

Executive Summary – Enforcement Matter – Case No. 57059

City of George West

RN101651495

Docket No. 2018-1738-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of George West Sewage Treatment Plant, located on the north side of Timon Creek, approximately 500 feet east-southeast of the intersection of U.S. Highway 59 (By-Pass) and the Missouri Pacific Railroad, and approximately 3,000 feet northeast of the intersection of U.S. Highway 59 (By-Pass) and U.S. Highway 281, Live Oak 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: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: August 26, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$96,476

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$96,476

Name of SEP: New Bar Screen Equipment (Compliance)

Compliance History Classifications:

Person/CN - Unsatisfactory

Site/RN - Unsatisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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City of George West

RN101651495

Docket No. 2018-1738-MWD-E

Investigation Information

Complaint Date(s): February 15, 2019

Complaint Information: Alleged that the city had a wastewater overflow every time it rained and the city allowed it to run onto the ground instead of resolving the problem. The complainant also alleged that the valves on the pond drains did not work properly. There were approximately ten dump truck loads of wastewater sludge located at the wastewater treatment plant on the west side of the drying beds and also at the city maintenance yard which were all generated from a major sewer leak clean-up.

Date(s) of Investigation: March 19, 2019

Date(s) of NOE(s): November 20, 2018

Violation Information

1. Failed to comply with permitted effluent limitations for total suspended solids, ammonia nitrogen, *Escherichia coli*, and carbonaceous biochemical oxygen demand (5-day) [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010455002, Effluent Limitations and Monitoring 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. WQ0010455002, Operational Requirements No. 1].
3. Failed to secure the lift station in an intruder resistant manner [30 TEX. ADMIN. CODE §§ 217.59(b)(2) and 317.3(a)].
4. Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), and TPDES Permit No. WQ0010455002, Permit Conditions No. 2(d)].
5. Failed to maintain complete and accurate records of monitoring activities [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(c), and TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements No. 3(c)].
6. Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of the noncompliance [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements No. 7(c)].
7. Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated

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wastewater [30 TEX. ADMIN. CODE §§ 217.36(h) and 305.125(1) and (5) and TPDES Permit No. WQ0010455002, Operational Requirements No. 4].

8. Failed to assure the quality of all measurements through the use of blanks, standards, duplicate analyses, and spikes [30 TEX. ADMIN. CODE §§ 305.125(1), 319.6 and TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. Cleaning the wet well at the TXDOT Lift Station, began analyzing pH buffer standards daily, and began including the time of analysis for pH and chlorine samples by April 25, 2019;
- b. Installing a second pump at the Chappell Lift Station and installing an 8-foot privacy fence around the Best Western Lift Station by May 7, 2019; and
- c. Repairing and replacing the inoperable rotor in Oxidation Ditch No. 1 (Old Plant) by March 25, 2019.

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. Within 30 days:
 - i. Install an operable grit separator pump;
 - ii. Update the operational guidance and conduct employee training to ensure that all self-reporting requirements are properly accomplished, including the timely submittal of noncompliance notifications;
 - iii. Ensure that screenings are stored in a container with a tight-fitting lid;
 - iv. Remove and properly dispose of the large pile of debris on the ground and the floating grease from the clarifiers and the chlorine contact chamber;
 - v. Remove the sludge and grease balls from the receiving stream and disinfect the affected area; and

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Docket No. 2018-1738-MWD-E

vi. Maintain complete and accurate records of monitoring activities, including the time of analysis for dissolved oxygen samples.

b. Within 45 days, submit written certification to demonstrate compliance with a.

c. Within 60 days, repair the inoperable sludge drying bed.

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

e. Within 90 days, maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

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

g. Within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010455002, including specific corrective actions that were implemented 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.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Alejandro Laje, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2547; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Betty Sanders, SEP Coordinator, Litigation Division, MC 175, (512) 239-3992

Respondent: The Honorable Andrew Garza, Mayor, City of George West, 406 Nueces Street, George West, Texas 78022

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	10-Dec-2018		
	PCW	14-Dec-2018	Screening	14-Dec-2018
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	City of George West			
Reg. Ent. Ref. No.	RN101651495			
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	57059	No. of Violations	3
Docket No.	2018-1738-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Alejandro Laje
		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	\$18,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	60.0%	Adjustment	Subtotals 2, 3, & 7	\$11,250
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Notes	Enhancement for five months of self-reported effluent violations, repeat violator classification, and unsatisfactory performer classification.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$29,334	<i>*Capped at the Total EB \$ Amount</i>
Estimated Cost of Compliance	\$124,500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$30,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$30,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$30,000
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$30,000
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Screening Date

14-Dec-2018

Docket No.

2018-1738-MWD-E

PCW

Respondent

City of George West

Case ID No.

57059

Reg. Ent. Reference No.

RN101651495

Media

Water Quality

Enf. Coordinator

Alejandro Laje

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

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>)	5	25%
	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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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)25%

>> Repeat Violator (Subtotal 3)

YesAdjustment Percentage (Subtotal 3)25%

>> Compliance History Person Classification (Subtotal 7)

Unsatisfactory PerformerAdjustment Percentage (Subtotal 7)10%

>> Compliance History Summary

Compliance History Notes

Enhancement for five months of self-reported effluent violations, repeat violator classification, and unsatisfactory performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)60%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%60%

Screening Date	14-Dec-2018	Docket No.	2018-1738-MWD-E	PCW		
Respondent	City of George West	<i>Policy Revision 4 (April 2014)</i>				
Case ID No.	57059	<i>PCW Revision March 26, 2014</i>				
Reg. Ent. Reference No.	RN101651495					
Media	Water Quality					
Enf. Coordinator	Alejandro Laje					
Violation Number	1					
Rule Cite(s)	Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010455002, 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				\$25,000		
>> Environmental, Property and Human Health Matrix						
OR	Release	Harm				
		Major	Moderate	Minor		
	Actual	X			Percent 30.0%	
Potential						
>> Programmatic Matrix						
		Falsification	Major	Moderate	Minor	
						Percent 0.0%
Matrix Notes	A simplified model was used to evaluate ammonia nitrogen and carbonaceous biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids was also considered. Human health or the environment has been exposed to pollutants which 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	31	Number of violation days		
	daily			Violation Base Penalty \$7,500		
	weekly					
	monthly	X				
	quarterly					
	semiannual					
	annual					
	single event					
One monthly event is recommended for the month of August 2017.						
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		\$29,334	Violation Final Penalty Total		\$12,000	
This violation Final Assessed Penalty (adjusted for limits)				\$12,000		

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 57059
Reg. Ent. Reference No. RN101651495
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	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)	\$124,500	31-Jul-2017	16-Apr-2022	4.71	\$29,334	n/a	\$29,334
Notes for DELAYED costs	Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility. Date required is the end date of the first month of noncompliance. Final date is the estimated date of compliance.						

Avoided CostsANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$124,500	TOTAL	\$29,334
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Screening Date	14-Dec-2018	Docket No.	2018-1738-MWD-E	PCW	
Respondent	City of George West	<i>Policy Revision 4 (April 2014)</i>			
Case ID No.	57059	<i>PCW Revision March 26, 2014</i>			
Reg. Ent. Reference No.	RN101651495				
Media	Water Quality				
Enf. Coordinator	Alejandro Laje				
Violation Number	2				
Rule Cite(s)	Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010455002, 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				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Major	Moderate	Minor	
	Actual		X		Percent 15.0%
	Potential				
>>Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amount of pollutants exceeded levels protective of human health or the environment. Total suspended solids and Escherichia coli were also considered. Human health or the environment has been exposed to significant 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		2	61	Number of violation days	
	daily				
	weekly				
	monthly	X			
	quarterly				
	semiannual				
	annual				
	single event				
				Violation Base Penalty	\$7,500
Two monthly events are recommended for the months of September 2017 and October 2017.					
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		\$0	Violation Final Penalty Total		\$12,000
This violation Final Assessed Penalty (adjusted for limits)				\$12,000	

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 57059
Reg. Ent. Reference No. RN101651495
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	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	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 cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility is captured in the Economic Benefit for Violation No. 1.						

Avoided CostsANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$0	TOTAL	\$0
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Screening Date	14-Dec-2018	Docket No.	2018-1738-MWD-E	PCW
Respondent	City of George West			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	57059			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101651495			
Media	Water Quality			
Enf. Coordinator	Alejandro Laje			
Violation Number	3			
Rule Cite(s)	Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010455002, 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	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Major	Moderate	Minor
	Actual			X
	Potential			
			Percent	5.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			Percent	0.0%
Matrix Notes	A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids was also considered. 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	3	122	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	X		
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$3,750
	Three quarterly events are recommended for the quarters containing the months of July 2017, November 2017, December 2017, and June 2018.			
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	\$3,750	
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount	\$0	Violation Final Penalty Total	\$6,000	
	This violation Final Assessed Penalty (adjusted for limits)	\$6,000		

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 57059
Reg. Ent. Reference No. RN101651495
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	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	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 cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility is captured in the Economic Benefit for Violation No. 1.						

Avoided CostsANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$0	TOTAL	\$0
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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	20-May-2019		
	PCW	12-Jun-2019	Screening	12-Jun-2019
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	City of George West			
Reg. Ent. Ref. No.	RN101651495			
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	57059	No. of Violations	9
Docket No.	2018-1738-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Alejandro Laje
		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	\$51,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	60.0%	Adjustment	Subtotals 2, 3, & 7	\$30,600
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Notes	Enhancement for five months of self-reported effluent violations, repeat violator classification, and unsatisfactory performer classification.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,124
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$6,646	<i>*Capped at the Total EB \$ Amount</i>
Estimated Cost of Compliance	\$36,163	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$80,476
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-17.4%	Adjustment	-\$14,000
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended reduction to prevent the reporting violations from overly impacting the penalty.
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Final Penalty Amount	\$66,476
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$66,476
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$66,476
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Screening Date

12-Jun-2019

Docket No.

2018-1738-MWD-E

PCW

Respondent

City of George West

Case ID No.

57059

Reg. Ent. Reference No.

RN101651495

Media

Water Quality

Enf. Coordinator

Alejandro Laje

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

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>)	5	25%
	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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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)25%

>> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3)25%

>> Compliance History Person Classification (Subtotal 7)

Unsatisfactory Performer

Adjustment Percentage (Subtotal 7)10%

>> Compliance History Summary

Compliance History Notes

Enhancement for five months of self-reported effluent violations, repeat violator classification, and unsatisfactory performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)60%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%60%

Screening Date	12-Jun-2019	Docket No.	2018-1738-MWD-E	PCW
Respondent	City of George West			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	57059			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101651495			
Media	Water Quality			
Enf. Coordinator	Alejandro Laje			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010455002, 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 Texas Department of Transportation ("TXDOT") Lift Station contained excessive amounts of grease at 80% coverage and only one pump was active at the Chappell Lift Station.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Major	Moderate	Minor
	Actual			
	Potential		X	
			Percent	5.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			Percent	0.0%
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	\$23,750	
			\$1,250	
Violation Events				
	Number of Violation Events	2	55	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	X		
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$2,500
	Two quarterly events are recommended, one event for each lift station. Calculated from the investigation date (March 13, 2019) to the compliance date (May 7, 2019).			
Good Faith Efforts to Comply	25.0%		Reduction	\$625
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary	X		
	N/A			
	Notes	The Respondent achieved compliance by May 7, 2019.		
		Violation Subtotal	\$1,875	
Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$514	Violation Final Penalty Total	\$2,788
	This violation Final Assessed Penalty (adjusted for limits)			\$2,788

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 57059
Reg. Ent. Reference No. RN101651495
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$2,000	23-Mar-2016	7-May-2019	3.12	\$21	\$416	\$437
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	\$500	23-Mar-2016	25-Apr-2019	3.09	\$77	n/a	\$77
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 clean the wet well at the TXDOT Lift Station. Date required is the date the violation was originally documented and the final date is the date of compliance. Estimated Equipment cost to install a second pump at the Chappell Lift Station. Date required is the date the violation was originally documented and the final date is the date of compliance.						

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$2,500	TOTAL	\$514
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Screening Date	12-Jun-2019	Docket No.	2018-1738-MWD-E	PCW
Respondent	City of George West			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	57059			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101651495			
Media	Water Quality			
Enf. Coordinator	Alejandro Laje			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0010455002, 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, floating grease was observed in the clarifiers and the chlorine contact chamber and screenings were stored in a container without a lid. The grit separator pump was removed from service. A rotor in Oxidation Ditch No. 1 (Old Plant) was inoperable and the wastewater appeared grey brown in color and contained approximately 60% foam coverage.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual Potential			
			Percent	15.0%
>>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	\$21,250	
			\$3,750	
Violation Events				
	Number of Violation Events	4	91	Number of violation days
	daily weekly monthly quarterly semiannual annual single event			
			Violation Base Penalty	\$15,000
	Four quarterly events are recommended, one event for each treatment unit. Calculated from the investigation date (March 13, 2019) to the screening date (June 12, 2019).			
Good Faith Efforts to Comply		0.0%	Reduction	\$0
	Extraordinary Ordinary N/A			
	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	\$1,461	Violation Final Penalty Total	\$19,825
	This violation Final Assessed Penalty (adjusted for limits)			\$19,825

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 57059
Reg. Ent. Reference No. RN101651495
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	Costs Saved	EB Amount
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Delayed Costs

Grit Separator Pump	\$5,000	26-Jul-2018	3-Feb-2022	3.53	\$59	\$1,176	\$1,235
Rotors	\$4,000	26-Jul-2018	25-Mar-2019	0.66	\$9	\$177	\$186
Container with Lid	\$25	13-Mar-2019	3-Feb-2022	2.90	\$0	\$5	\$5
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	\$200	26-Jul-2018	3-Feb-2022	3.53	\$35	n/a	\$35
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install an operable grit separator pump. Date required is the date the violation was originally documented and the final date is the estimated date of compliance.

Estimated cost to repair and replace the inoperable rotor of the Oxidation Ditch No. 1 (Old Plant). Date required is the date the violation was originally documented and the final date is the date of compliance.

Estimated cost to ensure screenings are stored in a container with a tight-fitting lid. Date required is the date the violation was originally documented and the final date is the estimated date of compliance.

Estimated cost to remove and properly dispose of the floating grease from the clarifiers and the chlorine contact chamber. Date required is the date the violation was originally documented and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$9,225	TOTAL	\$1,461
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Screening Date	12-Jun-2019	Docket No.	2018-1738-MWD-E	PCW	
Respondent	City of George West			<i>Policy Revision 4 (April 2014)</i>	
Case ID No.	57059			<i>PCW Revision March 26, 2014</i>	
Reg. Ent. Reference No.	RN101651495				
Media	Water Quality				
Enf. Coordinator	Alejandro Laje				
Violation Number	3				
Rule Cite(s)	30 Tex. Admin. Code §§ 217.59(b)(2) and 317.3(a)				
Violation Description	Failed to secure the lift station in an intruder resistant manner. Specifically, the Best Western Lift Station did not include an intruder-resistant fence, or an approved intruder-resistant enclosure.				
		Base Penalty	\$25,000		
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				
	Potential		X		Percent 5.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
		Adjustment	\$23,750		
					\$1,250
Violation Events					
	Number of Violation Events	1	55	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	X			Violation Base Penalty \$1,250
	semiannual				
	annual				
	single event				
	One quarterly event is recommended. Calculated from the investigation date (March 13, 2019) to the compliance date (May 7, 2019).				
Good Faith Efforts to Comply	25.0%		Reduction	\$312	
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer			
Extraordinary					
Ordinary	X				
N/A					
Notes	The Respondent achieved compliance by May 7, 2019.				
		Violation Subtotal	\$938		
Economic Benefit (EB) for this violation					Statutory Limit Test
	Estimated EB Amount	\$273	Violation Final Penalty Total	\$1,394	
	This violation Final Assessed Penalty (adjusted for limits)			\$1,394	

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 57059
Reg. Ent. Reference No. RN101651495
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	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	26-Jul-2018	7-May-2019	0.78	\$13	\$260	\$273
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 cost to install an 8-foot privacy fence around the Best Western Lift Station. Date required is the date the violation was originally documented and the final date is the date of compliance.						

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$5,000	TOTAL	\$273
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Screening Date	12-Jun-2019	Docket No.	2018-1738-MWD-E	PCW
Respondent	City of George West	<i>Policy Revision 4 (April 2014)</i>		
Case ID No.	57059	<i>PCW Revision March 26, 2014</i>		
Reg. Ent. Reference No.	RN101651495			
Media	Water Quality			
Enf. Coordinator	Alejandro Laje			
Violation Number	4			
Rule Cite(s)	Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and (4), and TPDES Permit No. WQ0010455002, Permit Conditions No. 2(d)			
Violation Description	Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment. Specifically, black settled sludge was observed around the outfall discharge pipe in the receiving stream and grey sludge, bloodworms and small grease balls were documented at least 30 yards downstream of the outfall.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual	X		
Potential				
		Percent	30.0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		Percent	0.0%	
Matrix Notes	Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	\$17,500	
			\$7,500	
Violation Events				
Number of Violation Events		1	91	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	X		
	semiannual			
	annual			
	single event			
		Violation Base Penalty	\$7,500	
		One quarterly event is recommended. Calculated from the investigation date (March 13, 2019) to the screening date (June 12, 2019).		
Good Faith Efforts to Comply		0.0%	Reduction	\$0
	Extraordinary		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
	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	\$1,323	Violation Final Penalty Total	\$9,912	
This violation Final Assessed Penalty (adjusted for limits)		\$9,912		

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 57059
Reg. Ent. Reference No. RN101651495
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	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	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)	\$7,500	26-Jul-2018	3-Feb-2022	3.53	\$1,323	n/a	\$1,323
Notes for DELAYED costs	Estimated cost to remove the sludge and grease balls from the receiving stream and disinfect the affected area. Date required is the date the violation was originally documented and the final date is the estimated date of compliance.						

Avoided CostsANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$7,500	TOTAL	\$1,323
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Screening Date	12-Jun-2019	Docket No.	2018-1738-MWD-E	PCW	
Respondent	City of George West	<i>Policy Revision 4 (April 2014)</i>			
Case ID No.	57059	<i>PCW Revision March 26, 2014</i>			
Reg. Ent. Reference No.	RN101651495				
Media	Water Quality				
Enf. Coordinator	Alejandro Laje				
Violation Number	5				
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 319.7(c), and TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements No. 3(c)				
Violation Description	Failed to maintain complete and accurate records of monitoring activities. Specifically, the monitoring records did not include the time of analysis for pH, total chlorine residual, and dissolved oxygen samples.				
Base Penalty			\$25,000		
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
				X	Percent 1.0%
Matrix Notes	Less than 30% of the rule requirements were not met.				
Adjustment			\$24,750		
				\$250	
Violation Events					
Number of Violation Events		1	91	Number of violation days	
	daily			Violation Base Penalty \$250	
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	X			
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			\$250		
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount	\$20	Violation Final Penalty Total	\$330		
This violation Final Assessed Penalty (adjusted for limits)			\$330		

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 57059
Reg. Ent. Reference No. RN101651495
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	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	26-Jul-2018	25-Apr-2019	0.75	\$2	n/a	\$2
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)	\$100	26-Jul-2018	3-Feb-2022	3.53	\$18	n/a	\$18

Notes for DELAYED costs

Estimated cost to maintain complete and accurate records of monitoring activities, including the time of analysis for pH and chlorine samples. Date required is the date the violation was originally documented and the final date is the date of compliance.

Estimated cost to maintain complete and accurate records of monitoring activities, including the time of analysis for dissolved oxygen samples. Date required is the date the violation was originally documented and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$150

TOTAL \$20

Screening Date	12-Jun-2019	Docket No.	2018-1738-MWD-E	PCW
Respondent	City of George West			Policy Revision 4 (April 2014)
Case ID No.	57059			PCW Revision March 26, 2014
Reg. Ent. Reference No.	RN101651495			
Media	Water Quality			
Enf. Coordinator	Alejandro Laje			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements No. 7(c)			
Violation Description	Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance. Specifically, the Respondent did not provide noncompliance notifications for the exceedances during the monthly monitoring periods ending June 30, 2017 through December 31, 2017, June 30, 2018, and January 31, 2019.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential			
				Percent 0.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		X		
				Percent 5.0%
Matrix Notes	100% of the rule requirement was not met.			
		Adjustment	\$23,750	
			\$1,250	
Violation Events				
	Number of Violation Events	9	687	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	X		
		Nine single events are 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	\$11,250	
Economic Benefit (EB) for this violation				
Statutory Limit Test				
	Estimated EB Amount	\$285	Violation Final Penalty Total	\$14,869
	This violation Final Assessed Penalty (adjusted for limits)			\$14,869

Economic Benefit Worksheet

Respondent City of George West
Case ID No. 57059
Reg. Ent. Reference No. RN101651495
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	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	26-Jul-2018	3-Feb-2022	3.53	\$44	n/a	\$44
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 cost to update the Facility's operational guidance and conduct employee training to ensure that all self-reporting requirements are properly accomplished, including the timely submittal of noncompliance notifications. Date required is the date the violation was originally documented and the final date is the estimated date of compliance.						

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$238	25-Feb-2019	12-Jun-2019	0.29	\$3	\$238	\$241
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated cost to report in writing any effluent violation which deviates from the permitted effluent limitations by more than 40% to the TCEQ Corpus Christi Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance (\$25 per notification x 9 missed notifications), including the accrued costs and interest of eight prior periods plus the item cost of the final period. Date required is the date the last noncompliance notification was due and the final date is the screening date.						

Approx. Cost of Compliance	\$488	TOTAL	\$285
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Screening Date	12-Jun-2019	Docket No.	2018-1738-MWD-E	PCW
Respondent	City of George West			Policy Revision 4 (April 2014)
Case ID No.	57059			PCW Revision March 26, 2014
Reg. Ent. Reference No.	RN101651495			
Media	Water Quality			
Enf. Coordinator	Alejandro Laje			
Violation Number	7			
Rule Cite(s)	30 Tex. Admin. Code §§ 217.36(h) and 305.125(1) and (5) and TPDES Permit No. WQ0010455002, Operational Requirements No. 4			
Violation Description	Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater. Specifically, the previously utilized emergency retention pond with three million gallon hydraulic capacity was not adequately lined to control seepage and thus not used as a safeguard. In addition, the facility does not have safeguards for powering the lift stations during emergency power conditions.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential	X		
				Percent 15.0%
>> 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	\$21,250	
			\$3,750	
Violation Events				
	Number of Violation Events	3	91	Number of violation days
	daily			
	weekly			
	monthly	X		
	quarterly			
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$11,250
	Three monthly events are recommended. Calculated from the investigation date (March 13, 2019) to the screening date (June 12, 2019).			
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	\$11,250	
Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$2,527	Violation Final Penalty Total	\$14,869
	This violation Final Assessed Penalty (adjusted for limits)			\$14,869

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. City of George West 57059 RN101651495 Water Quality 7

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$10,000	26-Jul-2018	5-Mar-2022	3.61	\$120	\$2,407	\$2,527
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 cost to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater. Date required is the date the violation was originally documented and the final date is the estimated date of compliance.						

Avoided Costs ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$10,000	TOTAL	\$2,527
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Screening Date	12-Jun-2019	Docket No.	2018-1738-MWD-E	PCW
Respondent	City of George West			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	57059			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101651495			
Media	Water Quality			
Enf. Coordinator	Alejandro Laje			
Violation Number	8			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1), 319.6 and TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements No. 1			
Violation Description	Failed to assure the quality of all measurements through the use of blanks, standards, duplicate analyses, and spikes. Specifically, the pH buffer standards were analyzed once a week instead of daily.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR		Release	Harm	
		Major	Moderate	Minor
	Actual			
	Potential			X
				Percent 3.0%
>>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	\$24,250	
			\$750	
Violation Events				
	Number of Violation Events	1	43	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	X		
	Violation Base Penalty \$750			
	One single event is recommended.			
Good Faith Efforts to Comply		25.0%	Reduction	\$187
	Extraordinary		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
	Ordinary	X		
	N/A			
	Notes	The Respondent achieved compliance by April 25, 2019.		
		Violation Subtotal	\$563	
Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$4	Violation Final Penalty Total	\$837
	This violation Final Assessed Penalty (adjusted for limits)			\$837

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. City of George West 57059 RN101651495 Water Quality 8

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	26-Jul-2018	25-Apr-2019	0.75	\$4	n/a	\$4
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 cost to analyze pH buffer standards daily. Date required is the date the violation was originally documented and the final date is the date of compliance.						

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$100	TOTAL	\$4
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Screening Date	12-Jun-2019	Docket No.	2018-1738-MWD-E	PCW
Respondent	City of George West			Policy Revision 4 (April 2014)
Case ID No.	57059			PCW Revision March 26, 2014
Reg. Ent. Reference No.	RN101651495			
Media	Water Quality			
Enf. Coordinator	Alejandro Laje			
Violation Number	9			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0010455002, 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 drying bed was inoperable and a large pile of piping, dirt and drying bed media that appeared to have originated from the drying bed was observed on the ground.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			X
	Potential			
				Percent 5.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants 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	1	91	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	X		
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$1,250
	One quarterly event is recommended. Calculated from the investigation date (March 13, 2019) to the screening date (June 12, 2019).			
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	\$1,250	
Economic Benefit (EB) for this violation				
	Statutory Limit Test			
Estimated EB Amount	\$238	Violation Final Penalty Total	\$1,652	
	This violation Final Assessed Penalty (adjusted for limits)	\$1,652		

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. City of George West 57059 RN101651495 Water Quality 9

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	13-Mar-2019	3-Feb-2022	2.90	\$10	\$193	\$203
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	\$200	26-Jul-2018	3-Feb-2022	3.53	\$35	n/a	\$35
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cost to repair the inoperable sludge drying bed. Date required is the date the violation was originally documented and the final date is the estimated date of compliance. Estimated cost to remove and properly dispose of the large pile of piping, dirt and drying bed media from the ground. Date required is the date the violation was originally documented and the final date is the estimated date of compliance						

Avoided Costs ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$1,200	TOTAL	\$238
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City of George West
Docket No. 2018-1738-MWD-E
TPDES Permit No. WQ0010455002

Effluent Violation Table

Month/ Year	CBOD5 Daily Avg. Conc.	CBOD5 Daily Max. Conc.	<i>E. coli</i> Daily Avg. Conc.	NH3-N Daily Avg. Conc.	NH3-N Daily Max. Conc.	NH3-N Daily Avg. Loading	TSS Daily Avg. Conc.	TSS Daily Max. Conc.
	Limit = 10 mg/L	Limit = 25 mg/L	Limit = 126 CFU/ 100 mL	Limit = 3 mg/L	Limit = 10 mg/L	Limit = 13 lbs/day	Limit = 15 mg/L	Limit = 40 mg/L
July 2017	c	c	c	21	24	32	c	c
August 2017	18	36	c	29	32.5	40	32	59
September 2017	c	c	1,975	6.1	21.5	c	18	c
October 2017	c	c	1,656	9	21	c	c	c
November 2017	c	c	c	24	29.25	35.2	22	c
December 2017	c	c	c	10	19.5	16	16	c
June 2018	c	c	c	c	c	c	30	108

E. coli = *Escherichia coli*

NH3-N = Ammonia Nitrogen

TSS = Total Suspended Solids

Conc.= Concentration

Avg. = Average

CBOD5 = Carbonaceous Biochemical Oxygen
Demand (5-day)

Max. = maximum

mg/L = milligrams per liter

CFU/100 mL = colony forming units per
100 milliliters

lbs/day = pounds per day

c = compliant

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Compliance History Report

Compliance History Report for CN600889414, RN101651495, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN600889414, City of George West **Classification:** UNSATISFACTORY **Rating:** 65.00

Regulated Entity: RN101651495, CITY OF GEORGE WEST SEWAGE TREATMENT PLANT **Classification:** UNSATISFACTORY **Rating:** 65.00

Complexity Points: 4 **Repeat Violator:** YES

CH Group: 08 - Sewage Treatment Facilities

Location: on the north side of Timon Creek, approximately 500 feet East-Southeast of the Intersection of United States Highway 59 (By-Pass) and the Missouri Pacific Railroad, and Approximately 3,000 feet Northeast of the Intersection of United States Highway 59 (By-Pass) and United States Highway 281 in Live Oak County, Texas

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

WASTEWATER AUTHORIZATION R10455002

WASTEWATER PERMIT WQ0010455002

WASTEWATER EPA ID TX0132799

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: November 01, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 01, 2016 to November 01, 2021

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

Name: Alejandro Laje

Phone: (512) 239-2547

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:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	March 17, 2017	(1413406)
Item 2	April 19, 2017	(1419853)
Item 3	May 18, 2017	(1427507)
Item 4	June 19, 2017	(1433515)
Item 5	May 17, 2018	(1495895)
Item 6	June 19, 2018	(1509956)
Item 7	August 17, 2018	(1522317)
Item 8	September 20, 2018	(1522316)
Item 9	October 12, 2018	(1480858)
Item 10	October 18, 2018	(1535823)
Item 11	November 06, 2018	(1529506)
Item 12	November 14, 2018	(1543693)

Item 13	December 20, 2018	(1547393)
Item 14	January 15, 2019	(1566396)
Item 15	March 18, 2019	(1566395)
Item 16	May 16, 2019	(1587677)
Item 17	June 17, 2019	(1587678)
Item 18	July 16, 2019	(1595422)
Item 19	August 16, 2019	(1601686)
Item 20	September 03, 2019	(1682545)
Item 21	September 12, 2019	(1608591)
Item 22	October 17, 2019	(1615467)
Item 23	November 18, 2019	(1621268)
Item 24	December 17, 2019	(1628606)
Item 25	January 17, 2020	(1636226)
Item 26	February 18, 2020	(1642847)
Item 27	May 14, 2020	(1662260)
Item 28	June 12, 2020	(1668804)
Item 29	July 17, 2020	(1675751)
Item 30	October 21, 2020	(1695457)
Item 31	January 14, 2021	(1718968)
Item 32	March 15, 2021	(1732029)
Item 33	April 19, 2021	(1732030)
Item 34	June 11, 2021	(1743304)
Item 35	July 29, 2021	(1753844)

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: 11/30/2020 (1718967)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
2	Date: 01/31/2021 (1732028)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
3	Date: 04/30/2021 (1743303)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
4	Date: 07/31/2021 (1759224)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
5	Date: 08/31/2021 (1768600)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 11/1/2016 and 11/1/2021

1	Date:	09/30/2016	(1380690)	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								
2	Date:	10/31/2016	(1386643)	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:	11/30/2016	(1392768)	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:	12/31/2016	(1399388)	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:	01/31/2017	(1406289)	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:	05/19/2017	(1365386)	Classification:	Minor					
	Self Report?	NO	For Informational Purposes Only							
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) Operational Requirements No. 1 PERMIT								
	Description:	Failed to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.								
			Classification:	Moderate						
	Self Report?	NO	For Informational Purposes Only							
	Citation:	30 TAC Chapter 217, SubChapter C 217.61								
	Description:	Failed to install raw wastewater pumps that are designed to prevent clogging.								
			Classification:	Moderate						
	Self Report?	NO	For Informational Purposes Only							
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1) Permit Conditions No. 2.g. PERMIT								
	Description:	Failed to prevent the unauthorized discharge of wastewater or any other waste into or adjacent to water in the state.								
7	Date:	06/30/2017	(1476799)	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	
8	Date:	07/31/2017 (1476800)	
			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	
9	Date:	08/31/2017 (1452333)	
			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:	09/30/2017 (1458204)	
			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:	10/31/2017 (1463636)	
			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:	11/30/2017 (1470087)	
			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:	12/31/2017 (1476801)	
			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:	06/30/2018 (1516269)	
			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:	08/20/2018 (1505091)	
			Classification: Minor
	Self Report?	NO	For Informational Purposes Only
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) Operational Requirements; 1; Pg. 13 PERMIT	
	Description:	Failed to ensure at all times that the facility and all of its systems of collection, treatment, and disposal 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:	Operational Requirements No. 1 PERMIT Failed to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.	Classification: Moderate
Self Report?	NO For Informational Purposes Only	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) Operational Requirements; 1, Pg. 13 PERMIT	
Description:	Failed to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.	Classification: Minor
Self Report?	NO For Informational Purposes Only	
Citation:	30 TAC Chapter 217, SubChapter C 217.59(b)(2)	
Description:	Failed to secure the lift station in an intruder resistant manner.	Classification: Minor
Self Report?	NO For Informational Purposes Only	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Monitoring Requirements No. 5, Pg. 6 PERMIT	
Description:	Failed to calibrate the flow meter at least annually to ensure accuracy.	Classification: Major
Self Report?	NO For Informational Purposes Only	
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(4) Permit Conditions No. 2(d), Pg. 9 PERMIT	
Description:	Failed to prevent the discharge of sludge to the receiving stream.	Classification: Moderate
Self Report?	NO For Informational Purposes Only	
Citation:	30 TAC Chapter 319, SubChapter A 319.11(c)	
Description:	Failed to properly analyze effluent samples.	Classification: Minor
Self Report?	NO For Informational Purposes Only	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 319, SubChapter A 319.7(a) 30 TAC Chapter 319, SubChapter A 319.7(c) Monitoring and Reporting No. 3(c), Pg. 6 PERMIT	
Description:	Failed to maintain records of the monitoring activities required by the permit.	Classification: Moderate
Self Report?	NO For Informational Purposes Only	
Citation:	30 TAC Chapter 217, SubChapter M 217.330(d)	
Description:	Failed to equip all potable water spigots with vacuum breakers.	Classification: Moderate
Self Report?	NO For Informational Purposes Only	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 319, SubChapter A 319.7(d) Reporting Requirements; No.1, Pg. 5 PERMIT	
Description:	Failed to provide monitoring results at the intervals specified in the permit.	Classification: Moderate
Self Report?	NO For Informational Purposes Only	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Reporting Requirement; No. 7(c), Pg. 7 PERMIT	
Description:	Failed to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%.	Classification: Moderate
Self Report?	NO For Informational Purposes Only	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations; No. 2, Pg. 2 PERMIT	
Description:	Failed to maintain compliance with the permitted effluent limits.	Classification: Moderate
Self Report?	NO For Informational Purposes Only	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Operational Requirements; No. 4 PERMIT	
Description:	Failed to provide and maintain adequate safeguards to prevent the discharge of	

untreated or inadequately treated wastes during electric power failures.

Classification: Major

Self Report? NO

For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Permit Conditions; No. 2(g), Pg. 10 PERMIT

Description: Failed to prevent the unauthorized discharge of wastewater or any other waste into or adjacent to water in the state at any location not permitted as an outfall.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Sludge Provisions; Section II (F), Pg. 2 PERMIT

Description: Failed to submit the annual sludge report to the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 319, SubChapter A 319.6
30 TAC Chapter 319, SubChapter A 319.9(d)

Description: Failed to assure the quality of all measurements through the use of blanks, standards, duplicates, and spikes.

16 Date: 01/31/2019 (1566394)

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: 03/31/2019 (1574055)

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

18 Date: 02/29/2020 (1649352)

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

19 Date: 03/31/2020 (1655717)

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

20 Date: 05/29/2020 (1644605)

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring and Reporting Reqs., No. 7(a) PERMIT

Description: Failed to provide notification of any noncompliance which may endanger human health or safety, or the

environment.

Classification: Major

Self Report? NO

For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
Permit Conditions, No. 2(g) PERMIT

Description: Failed to prevent the unauthorized discharge of wastewater.

Classification: Minor

Self Report? NO

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

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

21 Date: 08/31/2020 (1689092)

Classification: Moderate

Self Report? YES

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

22* Date: 10/31/2020 (1718966)

Classification: Moderate

Self Report? YES

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

23* Date: 11/30/2020 (1718967)

Classification: Moderate

Self Report? YES

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

24* Date: 01/31/2021 (1732028)

Classification: Moderate

Self Report? YES

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

25* Date: 04/30/2021 (1743303)

Classification: Moderate

Self Report? YES

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

26* Date: 07/31/2021 (1759224)

Classification: Moderate

Self Report? YES

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

27* Date: 08/31/2021 (1768600)

Classification: Moderate

Self Report? YES

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 9/1/2016 to 8/31/2021

Appendix B

All Investigations Conducted During Component Period November 01, 2016 and November 01, 2021

Item 1	November 09, 2016**	(1380690) For Informational Purposes Only
Item 2	December 28, 2016**	(1386643) For Informational Purposes Only
Item 3	January 20, 2017**	(1399388) For Informational Purposes Only
Item 4	February 20, 2017**	(1406289) For Informational Purposes Only
Item 5*	March 17, 2017**	(1413406) For Informational Purposes Only
Item 6*	April 19, 2017**	(1419853) For Informational Purposes Only
Item 7*	May 18, 2017**	(1427507) For Informational Purposes Only
Item 8*	June 19, 2017**	(1433515) For Informational Purposes Only
Item 9	October 23, 2017**	(1452333) For Informational Purposes Only
Item 10	December 04, 2017**	(1463636) For Informational Purposes Only
Item 11	January 03, 2018**	(1470087) For Informational Purposes Only
Item 12	January 26, 2018**	(1476801) For Informational Purposes Only
Item 13*	May 17, 2018**	(1495895) For Informational Purposes Only
Item 14*	June 19, 2018**	(1509956) For Informational Purposes Only
Item 15	July 20, 2018**	(1516269) For Informational Purposes Only
Item 16*	August 17, 2018**	(1522317) For Informational Purposes Only
Item 17	August 20, 2018**	(1505091) For Informational Purposes Only
Item 18*	September 20, 2018**	(1522316) For Informational Purposes Only
Item 19*	October 12, 2018**	(1480858) For Informational Purposes Only
Item 20*	October 18, 2018**	(1535823) For Informational Purposes Only
		(1529506)

Item 21*	November 06, 2018**	For Informational Purposes Only (1543693)
Item 22*	November 14, 2018**	For Informational Purposes Only (1525616)
Item 23	November 26, 2018**	For Informational Purposes Only (1547393)
Item 24*	December 20, 2018**	For Informational Purposes Only (1566396)
Item 25*	January 15, 2019**	For Informational Purposes Only (1566394)
Item 26	February 15, 2019**	For Informational Purposes Only (1566395)
Item 27*	March 18, 2019**	For Informational Purposes Only (1574055)
Item 28	April 11, 2019**	For Informational Purposes Only (1587677)
Item 29*	May 16, 2019**	For Informational Purposes Only (1587678)
Item 30*	June 17, 2019**	For Informational Purposes Only (1595422)
Item 31*	July 16, 2019**	For Informational Purposes Only (1601686)
Item 32*	August 16, 2019**	For Informational Purposes Only (1682545)
Item 33*	September 03, 2019**	For Informational Purposes Only (1608591)
Item 34*	September 12, 2019**	For Informational Purposes Only (1615467)
Item 35*	October 17, 2019**	For Informational Purposes Only (1621268)
Item 36*	November 18, 2019**	For Informational Purposes Only (1628606)
Item 37*	December 17, 2019**	For Informational Purposes Only (1636226)
Item 38*	January 17, 2020**	For Informational Purposes Only (1642847)
Item 39*	February 18, 2020**	For Informational Purposes Only (1649352)
Item 40	March 12, 2020**	For Informational Purposes Only (1655717)
Item 41	April 20, 2020**	For Informational Purposes Only (1662260)

Item 42*	May 14, 2020**	For Informational Purposes Only (1668804)
Item 43*	June 12, 2020**	For Informational Purposes Only (1675751)
Item 44*	July 17, 2020**	For Informational Purposes Only (1689092)
Item 45	September 20, 2020**	For Informational Purposes Only (1684141)
Item 46	October 21, 2020**	For Informational Purposes Only (1718966)
Item 47	November 17, 2020**	For Informational Purposes Only (1718967)
Item 48	December 15, 2020**	For Informational Purposes Only (1718968)
Item 49*	January 14, 2021**	For Informational Purposes Only (1701177)
Item 50	February 09, 2021**	For Informational Purposes Only (1732028)
Item 51	February 10, 2021**	For Informational Purposes Only (1732029)
Item 52*	March 15, 2021**	For Informational Purposes Only (1732030)
Item 53*	April 19, 2021**	For Informational Purposes Only (1743303)
Item 54	May 20, 2021**	For Informational Purposes Only (1743304)
Item 55*	June 11, 2021**	For Informational Purposes Only (1759224)
Item 56	July 19, 2021**	For Informational Purposes Only (1753844)
Item 57*	July 29, 2021**	For Informational Purposes Only (1768600)
Item 58	September 17, 2021	For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2016 and 08/31/2021.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF GEORGE WEST
RN101651495

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

AGREED ORDER DOCKET NO. 2018-1738-MWD-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 George West (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this 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 side of Timon Creek, approximately 500 feet east-southeast of the intersection of United States Highway 59 (By-Pass) and the Missouri Pacific Railroad, and approximately 3,000 feet northeast of the intersection of United States Highway 59 (By-Pass) and United States Highway 281 in Live Oak County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During a record review conducted on November 1, 2018, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:

Effluent Violation Table

Month/ Year	CBOD5 Daily Avg. Conc. Limit = 10 mg/L	CBOD5 Daily Max. Conc. Limit = 25 mg/L	<i>E. coli</i> Daily Avg. Conc. Limit = 126 CFU/ 100 mL	NH3-N Daily Avg. Conc. Limit = 3 mg/L	NH3-N Daily Max. Conc. Limit = 10 mg/L	NH3-N Daily Avg. Loading Limit = 13 lbs/day	TSS Daily Avg. Conc. Limit = 15 mg/L	TSS Daily Max. Conc. Limit = 40 mg/L
July 2017	c	c	c	21	24	32	c	c
August 2017	18	36	c	29	32.5	40	32	59
September 2017	c	c	1,975	6.1	21.5	c	18	c
October 2017	c	c	1,656	9	21	c	c	c
November 2017	c	c	c	24	29.25	35.2	22	c
December 2017	c	c	c	10	19.5	16	16	c
June 2018	c	c	c	c	c	c	30	108

E. coli = *Escherichia coli*

TSS = Total Suspended Solids

Avg. = Average

c = compliant

lbs/day = pounds per day

CFU/100 mL = colony forming units per 100 milliliters

CBOD5 = Carbonaceous Biochemical Oxygen Demand (5-day)

NH3-N = Ammonia Nitrogen

Conc.= Concentration

Max. = maximum

mg/L = milligrams per liter

3. During an investigation conducted from March 13, 2019 through March 19, 2019, an investigator documented that:
 - a. The Texas Department of Transportation ("TXDOT") Lift Station contained excessive amounts of grease at 80% coverage and only one pump was active at the Chappell Lift Station.
 - b. Floating grease was observed in the clarifiers and the chlorine contact chamber, and screenings were stored in a container without a lid. The grit separator pump was removed from service. A rotor in Oxidation Ditch No. 1 (Old Plant) was inoperable, and the wastewater appeared grey brown in color and contained approximately 60% foam coverage.

- c. A drying bed was inoperable and a large pile of piping, dirt and drying bed media that appeared to have originated from the drying bed was observed on the ground.
 - d. The Best Western Lift Station did not include an intruder-resistant fence or an approved intruder-resistant enclosure.
 - e. Black settled sludge was observed around the outfall discharge pipe in the receiving stream; and grey sludge, bloodworms, and small grease balls were documented at least 30 yards downstream of the outfall.
 - f. The monitoring records did not include the time of analysis for pH, total chlorine residual, and dissolved oxygen samples.
 - g. The Respondent did not provide noncompliance notifications for the exceedances during the monthly monitoring periods ending June 30, 2017 through December 31, 2017, June 30, 2018, and January 31, 2019.
 - h. The previously utilized emergency retention pond with three-million-gallon hydraulic capacity was not adequately lined to control seepage and thus not used as a safeguard. In addition, the Facility does not have safeguards for powering the lift stations during emergency power conditions.
 - i. The pH buffer standards were analyzed once a week instead of daily.
4. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
- a. By cleaning the wet well at the TXDOT Lift Station, began analyzing pH buffer standards daily, and began including the time of analysis for pH and chlorine samples by April 25, 2019;
 - b. By installing a second pump at the Chappell Lift Station and installing an 8-foot privacy fence around the Best Western Lift Station by May 7, 2019; and
 - c. By repairing and replacing the inoperable rotor in Oxidation Ditch No. 1 (Old Plant) by March 25, 2019.

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. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010455002, Effluent Limitations and Monitoring Requirements No. 1.
3. As evidenced by Finding of Fact Nos. 3.a, 3.b and 3.c, 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. WQ0010455002, Operational Requirements No. 1.
4. As evidenced by Finding of Fact No. 3.d, the Respondent failed to secure the lift station in an intruder resistant manner, in violation of 30 TEX. ADMIN. CODE §§ 217.59(b)(2) and 317.3(a).
5. As evidenced by Finding of Fact No. 3.e, the Respondent failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), and TPDES Permit No. WQ0010455002, Permit Conditions No. 2(d).
6. As evidenced by Finding of Fact No. 3.f, the Respondent failed to maintain complete and accurate records of monitoring activities, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(c), and TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements No. 3(c).
7. As evidenced by Finding of Fact No. 3.g, the Respondent failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements No. 7(c).
8. As evidenced by Finding of Fact No. 3.h, the Respondent failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated

wastewater, in violation of 30 TEX. ADMIN. CODE §§ 217.36(h) and 305.125(1) and (5) and TPDES Permit No. WQ0010455002, Operational Requirements No. 4.

9. As evidenced by Finding of Fact No. 3.i, the Respondent failed to assure the quality of all measurements through the use of blanks, standards, duplicate analyses, and spikes, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 319.6 and TPDES Permit No. WQ0010455002, Monitoring and Reporting Requirements No. 1.
10. 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.
11. An administrative penalty in the amount of \$96,476 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, \$96,476 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. 11 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 George West, Docket No. 2018-1738-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete an SEP as set forth in Conclusion of Law No. 11. The amount of \$96,476 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. Within 30 days after the effective date of this Order:
 - i. Install an operable grit separator pump at the Facility;
 - ii. Update the Facility's operational guidance and conduct employee training to ensure that all self-reporting requirements are properly accomplished, including the timely submittal of noncompliance notifications;
 - iii. Ensure that screenings are stored in a container with a tight-fitting lid;
 - iv. Remove and properly dispose of the large pile of debris on the ground and the floating grease from the clarifiers and the chlorine contact chamber;
 - v. Remove the sludge and grease balls from the receiving stream and disinfect the affected area; and
 - vi. Maintain complete and accurate records of monitoring activities, including the time of analysis for dissolved oxygen samples.
 - b. Within 45 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 3.g below, to demonstrate compliance with Ordering Provision Nos. 3.a.i through 3.a.vi.
 - c. Within 60 days after the effective date of this Order, the Respondent shall repair the inoperable sludge drying bed.

- d. Within 75 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 3.g below, to demonstrate compliance with Ordering Provision No. 3.c.
- e. Within 90 days after the effective date of this Order, the Respondent shall maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.
- f. Within 105 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 3.g below, to demonstrate compliance with Ordering Provision No. 3.e.
- g. Within 130 days after the effective date of this Order, the Respondent shall submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010455002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be signed by the Respondent and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
500 North Shoreline Boulevard, Suite 500
Corpus Christi, Texas 78401

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 Enforcement Division 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



10/24/2022

For the Executive Director

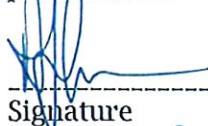
Date

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

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

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

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



Signature

07/18/2022

Date

Andrew Garza

Mayor

Title

Name (Printed or typed)
Authorized Representative of
City of George West

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

Attachment A
Docket Number: 2018-1738-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of George West
Penalty Amount:	Ninety-Six Thousand Four Hundred Seventy-Six Dollars (\$96,476)
SEP Offset Amount:	Ninety-Six Thousand Four Hundred Seventy-Six Dollars (\$96,476)
Type of SEP:	Compliance
Project Name:	<i>New Bar Screen Equipment</i>
Location of SEP:	Live Oak 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 hired a contractor to purchase and install new bar screen equipment at the headworks at the City’s wastewater treatment facility. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for the purchase and installation of new bar screen equipment (the “Project”). Respondent hired qualified contractors to perform the Project. The SEP was performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent used the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Expenses, below. No portion of the SEP Offset Amount was 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 had no prior commitment to perform this Project and that the SEP was 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 improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent 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. Expenses

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

Expenses

Item	Cost
Purchase & Installation of Bar Screen Equipment	\$124,985
Total	\$124,985

2. Records

As of January 25, 2022, Respondent provided TCEQ the following documentation as proof of completion of the proposed SEP:

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

3. 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.

4. 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 3 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

5. 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.

6. Recognition

Respondent may not seek recognition for this project in any other state or federal regulatory program.

7. 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.