317.3(a)
- Rqmt Prov: WQ0010802001, Operational Requirements 1 PERMIT
- Description: Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the gate at the VFW Lift Station was unlocked and ajar with no one present, barbed wire surrounding the lift station was in need of repair, and an overgrowth of vegetation needed to be removed

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	November 19, 2012	(1065422)	Item 9	July 25, 2013	(1118065)
Item 2	December 21, 2012	(1065423)	Item 10	August 20, 2013	(1125861)
Item 3	January 10, 2013	(1080832)	Item 11	September 24, 2013	(1130407)
Item 4	February 19, 2013	(1080831)	Item 12	October 15, 2013	(1136177)
Item 5	March 22, 2013	(1090191)	Item 13	November 18, 2013	(1141555)
Item 6	April 19, 2013	(1096567)	Item 14	January 23, 2014	(1154087)
Item 7	May 20, 2013	(1107527)	Item 15	April 22, 2014	(1175205)
Item 8	June 24, 2013	(1111168)	Item 16	May 22, 2014	(1175204)

Item 17	June 23, 2014	(1188294)	Item 30	October 28, 2015	(1297316)
Item 18	July 10, 2014	(1194080)	Item 31	November 17, 2015	(1302761)
Item 19	August 15, 2014	(1199965)	Item 32	January 05, 2016	(1309727)
Item 20	September 22, 2014	(1206668)	Item 33	January 20, 2016	(1316502)
Item 21	October 15, 2014	(1213082)	Item 34	February 17, 2016	(1325866)
Item 22	November 25, 2014	(1219338)	Item 35	March 18, 2016	(1332612)
Item 23	December 15, 2014	(1225121)	Item 36	May 31, 2016	(1346583)
Item 24	February 27, 2015	(1243131)	Item 37	June 24, 2016	(1353006)
Item 25	March 25, 2015	(1249497)	Item 38	November 17, 2016	(1379288)
Item 26	April 29, 2015	(1256376)	Item 39	January 04, 2017	(1391365)
Item 27	May 20, 2015	(1263116)	Item 40	May 22, 2017	(1426074)
Item 28	August 17, 2015	(1283970)	Item 41	August 16, 2017	(1444368)
Item 29	September 26, 2015	(1291119)	Item 42	September 13, 2017	(1450960)

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: 12/31/2016 (1397992)				
	Self Report? YES		Classification:	Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)				
	Description: Failure to meet the limit for one or more permit parameter				
2	Date: 01/31/2017 (1404887)				
	Self Report? YES		Classification:	Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)				
	Description: Failure to meet the limit for one or more permit parameter				
3	Date: 02/28/2017 (1411972)				
	Self Report? YES		Classification:	Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)				
	Description: Failure to meet the limit for one or more permit parameter				
4	Date: 03/31/2017 (1418475)				
	Self Report? YES		Classification:	Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)				
	Description: Failure to meet the limit for one or more permit parameter				
5	Date: 05/31/2017 (1432112)				
	Self Report? YES		Classification:	Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)				
	Description: Failure to meet the limit for one or more permit parameter				
6	Date: 06/30/2017 (1440679)				
	Self Report? YES		Classification:	Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)				
	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

Component Appendices

Appendix A

All NOVs Issued During Component Period 11/14/2012 and 11/14/2017

- 1 Date: 02/26/2013 (1056911) Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirements, 1., Page 15. PERMIT
Description: Failure to properly operate and maintain the collection system.
- 2 Date: 11/30/2013 (1148011) Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 01/31/2014 (1161413) Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 12/31/2014 (1232016) Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 05/31/2015 (1270259) Classification: Moderate
Self Report? YES For Informational Purposes Only
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
- 6 Date: 06/30/2015 (1247793) Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 217, SubChapter C 217.63(b)
30 TAC Chapter 217, SubChapter C 217.63(c)
WQ0010802001, Op Requirement 1, Pg. 15 PERMIT
Description: Failure of the permittee to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.
Specifically, the audio/visual high level alarm at VFW lift station was not functioning during the investigation conducted on May 15, 2015.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0010802001, Operational Requirements 1 PERMIT
Description: Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Veterans of Foreign Wars ("VFW") Lift Station did not have two operational pumps, and a portable diesel pump was retrofitted to pump sewage from a wet well into the main through a flexible hose
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 317 317.3(a)
WQ0010802001, Operational Requirements 1 PERMIT

Description: Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the gate at the VFW Lift Station was unlocked and ajar with no one present, barbed wire surrounding the lift station was in need of repair, and an overgrowth of vegetation needed to be removed

7

Date: 07/27/2015 (1196597)

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirements, 1., Page 15. PERMIT

Description: Failure to properly operate and maintain the collection system.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 317 317.4(a)(8)
30 TAC Chapter 317 317.7(i)

Description: Failed to test the reduced-pressure principal backflow prevention assembly (RPBA) annually.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to properly maintain the facility.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to prevent the discharge of floating solids and visible foam from the wastewater treatment plant.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to properly maintain chlorine scales.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to at all times ensure that the facility and all its systems of collection are properly operated and maintained. Specifically, the Banco Lift Station was not secured in an intruder resistant manner and had no fencing, barbed wire, or lock on the wet well.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to at all times ensure that the facility and all its systems of collection are properly operated and maintained. Specifically, the Banco Lift Station was equipped with only one (1) pump.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to at all times ensure that the facility and all its systems of collection are properly operated and maintained. Specifically, the Banco Lift Station was noted as having an excessive amount of debris in the wet well.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to at all times ensure that the facility and all its systems of collection are properly operated and maintained. Specifically, the Mascorro Lift Station was equipped with only one (1) operable pump.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: 30 TAC Chapter 305, SubChapter F 305.125(5)
Failure to at all times ensure that the facility and all its systems of collection are properly operated and maintained. Specifically, the Mascorro Lift Station was not secured in an intruder resistant manner and had no barbed wire along the top of the fencing.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to at all times ensure that the facility and all its systems of collection are properly operated and maintained. Specifically, the Los Garcia Lift Station was not secured in an intruder resistant manner and had no barbed wire along the top of the fencing.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to at all times ensure that the facility and all its systems of collection are properly operated and maintained.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to at all times ensure that the facility and all its systems of collection are properly operated and maintained.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to at all times ensure that the facility and all its systems of collection are properly operated and maintained. Specifically, the Los Garcia Lift Station was equipped with only one (1) operable pump.

8 Date: 03/31/2016 (1339761)

Classification: Moderate

Self Report? YES

For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

Description: 30 TAC Chapter 305, SubChapter F 305.125(1)
Failure to meet the limit for one or more permit parameter

9 Date: 06/30/2016 (1359975)

Classification: Moderate

Self Report? YES

For Informational Purposes Only

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

10 Date: 07/31/2016 (1366420)

Classification: Moderate

Self Report? YES

For Informational Purposes Only

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

11* Date: 09/30/2016 (1379289)

Classification: Moderate

Self Report? YES

For Informational Purposes Only

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

12* Date: 12/31/2016 (1397992)

Classification: Moderate

Self Report? YES

For Informational Purposes Only

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
- 13* Date: 01/31/2017 (1404887) Classification: Moderate
- Self Report? YES For Informational Purposes Only
 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
- 14* Date: 02/28/2017 (1411972) Classification: Moderate
- Self Report? YES For Informational Purposes Only
 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
- 15* Date: 03/31/2017 (1418475) Classification: Moderate
- Self Report? YES For Informational Purposes Only
 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
- 16* Date: 05/31/2017 (1432112) Classification: Moderate
- Self Report? YES For Informational Purposes Only
 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
- 17* Date: 06/30/2017 (1440679) Classification: Moderate
- Self Report? YES For Informational Purposes Only
 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

* NOVs applicable for the Compliance History rating period 9/1/2012 to 8/31/2017

Appendix B

All Investigations Conducted During Component Period November 14, 2012 and November 14, 2017

- (1065422)
 Item 1* November 19, 2012** For Informational Purposes Only
- (1065423)
 Item 2* December 21, 2012** For Informational Purposes Only
- (1080832)
 Item 3* January 10, 2013** For Informational Purposes Only
- (1080831)
 Item 4* February 19, 2013** For Informational Purposes Only
- (1056911)
 Item 5 February 26, 2013** For Informational Purposes Only
- (1090191)
 Item 6* March 22, 2013** For Informational Purposes Only
- (1096567)
 Item 7* April 19, 2013** For Informational Purposes Only

Item 8*	May 20, 2013**	(1107527) For Informational Purposes Only
Item 9*	June 24, 2013**	(1111168) For Informational Purposes Only
Item 10*	July 25, 2013**	(1118065) For Informational Purposes Only
Item 11*	August 20, 2013**	(1125861) For Informational Purposes Only
Item 12*	September 24, 2013**	(1130407) For Informational Purposes Only
Item 13*	October 15, 2013**	(1136177) For Informational Purposes Only
Item 14*	November 18, 2013**	(1141555) For Informational Purposes Only
Item 15	December 17, 2013**	(1148011) For Informational Purposes Only
Item 16*	January 23, 2014**	(1154087) For Informational Purposes Only
Item 17	February 28, 2014**	(1161413) For Informational Purposes Only
Item 18*	April 22, 2014**	(1175205) For Informational Purposes Only
Item 19*	May 22, 2014**	(1175204) For Informational Purposes Only
Item 20*	June 23, 2014**	(1188294) For Informational Purposes Only
Item 21*	July 10, 2014**	(1194080) For Informational Purposes Only
Item 22*	August 15, 2014**	(1199965) For Informational Purposes Only
Item 23*	September 22, 2014**	(1206668) For Informational Purposes Only
Item 24*	October 15, 2014**	(1213082) For Informational Purposes Only
Item 25*	November 25, 2014**	(1219338) For Informational Purposes Only
Item 26*	December 15, 2014**	(1225121) For Informational Purposes Only
Item 27*	February 27, 2015**	(1243131) For Informational Purposes Only
Item 28*	March 25, 2015**	(1249497) For Informational Purposes Only
		(1256376)

Item 29*	April 29, 2015**	For Informational Purposes Only (1263116)
Item 30*	May 20, 2015**	For Informational Purposes Only (1270259)
Item 31	June 24, 2015**	For Informational Purposes Only (1196597)
Item 32	July 28, 2015**	For Informational Purposes Only (1283970)
Item 33*	August 17, 2015**	For Informational Purposes Only (1291119)
Item 34*	September 26, 2015**	For Informational Purposes Only (1280681)
Item 35	October 21, 2015**	For Informational Purposes Only (1297316)
Item 36*	October 28, 2015**	For Informational Purposes Only (1302761)
Item 37*	November 17, 2015**	For Informational Purposes Only (1309727)
Item 38*	January 05, 2016**	For Informational Purposes Only (1316502)
Item 39*	January 20, 2016**	For Informational Purposes Only (1325866)
Item 40*	February 17, 2016**	For Informational Purposes Only (1332612)
Item 41*	March 18, 2016**	For Informational Purposes Only (1339761)
Item 42	April 26, 2016**	For Informational Purposes Only (1346583)
Item 43*	May 31, 2016**	For Informational Purposes Only (1353006)
Item 44*	June 24, 2016**	For Informational Purposes Only (1359975)
Item 45	July 20, 2016**	For Informational Purposes Only (1366420)
Item 46	August 11, 2016**	For Informational Purposes Only (1379289)
Item 47	October 24, 2016**	For Informational Purposes Only (1379288)
Item 48*	November 17, 2016**	For Informational Purposes Only (1391365)
Item 49*	January 04, 2017**	For Informational Purposes Only (1404887)

Item 50	March 03, 2017**	For Informational Purposes Only (1411972)
Item 51	March 08, 2017**	For Informational Purposes Only (1418475)
Item 52	April 20, 2017**	For Informational Purposes Only (1426074)
Item 53*	May 22, 2017**	For Informational Purposes Only (1408659)
Item 54	May 31, 2017**	For Informational Purposes Only (1432112)
Item 55	June 19, 2017**	For Informational Purposes Only (1423815)
Item 56	July 07, 2017**	For Informational Purposes Only (1440679)
Item 57	July 17, 2017**	For Informational Purposes Only (1444368)
Item 58*	August 16, 2017**	For Informational Purposes Only (1450960)
Item 59*	September 13, 2017	For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2012 and 08/31/2017.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF RIO GRANDE CITY
RN102777661**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2017-0961-MLM-E**

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Rio Grande City (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including 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 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 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 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 on the north bank of the Rio Grande, approximately 0.5 mile upstream of the International Bridge (Farm-to-Market Road 755) on the Old Fort Ringgold Site east of Rio Grande City in Starr County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE 26.001(5). The Facility also involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. During an investigation conducted on April 18, 2017 through April 21, 2017, an investigator documented that:
 - a. The Banco, Los Garcia, and Mascorro Lift Stations had only one operable pump.
 - b. The Banco Lift Station was not secured from intruders as it did not have fencing, barbed wire, or a lock on the wet well, and had an excessive amount of debris in the wet well.

- c. The Los Garcia and Mascorro Lift Stations were not secured from intruders as they did not have barbed wire along the top of the fencing.
 - d. Sludge drying bed Numbers 8 and 9 contained excessive solids, vegetation, grit, and debris.
 - e. The staff gauge was worn.
 - f. A cinderblock was utilized as a stairway landing on the catwalk over Clarifier Number 2.
 - g. An abundance of foam was observed in the aeration basin due to excessive grease.
 - h. Surface scum, foam, grease, and algae were observed in Clarifier Number 1 and six feet of sludge was documented in a ten-foot water depth; and surface scum, foam, and grease were observed in Clarifier Number 2 and seven feet of sludge was documented in a ten-foot water depth, which resulted in excess solids and visible foam observed in the chlorine contact basin and were discharging in other than trace amounts over the effluent weir.
 - i. The Facility reached 75% of the permitted effluent limitation for flow of 1.5 million gallons per day ("MGD") for the months of March 2016 (1.327 MGD), April 2016 (1.351 MGD), and May 2016 (1.353 MGD).
 - j. Approximately 5,293 cubic yards of waste consisting of, but not limited to, dried wastewater treatment plant sludge, wasted sludge, and headworks grit and debris was observed in two off-line oxidation ditches and an off-line headworks located at the Facility.
3. During a record review conducted on June 12, 2017, an investigator documented the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:

Effluent Violation Table				
	<i>Escherichia coli</i>		Chlorine Residual	Flow
	Daily Average Concentration	Daily Maximum Concentration	Monthly Maximum	Two-Hour Peak
Month/ Year	Limit = 126 CFU/100	Limit = 399 CFU/100	Limit = 4 mg/L	Limit = 2,041 gal/min
June 2016	c	c	c	2,052
July 2016	170	665	c	c
September 2016	c	c	c	2,121
December 2016	629	2,420	4.2	c
January 2017	c	c	4.1	c
February 2017	606.05	2,419.6	c	c
March 2017	c	c	c	2,247

c = compliant

CFU/100 = colony forming units per 100 milliliters

gal/min = gallons per minute

mg/L = milligrams per liter

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 361, TEX. WATER CODE ch. 26, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to equip the lift stations with a standby pump, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and 317.3(b)(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010802001, Operational Requirements No. 1.
3. As evidenced by Finding of Fact Nos. 2.b through 2.f, the Respondent failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010802001, Operational Requirements No. 1.

4. As evidenced by Finding of Fact Nos. 2.g and 2.h, the Respondent failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010802001, Operational Requirements No. 1 and Effluent Limitations and Monitoring Requirements No. 4.
5. As evidenced by Finding of Fact No. 2.i, the Respondent failed to initiate engineering and financial planning for expansion and/or upgrading the wastewater treatment and/or collection facilities whenever the flow measurements reach 75% of the permitted daily average flow for three consecutive months, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 305.126(a) and TPDES Permit No. WQ0010802001, Operational Requirements No. 8.a.
6. As evidenced by Finding of Fact No. 2.j, the Respondent caused, suffered, allowed, or permitted the unauthorized discharge of waste, in violation of 30 TEX. ADMIN. CODE § 330.15(a) and TEX. WATER CODE § 26.121(c).
7. As evidenced by Finding of Fact No. 3, the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010802001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2.
8. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
9. An administrative penalty in the amount of \$120,124 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, \$120,124 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A" - incorporated herein by reference). The 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 the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 9 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the 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 that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Rio Grande City, Docket No. 2017-0961-MLM-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 an SEP as set forth in Conclusion of Law No. 9. The amount of \$120,124 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of 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. The Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, cease the unauthorized discharge of waste at the Facility.
 - b. Within 60 days after the effective date of this Order:
 - i. Install a permanent backup pump at the Banco, Los Garcia, and Mascorro Lift Stations;
 - ii. Install fencing, remove the excess debris in the wet well, and lock the wet well at the Banco Lift Station;
 - iii. Install barbed wire along the top of the fencing at all lift stations;
 - iv. Remove the excess solids, vegetation, grit, and debris in drying bed Numbers 8 and 9, and ensure appropriate means are provided to facilitate the removal of the dried sludge from the beds for disposal;
 - v. Replace the worn staff gauge;
 - vi. Remove the cinderblock and install a stairway landing on the catwalk over Clarifier Number 2;
 - vii. Remove the excess grease and foam in the aeration basin;
 - viii. Remove scum, foam, grease, and algae, and reduce the sludge content depth in Clarifier Numbers 1 and 2 to 25% of the depth of each clarifier;

- ix. Remove solids from the chlorine contact basin and effluent weir, and provide a means to remove sludge and scum, such as a small hydraulic dredge and skimmers, without taking the contact basin out of service or ensure the contact basin is configured so that one half of the contact basin can be drained for cleaning without interrupting flow through the other half;
 - x. Remove all dried wastewater treatment plant sludge, wasted sludge, and headworks grit and debris at the Facility and dispose of it at an authorized facility.
- c. Within 75 days after the effective date of this Order, submit written certification of compliance with Ordering Provision Nos. 3.b.i through 3.b.x, in accordance with Ordering Provision No. 3.g. The written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.
- d. Within 90 days after the effective date of this Order:
- i. Conduct an engineering evaluation of the Facility and the associated collection system to evaluate the cause of and necessary corrective actions designed to minimize or prevent the discharge of excess solids and visible foam in the chlorine contact basin, discharges in other than trace amounts over the effluent weir, and discharges that exceed permitted effluent limits. The evaluation shall be prepared by a Texas registered professional engineer and shall include a plan and schedule for the completion of necessary corrective actions within 270 days after the effective date of this Order;
 - ii. Initiate engineering and financial planning for expansion or upgrade of the Facility and/or collection facilities; and/or
 - iii. Obtain permit modification for increased limits for flow.
- e. Within 105 days after the effective date of this Order, submit written certification of compliance with Ordering Provision Nos. 3.d.i through 3.d.iii, in accordance with Ordering Provision No. 3.g. The written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.
- f. Within 285 days after the effective date of this Order, submit written certification of completion of the corrective actions designed to prevent discharge of excess solids and visible foam in the chlorine contact basin and discharges in other than trace amounts over the effluent weir, as prescribed by the engineering evaluation required by Ordering Provision No. 3.d.i, and as described in Ordering Provision No. 3.g.

- g. Within 415 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010802001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the 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 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. 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 the Respondent. The 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. If the 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, the Respondent's failure to comply is not a violation of this 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.
7. 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 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
 8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
 9. 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.
 10. This 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 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.
 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Tom Morin

For the Executive Director

11/30/18

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, 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.

Alberto Perez

Signature

3/8/18

Date

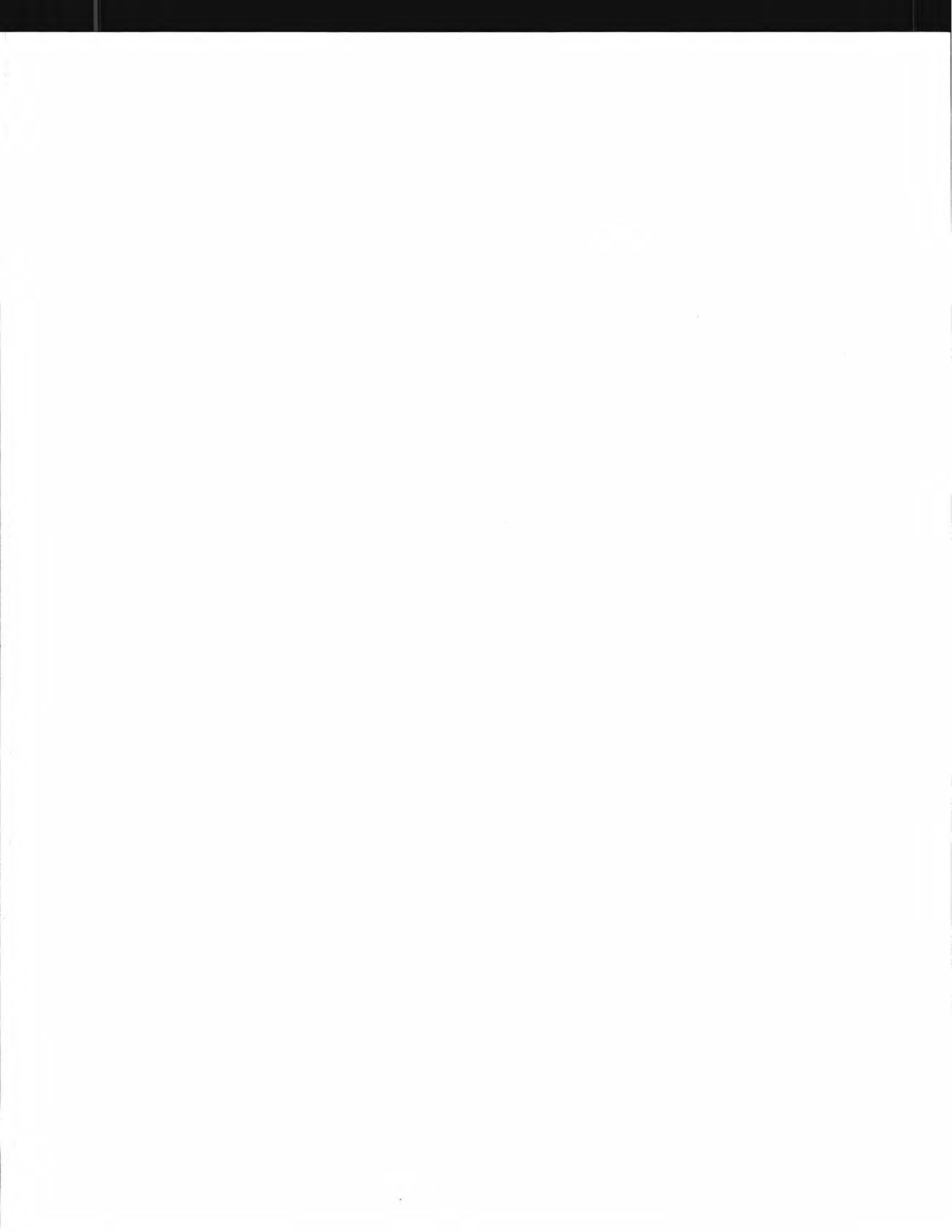
Alberto Perez

Name (Printed or typed)
Authorized Representative of
City of Rio Grande City

City Manager

Title

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



Attachment A
Docket Number: 2017-0961-MLM-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Rio Grande
Penalty Amount:	One Hundred Twenty Thousand One Hundred Twenty-Four Dollars (\$120,124)
SEP Offset Amount:	One Hundred Twenty Thousand One Hundred Twenty-Four Dollars (\$120,124)
Type of SEP:	Compliance
Project Name:	<i>Lift Station Rehabilitation</i>
Location of SEP:	Starr County

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

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.

1. Project Description

A. Project

Respondent shall hire a contractor to purchase and install a new backup pump at the Los Garcia lift station. The pump assembly will include all piping and appurtenances. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment purchase and install a new backup pump (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement, including publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP.

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, below. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform this Project and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by preventing unauthorized wastewater discharges being released into the environment during the collection process. Wastewater discharges can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. Additional risks include occurrences of low dissolved oxygen, fish kills, algal bloom, and bacterial contamination in waterways.

C. Minimum Expenditure

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

Estimated Cost Schedule

Item	Total
Pump Assembly and Installation	\$125,000

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 60 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

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

Reporting Schedule

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
60	Notice of SEP completion

B. Final Report

Within 60 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
4. Copies of proof of advertisement of invitation for bids, if applicable, (the publication must include the statement that the SEP was performed as a result of a TCEQ enforcement action);
5. A certified/notarized statement of quantifiable environmental benefit;
6. Detailed map showing specific location of the project site(s);
7. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;
8. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
9. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

C. Address

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

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

4. Additional Information and Access

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

5. Failure to Fully Perform

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

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

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

6. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

7. Recognition

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 Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.