

**Executive Summary – Enforcement Matter – Case No. 57112**  
**City of Trinity**  
**RN101607182**  
**Docket No. 2019-0041-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

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

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Trinity WWTP, located at 247 East Pegoda Road, Trinity, Trinity County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** November 19, 2021

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$41,687

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$41,687

Name of SEP: WWTP Improvements (Compliance)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** April 10, 2018, May 17, 2018, and November 28, 2018

**Date(s) of NOE(s):** April 27, 2018 and December 12, 2018

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***Violation Information***

1. Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which 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 Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010617001, Permit Conditions No. 2(d) and Operational Requirements No. 1].
2. Failed to comply with permitted effluent limitations for ammonia nitrogen, daily average flow, total chlorine residual, and carbonaceous biochemical oxygen demand (5-day) [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010617001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].
3. Failed to ensure 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. WQ0010617001, Operational Requirements No. 1].
4. Failed to ensure 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. WQ0010617001, Operational Requirements No. 1].
5. Failed to ensure 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. WQ0010617001, Operational Requirements No. 1].
6. Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010617001, Permit Conditions No. 2.g].
7. Failed to ensure 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. WQ0010617001, Operational Requirements No. 1].
8. Failed to ensure 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. WQ0010617001, Operational Requirements No. 1].
9. Failed to report an unauthorized discharge orally to the Regional Office within 24 hours of becoming aware of the noncompliance, and in writing to the Regional Office and Enforcement Division within five working days of becoming aware of the noncompliance [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010617001, Monitoring and Reporting Requirements No. 7.b.i].

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***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
  - a. Within 30 days:
    - i. Replace the submerged skimmer arm in Clarifier No. 2;
    - ii. Remove and properly dispose of debris, solids, and sludge in both clarifier effluent weirs and weir troughs;
    - iii. Remove and properly dispose of floating solids and sludge accumulation in both chlorine contact chambers;
    - iv. Upgrade the electrical wiring at the Facility to ensure the rotor in the oxidation ditch is operational;
    - v. Develop and implement procedures and conduct employee training to ensure that the manual bar screen is regularly maintained free of debris to prevent future discharges at the headworks;
    - vi. Remove and properly dispose of debris from the manual bar screen;
    - vii. Install a cover on the bar screen dumpster; and
    - viii. Conduct an evaluation of the receiving stream to determine the extent of the discharge and begin the removal and proper disposal of sludge from the impacted area.
  - b. Within 45 days, submit written certification of compliance with a.
  - c. Within 60 days, repair/replace the recycled water pump and repair/return to service the sludge drying beds.
  - d. Within 75 days, submit written certification of compliance with c.

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**City of Trinity**  
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**Docket No. 2019-0041-MWD-E**

e. Within 90 days, conduct an engineering evaluation of the Facility to determine the cause of and necessary corrective actions to minimize or prevent excess discharge of sludge from the Facility. The evaluation shall be prepared by a Texas registered professional engineer and shall include a plan and schedule for the completion of necessary corrective actions within 270 days.

f. Within 105 days, submit written certification that an engineering evaluation of the Facility has been conducted.

g. Within 285 days, submit written certification of compliance for the completion of necessary corrective actions.

h. Within 415 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010617001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations to demonstrate compliance.

***Contact Information***

**TCEQ Attorney:** N/A

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

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

**Respondent:** The Honorable Wayne Huffman, Mayor, City of Trinity, P.O. Box 431, Trinity, Texas 75862-0431

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned</b>	7-May-2018		
	<b>PCW</b>	19-Aug-2021	<b>Screening</b>	14-May-2018
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Trinity (PCW No. 1)
<b>Reg. Ent. Ref. No.</b>	RN101607182
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	57112	<b>No. of Violations</b>	2
<b>Docket No.</b>	2019-0041-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Steven Van Landingham
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$12,500</b>
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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.

<b>Compliance History</b>	<b>15.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$1,875</b>
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<b>Notes</b>	Enhancement for three months of self-reported effluent violations
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<b>Culpability</b>	No	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$24,362	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$96,268	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$14,375</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b> Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	<b>\$14,375</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$14,375</b>
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<b>DEFERRAL</b>	<b>0.0%</b> Reduction Adjustment	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	<b>\$14,375</b>
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**Screening Date** 14-May-2018

**Docket No.** 2019-0041-MWD-E

**PCW**

**Respondent** City of Trinity (PCW No. 1)

*Policy Revision 4 (April 2014)*

**Case ID No.** 57112

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN101607182

**Media [Statute]** Water Quality

**Enf. Coordinator** Steven Van Lanningham

### 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> )	3	15%
	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)** 15%

#### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for three months of self-reported effluent violations

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 15%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 15%

**Screening Date** 14-May-2018 **Docket No.** 2019-0041-MWD-E **PCW**  
**Respondent** City of Trinity (PCW No. 1) *Policy Revision 4 (April 2014)*  
**Case ID No.** 57112 *PCW Revision March 26, 2014*  
**Reg. Ent. Reference No.** RN101607182  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Steven Van Landingham

**Violation Number** 1  
**Rule Cite(s)** Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and (4), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010617001, Permit Conditions No. 2(d) and Operational Requirements No. 1  
**Violation Description** Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment. Specifically, accumulations of sludge were observed at Outfall 001 in the receiving stream and approximately 2,000 feet downstream near Highway 356.

**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 2 34 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$7,500

Two monthly events are recommended from the April 10, 2018 record review date to the May 14, 2018 screening date.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$7,500

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$10,773 **Violation Final Penalty Total** \$8,625

**This violation Final Assessed Penalty (adjusted for limits)** \$8,625

# Economic Benefit Worksheet

**Respondent** City of Trinity (PCW No. 1)  
**Case ID No.** 57112  
**Reg. Ent. Reference No.** RN101607182  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$20,000	24-Jan-2018	9-Jun-2022	4.38	\$292	\$5,834	\$6,125
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	\$25,000	24-Jan-2018	12-Oct-2021	3.72	\$4,647	n/a	\$4,647
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated Engineering/Construction cost to conduct an engineering evaluation of the Facility to determine the cause of and necessary corrective actions to minimize or prevent excess discharge of sludge from the Facility. The Date Required is the initial investigation date and the Final Date is the estimated date of compliance.

Estimated Remediation/Disposal cost to conduct an evaluation of the receiving stream to determine the extent of the discharge and remove and properly dispose of sludge from the impacted area. The Date Required is the initial investigation date and the Final Date is the estimated date of compliance.

Additional Economic Benefits included in PCW No. 2 Violation Nos. 1, 2, 3, and 5.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$45,000

**TOTAL** \$10,773



**Screening Date** 14-May-2018  
**Respondent** City of Trinity (PCW No. 1)  
**Case ID No.** 57112  
**Reg. Ent. Reference No.** RN101607182  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Steven Van Landingham

**Docket No.** 2019-0041-MWD-E

**PCW**

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

**Violation Number** 2

**Rule Cite(s)** Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010617001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

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

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	5.0%
	Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

A simplified model was utilized to evaluate the values for ammonia nitrogen, and carbonaceous biochemical oxygen demand (5-day) to determine whether discharged amounts of pollutants exceeded levels protective of human health or the environment. Flow and total chlorine residual were 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 4      211 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$5,000

Four quarterly events are recommended for the period containing the months of June 2017, August 2017, November 2017, December 2017, January 2018, February 2018 and April 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** \$5,000

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$13,590

**Violation Final Penalty Total** \$5,750

**This violation Final Assessed Penalty (adjusted for limits)** \$5,750

# Economic Benefit Worksheet

**Respondent** City of Trinity (PCW No. 1)  
**Case ID No.** 57112  
**Reg. Ent. Reference No.** RN101607182  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$51,268	30-Jun-2017	17-Oct-2022	5.30	\$13,590	n/a	\$13,590

**Notes for DELAYED costs**  
 Estimated Other cost to repair Clarifier #1, repair Aerator #2, replace the roof at the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$51,268

**TOTAL** \$13,590



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	17-Dec-2018			
	<b>PCW</b>	19-Aug-2021	<b>Screening</b>	17-Dec-2018	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Trinity (PCW No. 2)
<b>Reg. Ent. Ref. No.</b>	RN101607182
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	57112	<b>No. of Violations</b>	7
<b>Docket No.</b>	2019-0041-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Steven Van Landingham
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$23,750
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	15.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$3,562
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<b>Notes</b>	Enhancement for three months of self-reported effluent violations.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$8,018	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$28,530	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$27,312
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$27,312
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$27,312
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$27,312
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**Screening Date** 17-Dec-2018

**Docket No.** 2019-0041-MWD-E

**PCW**

**Respondent** City of Trinity (PCW No. 2)

*Policy Revision 4 (April 2014)*

**Case ID No.** 57112

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN101607182

**Media** Water Quality

**Enf. Coordinator** Steven Van Lanningham

### 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> )	3	15%
	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)** 15%

#### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for three months of self-reported effluent violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 15%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 15%

**Screening Date** 17-Dec-2018 **Docket No.** 2019-0041-MWD-E **PCW**  
**Respondent** City of Trinity (PCW No. 2) *Policy Revision 4 (April 2014)*  
**Case ID No.** 57112 *PCW Revision March 26, 2014*  
**Reg. Ent. Reference No.** RN101607182  
**Media** Water Quality  
**Enf. Coordinator** Steven Van Landingham

**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010617001, Operational Requirements No. 1  
**Violation Description** Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the skimmer arm in Clarifier No. 2 was submerged, and both clarifiers had debris in the weirs, and sludge and solids in the effluent weir troughs.  
**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

**Adjustment** \$21,250  
 \$3,750

**Violation Events**

Number of Violation Events: 2      19 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$7,500

Two monthly events are recommended (one month for each clarifier) from the November 28, 2018 record review date to the December 17, 2018 screening date.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$7,500

**Economic Benefit (EB) for this violation      Statutory Limit Test**

**Estimated EB Amount** \$4,171      **Violation Final Penalty Total** \$8,625  
**This violation Final Assessed Penalty (adjusted for limits)** \$8,625

# Economic Benefit Worksheet

**Respondent** City of Trinity (PCW No. 2)  
**Case ID No.** 57112  
**Reg. Ent. Reference No.** RN101607182  
**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	\$10,000	22-Mar-2016	12-Oct-2021	5.56	\$185	\$3,708	\$3,893
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	\$1,000	22-Mar-2016	12-Oct-2021	5.56	\$278	n/a	\$278
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated Equipment cost to replace the submerged skimmer arm in Clarifier No. 2. The Date Required is the initial date of noncompliance and the Final Date is the estimated date of compliance.

Estimated Remediation/Disposal cost to remove and properly dispose of debris in the weirs, and sludge and solids in the effluent weir troughs of the clarifiers. The Date Required is the initial date of noncompliance 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 \$11,000

**TOTAL** \$4,171

**Screening Date** 17-Dec-2018  
**Respondent** City of Trinity (PCW No. 2)  
**Case ID No.** 57112  
**Reg. Ent. Reference No.** RN101607182  
**Media** Water Quality  
**Enf. Coordinator** Steven Van Landingham

**Docket No.** 2019-0041-MWD-E

**PCW**

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

**Violation Number** 2

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0010617001, Operational Requirements No. 1

**Violation Description** Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, both chlorine contact chambers contained floating solids and visible sludge accumulation nearly touched the water surface.

**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 2      19 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$7,500

Two monthly events are recommended (one month for each chlorine contact chamber) from the November 28, 2018 record review date to the December 17, 2018 screening date.

**Good Faith Efforts to Comply** 0.0%

Reduction \$0

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

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

**Violation Subtotal** \$7,500

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$278

**Violation Final Penalty Total** \$8,625

**This violation Final Assessed Penalty (adjusted for limits)** \$8,625

## Economic Benefit Worksheet

**Respondent** City of Trinity (PCW No. 2)  
**Case ID No.** 57112  
**Reg. Ent. Reference No.** RN101607182  
**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	\$1,000	22-Mar-2016	12-Oct-2021	5.56	\$278	n/a	\$278
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated Remediation/Disposal cost to remove and properly dispose of floating solids and sludge accumulation in both chlorine contact chambers. The Date Required is the initial date of noncompliance 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

\$1,000

**TOTAL**

\$278



**Screening Date** 17-Dec-2018  
**Respondent** City of Trinity (PCW No. 2)  
**Case ID No.** 57112  
**Reg. Ent. Reference No.** RN101607182  
**Media** Water Quality  
**Enf. Coordinator** Steven Van Landingham

**Docket No.** 2019-0041-MWD-E

**PCW**

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

**Violation Number** 3

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0010617001, Operational Requirements No. 1

**Violation Description** Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, one of the rotors in the oxidation ditch was non-operational due to electrical issues.

**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 1 19 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$3,750

One monthly event is recommended from the November 28, 2018 record review date to the December 17, 2018 screening date.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

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

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

**Violation Subtotal** \$3,750

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$929

**Violation Final Penalty Total** \$4,313

**This violation Final Assessed Penalty (adjusted for limits)** \$4,313

# Economic Benefit Worksheet

**Respondent** City of Trinity (PCW No. 2)  
**Case ID No.** 57112  
**Reg. Ent. Reference No.** RN101607182  
**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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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)	\$5,000	24-Jan-2018	12-Oct-2021	3.72	\$929	n/a	\$929

**Notes for DELAYED costs**

Estimated cost to upgrade the electrical wiring at the Facility to ensure the rotor in the oxidation ditch is operational. The Date Required is the initial date of noncompliance 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

\$5,000

**TOTAL**

\$929

**Screening Date** 17-Dec-2018  
**Respondent** City of Trinity (PCW No. 2)  
**Case ID No.** 57112  
**Reg. Ent. Reference No.** RN101607182  
**Media** Water Quality  
**Enf. Coordinator** Steven Van Landingham

**Docket No.** 2019-0041-MWD-E

**PCW**

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

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010617001, Permit Conditions No. 2.g

**Violation Description** Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state. Specifically, debris from raw wastewater discharged onto the ground at the headworks prior to the bar screen.

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="5.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

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

Matrix Notes

Human health or the environment has been exposed to 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**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One quarterly event is recommended from the November 28, 2018 record review date to the December 17, 2018 screening date.

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDRP/ Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<input type="text"/>

Notes

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

# Economic Benefit Worksheet

**Respondent** City of Trinity (PCW No. 2)  
**Case ID No.** 57112  
**Reg. Ent. Reference No.** RN101607182  
**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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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	10-Jan-2018	12-Oct-2021	3.76	\$47	n/a	\$47
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated Training/Sampling cost to develop and implement procedures and conduct employee training to ensure that the manual bar screen is regularly maintained free of debris to prevent future discharges at the headworks. The Date Required is the date the discharge occurred and the Final Date is the estimated date of compliance.

Economic Benefit included in Violation No. 6

### 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	\$500	10-Jan-2018	17-Dec-2018	0.93	\$23	\$500	\$523
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Estimated avoided to properly clean up and dispose of the debris from the raw wastewater discharged onto the ground at the headworks, and clean and disinfect the area. The Date Required is the date the discharge occurred and the Final Date is the screening date.

Approx. Cost of Compliance \$750

**TOTAL** \$570

**Screening Date** 17-Dec-2018  
**Respondent** City of Trinity (PCW No. 2)  
**Case ID No.** 57112  
**Reg. Ent. Reference No.** RN101607182  
**Media** Water Quality  
**Enf. Coordinator** Steven Van Landingham

**Docket No.** 2019-0041-MWD-E

**PCW**

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

**Violation Number** 5

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0010617001, Operational Requirements No. 1

**Violation Description** Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the recycled water pump and sludge drying beds were non-operational.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

**Matrix Notes** Human health or the environment will or could be exposed to 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      19 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$1,250

One quarterly event is recommended from the November 28, 2018 record review date to the December 17, 2018 screening date.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

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

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

**Violation Subtotal** \$1,250

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$1,900

**Violation Final Penalty Total** \$1,438

**This violation Final Assessed Penalty (adjusted for limits)** \$1,438

# Economic Benefit Worksheet

**Respondent** City of Trinity (PCW No. 2)  
**Case ID No.** 57112  
**Reg. Ent. Reference No.** RN101607182  
**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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	24-Jan-2018	11-Nov-2021	3.80	\$1,900	n/a	\$1,900

**Notes for DELAYED costs** Estimated cost to repair/replace the recycled water pump and repair/return to service the sludge drying beds. The Date Required is the initial date of noncompliance 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** \$1,900

**Screening Date** 17-Dec-2018  
**Respondent** City of Trinity (PCW No. 2)  
**Case ID No.** 57112  
**Reg. Ent. Reference No.** RN101607182  
**Media** Water Quality  
**Enf. Coordinator** Steven Van Landingham

**Docket No.** 2019-0041-MWD-E

**PCW**

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

**Violation Number** 6

**Rule Cite(s)**  
 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0010617001, Operational Requirements No. 1

**Violation Description**  
 Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the manual bar screen contained an excessive amount of debris, and the dumpster that receives the removed debris from the bar screen was not covered.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

**Matrix Notes**  
 Human health or the environment will or could be exposed to 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      19 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$1,250

One quarterly event is recommended from the November 28, 2018 record review date to the December 17, 2018 screening date.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

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

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

**Violation Subtotal** \$1,250

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$139

**Violation Final Penalty Total** \$1,438

**This violation Final Assessed Penalty (adjusted for limits)** \$1,438

# Economic Benefit Worksheet

**Respondent** City of Trinity (PCW No. 2)  
**Case ID No.** 57112  
**Reg. Ent. Reference No.** RN101607182  
**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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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	\$500	24-Jan-2018	12-Oct-2021	3.72	\$93	n/a	\$93
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	24-Jan-2018	12-Oct-2021	3.72	\$46	n/a	\$46

**Notes for DELAYED costs**

Estimated Remediation/Disposal cost to remove and properly dispose of debris from the manual bar screen. The Date Required is the initial date of noncompliance and the Final Date is the estimated date of compliance.

Estimated cost to install a cover on the bar screen dumpster. The Date Required is the initial date of noncompliance 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 \$750

**TOTAL** \$139



**Screening Date** 17-Dec-2018  
**Respondent** City of Trinity (PCW No. 2)  
**Case ID No.** 57112  
**Reg. Ent. Reference No.** RN101607182  
**Media** Water Quality  
**Enf. Coordinator** Steven Van Landingham

**Docket No.** 2019-0041-MWD-E

**PCW**

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

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010617001, Monitoring and Reporting Requirements No. 7.b.i

**Violation Description** Failed to report an unauthorized discharge orally to the Regional Office within 24 hours of becoming aware of the noncompliance, and in writing to the Regional Office and Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, on January 10, 2018, raw wastewater and debris discharged from the headworks prior to the bar screen and was not reported to the TCEQ.

**Base Penalty**

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

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

**>> Programmatic Matrix**

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

**Matrix Notes** 100% of the rule requirements were not met.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** City of Trinity (PCW No. 2)  
**Case ID No.** 57112  
**Reg. Ent. Reference No.** RN101607182  
**Media Violation No.** 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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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

### 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	\$5	11-Jan-2018	17-Dec-2018	0.93	\$0	\$5	\$5
Other (as needed)	\$25	17-Jan-2018	17-Dec-2018	0.92	\$1	\$25	\$26

Notes for AVOIDED costs

Estimated avoided cost to notify the TCEQ orally of an unauthorized discharge. The Date Required is the date the discharge notification was due and the Final Date is the screening date.

Estimated avoided cost to notify the TCEQ in writing of an unauthorized discharge. The Date Required is the date the discharge notification was due and the Final Date is the screening date.

Approx. Cost of Compliance \$30

**TOTAL** \$31

City of Trinity  
 TPDES Permit No. WQ0010617001  
 Docket No. 2019-0041-MWD-E  
 Case No. 57112

Effluent Violation Table

Monitoring Period	CBOD <sub>5</sub>	Flow	Total Chlorine Residual	Ammonia Nitrogen		
	Daily Avg. Conc.	Daily Avg.	Min. Conc.	Daily Average Conc.	Daily Max. Conc.	Daily Avg. Loading
	Limit = 7 mg/L	Limit = 0.61 MGD	Limit = 1.0 mg/L	Limit = 2 mg/L	Limit = 10 mg/L	Limit = 10 lbs/d
June 2017	8.85	c	c	c	c	c
August 2017	c	0.884	c	c	c	c
November 2017	c	c	c	4.68	13.7	31.2
December 2017	c	c	c	4.58	17.2	14.1
January 2018	c	c	c	2.38	11.3	21.3
February 2018	c	0.756	c	c	c	c
April 2018	c	c	0	c	c	c

Avg. = Average

CBOD<sub>5</sub> = Carbonaceous Biochemical Oxygen Demand (5-day)

lbs/d = pounds per day

mg/L = milligrams per liter

Min. = Minimum

c = Compliant

Conc. = Concentration

Max. = Maximum

MGD = million gallons per day

The TCEQ is committed to accessibility.

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



# Compliance History Report

Compliance History Report for CN600660112, RN101607182, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN600660112, City of Trinity **Classification:** SATISFACTORY **Rating:** 2.15

**Regulated Entity:** RN101607182, City of Trinity WWTP **Classification:** SATISFACTORY **Rating:** 2.15

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

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** 247 East Pegoda Road in Trinity, Trinity County, Texas

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):**

**WASTEWATER PERMIT** WQ0010617001

**WASTEWATER EPA ID** TX0088811

**WASTEWATER LICENSING LICENSE** WQ0010617001

**MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER**  
455100097

**Compliance History Period:** September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** October 28, 2020

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 28, 2015 to October 28, 2020

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

**Name:** Steven Van Landingham

**Phone:** (512) 239-5717

**Site and Owner/Operator History:**

1) Has the site been in existence and/or operation for the full five year compliance period? YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

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	November 17, 2015	(1303121)	Item 23	June 15, 2018	(1508916)
Item 2	December 08, 2015	(1310107)	Item 24	July 19, 2018	(1515235)
Item 3	January 15, 2016	(1316871)	Item 26	August 20, 2018	(1521285)
Item 4	March 15, 2016	(1332990)	Item 28	September 17, 2018	(1528467)
Item 5	April 14, 2016	(1340128)	Item 29	October 16, 2018	(1534805)
Item 6	May 10, 2016	(1346940)	Item 30	November 09, 2018	(1542658)
Item 7	September 13, 2016	(1373477)	Item 31	December 06, 2018	(1546401)
Item 8	October 10, 2016	(1379651)	Item 32	January 18, 2019	(1563281)
Item 9	October 17, 2016	(1379652)	Item 33	May 24, 2019	(1585650)
Item 10	November 10, 2016	(1385597)	Item 34	June 20, 2019	(1585651)
Item 11	December 19, 2016	(1391728)	Item 35	October 15, 2019	(1607588)
Item 12	January 20, 2017	(1398353)	Item 36	November 13, 2019	(1620249)
Item 13	March 10, 2017	(1412329)	Item 37	December 19, 2019	(1627598)
Item 14	April 19, 2017	(1418834)	Item 38	January 17, 2020	(1635229)
Item 15	May 12, 2017	(1426491)	Item 39	March 17, 2020	(1648358)
Item 16	June 22, 2017	(1432490)	Item 40	April 14, 2020	(1654710)
Item 17	September 28, 2017	(1444725)	Item 41	June 18, 2020	(1667803)
Item 18	October 19, 2017	(1457185)	Item 42	July 15, 2020	(1674751)
Item 19	November 20, 2017	(1462636)			
Item 22	April 19, 2018	(1494856)			

**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: 01/31/2020 (1641844)   |                 |          |
|   | Self Report? YES   | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                 |          |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                 |          |
| 2 | Date: 04/30/2020 (1661276)   |                 |          |
|   | Self Report? YES   | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                 |          |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                 |          |
| 3 | Date: 07/31/2020 (1681521)   |                 |          |
|   | Self Report? YES   | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>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 NOV's Issued During Component Period 10/28/2015 and 10/28/2020

- 1 Date: 01/31/2016 (1326235) 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: 05/12/2016 (1328820) Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: PC 1(a) PERMIT  
Description: Failure by the City of Trinity to properly complete the discharge monitoring report.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 217, SubChapter C 217.63(c)  
OpR 1 PERMIT  
Description: Failure by the City of Trinity to properly operate and maintain units of collection, treatment, and disposal.  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: OpR 1 PERMIT  
Description: Failure by the City of Trinity to properly operate and maintain units of collection, treatment, and disposal.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: OpR 1 PERMIT  
Description: Failure by the City of Trinity to properly operate and maintain units of collection, treatment, and disposal.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: OpR 1 PERMIT  
Description: Failure by the City of Trinity to properly operate and maintain units of collection, treatment, and disposal.  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
OpR 1 PERMIT  
Description: 1. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the skimmer arm in Clarifier No. 2 was submerged, and both clarifiers had debris in the weirs, and sludge and solids in the effluent weir troughs.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: OpR 1 PERMIT  
Description: Failure by the City of Trinity to properly operate and maintain units of collection, treatment, and disposal.  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: ELMR 4 PERMIT  
Description: Failure by the City of Trinity to prevent the discharge of floating solids through Outfall 001.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: MRR 3(c)(ii) PERMIT  
MRR 3(c)(iii) PERMIT  
MRR 3(c)(vi) PERMIT  
Description: Failure by the City of Trinity to properly maintain complete monitoring records.  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: MRR 4 PERMIT  
Description: Failure by the City of Trinity to include the results of additional monitoring on the approved self-report form.  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: ELMR 2 PERMIT  
Description: Failure by the City of Trinity to collect a chlorine residual sample daily.  
Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: MRR 5 PERMIT  
Description: Failure by the City of Trinity to calibrate the flow meter annually.  
Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: MRR 2(a) PERMIT  
Description: Failure by the City of Trinity to comply with test procedures specified in 30 TAC 319.11 - 319.12.  
Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: MRR 7(c) PERMIT

Description: Failure by the City of Trinity to submit a report for an effluent violation that deviated from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.  
Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
OpR 1 PERMIT  
Description: 2. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, both chlorine contact chambers contained floating solids and visible sludge accumulation nearly touched the water surface.

3 Date: 05/31/2016 (1353368)  
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: 07/31/2016 (1366780)  
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 (1405255)  
Classification: Moderate

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

6 Date: 06/30/2017 (1441047)  
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

- 7 Date: 08/31/2017 (1451315) 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: 11/30/2017 (1469040) 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: 12/31/2017 (1475745) 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: 01/31/2018 (1487920) 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: 02/28/2018 (1491607) 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: 03/22/2018 (1467703) Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
OpR 1 PERMIT  
Description: 1. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the skimmer arm in Clarifier No. 2 was submerged, and both clarifiers had debris in the weirs, and sludge and solids in the effluent weir troughs.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
OpR 1 PERMIT  
Description: 2. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, both chlorine contact chambers contained floating solids and visible sludge accumulation nearly touched the water surface.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
OpR 1 PERMIT  
Description: 3. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, one of the rotors in the oxidation ditch was non-operational due to electrical issues.  
Classification: Minor



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(5)  
OpR 1 PERMIT  
Description: 7. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the manual bar screen contained an excessive amount of debris, and the dumpster that receives the removed debris from the bar screen was not covered.  
Classification: Minor

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(5)  
OpR 1 PERMIT  
Description: 4. Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state. Specifically, debris from raw wastewater discharged onto the ground at the headworks prior to the bar screen.  
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)  
ELMR 2 PERMIT  
Description: 5. Failed to comply with permitted effluent limitations  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
MRR 7(b)(i) PERMIT  
Description: 9. Failed to report an unauthorized discharge orally to the Regional Office within 24 hours of becoming aware of the noncompliance, and in writing to the Regional Office and Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, on January 10, 2018, raw wastewater and debris discharged from the headworks prior to the bar screen and was not reported to the TCEQ.  
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)  
30 TAC Chapter 305, SubChapter F 305.125(4)  
ELMR 4 PERMIT  
Description: 8. 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, wastewater sludge and visible foam exceeding trace amounts discharged from the outfall into the receiving stream.  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
OpR 1 PERMIT  
Description: 6. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the recycled water pump and sludge drying beds were non-operational.

13 Date: 04/30/2018 (1501809)  
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: 01/31/2019 (1563279)  
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: 02/28/2019 (1563280) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

16 Date: 03/31/2019 (1573024) 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: 10/16/2019 (1592339) Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 217, SubChapter C 217.63(c)  
OpR 1 PERMIT  
Description: Failure by the City of Trinity to properly operate and maintain units of collection, treatment, and disposal. Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: OpR 1 PERMIT  
Description: Failure by the City of Trinity to properly operate and maintain units of collection, treatment, and disposal. Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: MRR 3(c)(ii) PERMIT  
MRR 3(c)(iii) PERMIT  
MRR 3(c)(vi) PERMIT  
Description: Failure by the City of Trinity to properly maintain complete monitoring records. Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: MRR 5 PERMIT  
Description: Failure by the City of Trinity to calibrate the flow meter annually. Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: MRR 2(a) PERMIT  
Description: Failure by the City of Trinity to comply with test procedures specified in 30 TAC 319.11 - 319.12. Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: SP, Section III, G, Page 31 PERMIT  
Description: Failure by the City of Trinity to submit the Annual Sludge Report for 2018. Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: M&RR No. 2(a), Page 5 PERMIT  
Description: Failure by the City of Trinity to maintain a primary flow measuring device (staff gauge). Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: EL&MR No. 2, Page 2 PERMIT  
Description: Failure by the City of Trinity to monitor chlorine residual daily as required. Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: EL&MR No. 1, Page 2 PERMIT  
Description: Failure by the City of Trinity to collect the required composite samples. Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: D&SPC No. 2(f), Page 4 PERMIT  
 Description: Failure by the City of Trinity to properly calculate loading rates.  
 Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: PC No. 1(a), Page 9 PERMIT  
 Description: Failure by the City of Trinity to accurately report information on the Discharge Monitoring Report (DMR).  
 Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: M&RR No. 1, Page 5 PERMIT  
 Description: Failure by the City of Trinity to submit the 06/2019 Discharge Monitoring Report (DMR).  
 Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: OpR No. 1, Page 13 PERMIT  
 Description: Failure by the City of Trinity to ensure at all times that all its systems of collection, treatment, and disposal are properly operated and maintained.  
 Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: OpR No. 1, Page 13 PERMIT  
 Description: Failure by the City of Trinity to ensure at all times that all of its systems of collection, treatment, and disposal are properly operated and maintained.  
 Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: PC No. 1(a), Page 9 PERMIT  
 Description: Failure by the City of Trinity to properly complete the Noncompliance Notifications.  
 Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: OpR No. 1, Page 13 PERMIT  
 Description: Failure by the City of Trinity to properly operate and maintain all systems of collection, treatment, and disposal at all times.  
 Classification: Moderate

Self Report? NO For Informational Purposes Only  
 Citation: M&RR No. 7(c), Page 7 PERMIT  
 Description: Failure by the City of Trinity to submit a noncompliance notification for greater than 40% noncompliances of the permitted effluent limits within 5 working days of becoming aware of the noncompliance.

18\* Date: 01/31/2020 (1641844)  
 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: 04/30/2020 (1661276)  
 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: 07/31/2020 (1681521)  
 Classification: Moderate

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

\* NOVs applicable for the Compliance History rating period 9/1/2015 to 8/31/2020

**Appendix B****All Investigations Conducted During Component Period October 28, 2015 and October 28, 2020**

Item 1*	November 17, 2015**	(1303121) For Informational Purposes Only
Item 2*	December 08, 2015**	(1310107) For Informational Purposes Only
Item 3*	January 15, 2016**	(1316871) For Informational Purposes Only
Item 4	February 11, 2016**	(1326235) For Informational Purposes Only
Item 5*	March 15, 2016**	(1332990) For Informational Purposes Only
Item 6*	April 14, 2016**	(1340128) For Informational Purposes Only
Item 7*	May 10, 2016**	(1346940) For Informational Purposes Only
Item 8	May 11, 2016**	(1329800) For Informational Purposes Only
Item 9	May 12, 2016**	(1328820) For Informational Purposes Only
Item 10	June 09, 2016**	(1353368) For Informational Purposes Only
Item 11	August 08, 2016**	(1366780) For Informational Purposes Only
Item 12*	September 13, 2016**	(1373477) For Informational Purposes Only
Item 13	September 21, 2016**	(1356125) For Informational Purposes Only
Item 14*	October 10, 2016**	(1379651) For Informational Purposes Only
Item 15*	October 17, 2016**	(1379652) For Informational Purposes Only
Item 16	October 21, 2016**	(1369109) For Informational Purposes Only
Item 17*	November 10, 2016**	(1385597) For Informational Purposes Only
Item 18*	December 19, 2016**	(1391728) For Informational Purposes Only
Item 19*	January 20, 2017**	(1398353) For Informational Purposes Only
Item 20	February 17, 2017**	(1405255) For Informational Purposes Only

Item 21	February 23, 2017**	(1388370) For Informational Purposes Only
Item 22*	March 10, 2017**	(1412329) For Informational Purposes Only
Item 23*	April 19, 2017**	(1418834) For Informational Purposes Only
Item 24*	May 12, 2017**	(1426491) For Informational Purposes Only
Item 25*	June 22, 2017**	(1432490) For Informational Purposes Only
Item 26	July 13, 2017**	(1441047) For Informational Purposes Only
Item 27	September 20, 2017**	(1451315) For Informational Purposes Only
Item 28*	September 28, 2017**	(1444725) For Informational Purposes Only
Item 29*	October 19, 2017**	(1457185) For Informational Purposes Only
Item 30*	November 20, 2017**	(1462636) For Informational Purposes Only
Item 31	December 14, 2017**	(1469040) For Informational Purposes Only
Item 32	January 26, 2018**	(1475745) For Informational Purposes Only
Item 33	February 15, 2018**	(1487920) For Informational Purposes Only
Item 34	February 21, 2018**	(1460599) For Informational Purposes Only
Item 35	March 19, 2018**	(1472365) For Informational Purposes Only
Item 36	April 04, 2018**	(1491607) For Informational Purposes Only
Item 37*	April 19, 2018**	(1494856) For Informational Purposes Only
Item 38	April 30, 2018**	(1480798) For Informational Purposes Only
Item 39	May 18, 2018**	(1485088) For Informational Purposes Only
Item 40*	June 15, 2018**	(1508916) For Informational Purposes Only
Item 41*	July 19, 2018**	(1515235) For Informational Purposes Only

Item 42	August 08, 2018**	(1505216) For Informational Purposes Only
Item 43*	August 20, 2018**	(1521285) For Informational Purposes Only
Item 44*	September 17, 2018**	(1528467) For Informational Purposes Only
Item 45*	October 16, 2018**	(1534805) For Informational Purposes Only
Item 46*	November 09, 2018**	(1542658) For Informational Purposes Only
Item 47*	December 06, 2018**	(1546401) For Informational Purposes Only
Item 48	December 12, 2018**	(1531665) For Informational Purposes Only
Item 49*	January 18, 2019**	(1563281) For Informational Purposes Only
Item 50	February 20, 2019**	(1563279) For Informational Purposes Only
Item 51	March 19, 2019**	(1563280) For Informational Purposes Only
Item 52	April 24, 2019**	(1573024) For Informational Purposes Only
Item 53*	May 24, 2019**	(1585650) For Informational Purposes Only
Item 54*	June 20, 2019**	(1585651) For Informational Purposes Only
Item 55*	October 15, 2019**	(1607588) For Informational Purposes Only
Item 56	October 16, 2019**	(1592339) For Informational Purposes Only
Item 57*	November 13, 2019**	(1620249) For Informational Purposes Only
Item 58*	December 19, 2019**	(1627598) For Informational Purposes Only
Item 59*	January 17, 2020**	(1635229) For Informational Purposes Only
Item 60	February 19, 2020**	(1641844) For Informational Purposes Only
Item 61*	March 17, 2020**	(1648358) For Informational Purposes Only
Item 62*	April 14, 2020**	(1654710) For Informational Purposes Only
		(1661276)

Item 63	May 14, 2020**	For Informational Purposes Only (1645872)
Item 64	May 19, 2020**	For Informational Purposes Only (1652572)
Item 65	June 17, 2020**	For Informational Purposes Only (1667803)
Item 66*	June 18, 2020**	For Informational Purposes Only (1674751)
Item 67*	July 15, 2020**	For Informational Purposes Only (1681521)
Item 68	August 19, 2020**	For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF TRINITY  
RN101607182**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2019-0041-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 Trinity (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 at 247 East Pegoda Road in Trinity, Trinity 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 April 10, 2018, an investigator documented that accumulations of sludge were observed at Outfall 001 in the receiving stream and approximately 2,000 feet downstream near Highway 356.
3. During a record review conducted on May 17, 2018, staff documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:



Effluent Violation Table						
Monitoring Period	CBOD <sub>5</sub>	Flow	Total Chlorine Residual	Ammonia Nitrogen		
	Daily Avg. Conc.	Daily Avg.	Min. Conc.	Daily Average Conc.	Daily Max. Conc.	Daily Avg. Loading
	Limit = 7 mg/L	Limit = 0.61 MGD	Limit = 1.0 mg/L	Limit = 2 mg/L	Limit = 10 mg/L	Limit = 10 lbs/d
June 2017	8.85	c	c	c	c	c
August 2017	c	0.884	c	c	c	c
November 2017	c	c	c	4.68	13.7	31.2
December 2017	c	c	c	4.58	17.2	14.1
January 2018	c	c	c	2.38	11.3	21.3
February 2018	c	0.756	c	c	c	c
April 2018	c	c	0	c	c	c

Avg. = Average

CBOD<sub>5</sub> = Carbonaceous Biochemical Oxygen Demand (5-day)

lbs/d = pounds per day

mg/L = milligrams per liter

Min. = Minimum

c = Compliant

Conc. = Concentration

Max. = Maximum

MGD = million gallons per day

4. During a record review conducted on November 28, 2018, an investigator documented that:
  - a. The skimmer arm in Clarifier No. 2 was submerged, and both clarifiers had debris in the weirs, and sludge and solids in the effluent weir troughs;
  - b. Both chlorine contact chambers contained floating solids and visible sludge accumulation nearly touched the water surface;
  - c. One of the rotors in the oxidation ditch was non-operational due to electrical issues;
  - d. Debris from raw wastewater discharged onto the ground at the headworks prior to the bar screen;
  - e. The recycled water pump and sludge drying beds were non-operational;
  - f. The manual bar screen contained an excessive amount of debris, and the dumpster that receives the removed debris from the bar screen was not covered; and
  - g. On January 10, 2018, raw wastewater and debris discharged from the headworks prior to the bar screen and was not reported to the TCEQ.

## 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 take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which 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 Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010617001, Permit Conditions No. 2(d) and Operational Requirements No. 1.
3. As evidenced by Finding of Fact No. 3, 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 TPDES Permit No. WQ0010617001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2.
4. As evidenced by Finding of Fact No. 4.a, the Respondent failed to ensure 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. WQ0010617001, Operational Requirements No. 1.
5. As evidenced by Finding of Fact No. 4.b, the Respondent failed to ensure 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. WQ0010617001, Operational Requirements No. 1.
6. As evidenced by Finding of Fact No. 4.c, the Respondent failed to ensure 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. WQ0010617001, Operational Requirements No. 1.
7. As evidenced by Finding of Fact No. 4.d, the Respondent failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010617001, Permit Conditions No. 2.g.
8. As evidenced by Finding of Fact No. 4.e, the Respondent failed to ensure 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. WQ0010617001, Operational Requirements No. 1.
9. As evidenced by Finding of Fact No. 4.f, the Respondent failed to ensure 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. WQ0010617001, Operational Requirements No. 1.

10. As evidenced by Finding of Fact No. 4.g, the Respondent failed to report an unauthorized discharge orally to the Regional Office within 24 hours of becoming aware of the noncompliance, and in writing to the Regional Office and Enforcement Division within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010617001, Monitoring and Reporting Requirements No. 7.b.i.
11. 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.
12. An administrative penalty in the amount of \$41,687 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, \$41,687 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. 12 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 Trinity, Docket No. 2019-0041-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 Section II, Conclusion of Law No. 12. The amount of \$41,687 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. Replace the submerged skimmer arm in Clarifier No. 2;
    - ii. Remove and properly dispose of debris, solids, and sludge in both clarifier effluent weirs and weir troughs;
    - iii. Remove and properly dispose of floating solids and sludge accumulation in both chlorine contact chambers;
    - iv. Upgrade the electrical wiring at the Facility to ensure the rotor in the oxidation ditch is operational;
    - v. Develop and implement procedures and conduct employee training to ensure that the manual bar screen is regularly maintained free of debris to prevent future discharges at the headworks;
    - vi. Remove and properly dispose of debris from the manual bar screen;
    - vii. Install a cover on the bar screen dumpster; and
    - viii. Conduct an evaluation of the receiving stream to determine the extent of the discharge and begin the removal and proper disposal of sludge from the impacted area.
  - b. Within 45 days after the effective date of this Order, submit written certification of compliance with Ordering Provision Nos. 3.a.i through 3.a.viii, in accordance with Ordering Provision No. 3.h below.
  - c. Within 60 days after the effective date of this Order, repair/replace the recycled water pump and repair/return to service the sludge drying beds.
  - d. Within 75 days after the effective date of this Order, submit written certification of compliance with Ordering Provision No. 3.c, in accordance with Ordering Provision No. 3.h below.
  - e. Within 90 days after the effective date of this Order, conduct an engineering evaluation of the Facility to determine the cause of and necessary corrective actions to minimize or prevent excess discharge of sludge from the Facility. The evaluation shall be prepared by a Texas registered professional engineer and shall include a plan and schedule for the completion of necessary corrective actions within 270 days after the effective date of this Order.

- f. Within 105 days after the effective date of this Order, submit written certification that an engineering evaluation of the Facility has been conducted in accordance with Ordering Provision No. 3.e, as described in Ordering Provision No. 3.h below.
- g. Within 285 days after the effective date of this Order, submit written certification of compliance for the completion of necessary corrective actions in accordance with Ordering Provision No. 3.e, as described in Ordering Provision No. 3.h below.
- h. Within 415 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010617001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1830

- 4. All relief not expressly granted in this Order is denied.

5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
11. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively,

the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

### SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
5/18/2022

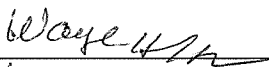
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Date

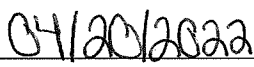
I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

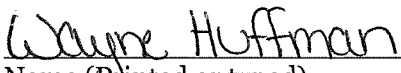
I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- 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

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Trinity

  
\_\_\_\_\_  
Title

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

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



**Attachment A**

**Docket Number: 2019-0041-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Trinity
<b>Penalty Amount:</b>	Forty-One Thousand Six Hundred Eighty-Seven Dollars (\$41,687)
<b>SEP Offset Amount:</b>	Forty-One Thousand Six Hundred Eighty-Seven Dollars (\$41,687)
<b>Type of SEP:</b>	Compliance
<b>Project Name:</b>	<i>WWTP Improvements</i>
<b>Location of SEP:</b>	Trinity 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 (the “Facility”) which are described in this Agreed Order. This Agreed Order cites violations at Respondent’s Facility.

**1. Project Description**

**A. Project**

Respondent shall hire a contractor to repair Clarifier #1, repair Aerator #2, and replace the roof at the Facility. The clarifier repairs will include replacing the swing arm and removing and rebuilding the drive unit and tower of the clarifier. The aerator repairs will include removing and rebuilding the aerator frame, motor, and spindles. Repairing the existing clarifier and aerator will improve their performance, allowing for better quality of discharged water. Replacing the roof will protect critical electrical equipment at the Facility. The contractor will also upgrade the main sewer line and manholes from 315 Prospect Drive to 103 Prospect Drive in Trinity, Texas. Upgrading the sewer line will improve the line size, allowing for better sewer flow. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: clarifier, drive unit, aerator, sewer line, and roof replacement (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement, including publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

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

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by 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. Minimum Expenditure**

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

**Estimated Cost Schedule**

<b>Item</b>	<b>Quantity</b>	<b>Total</b>
Drive Unit Rebuild/Parts	1	\$3,500
Roof Replacement	1	\$7,288
Sewer Line Upgrade	1	\$20,000
Clarifier Repair	1	\$11,500
Aerator Repair	1	\$8,980
<b>Total</b>		<b>\$51,268</b>

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 285 days after the effective date of this Agreed Order.

**3. Records and Reporting**

**A. Progress Report**

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 90 days after the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 285-day timeframe set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

### Reporting Schedule

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
285	Notice of SEP completion

#### B. Final Report

Within 285 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
4. Copies of proof of advertisement of invitation for bids, if applicable;
5. A certified statement of SEP completion and document authentication;
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. Equipment logs showing the hours the equipment was utilized on the project;
9. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
10. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

#### C. Address

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

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

**4. Additional Information and Access**

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

**5. Failure to Fully Perform**

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

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

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

**6. Publicity**

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

**7. Recognition**

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

**8. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.