

## TCEQ Interoffice Memorandum

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**To:** Mary Smith, General Counsel  
Greg Merrell, Assistant General Counsel

**Thru:** Anna Treadwell, Senior Attorney  
*AWT* Litigation Division

**From:** Benjamin Warms, Staff Attorney  
*BW* Litigation Division

**Date:** August 7, 2024

**Subject:** **Backup Revision**  
**August 14, 2024 Commission Agenda**  
Item No. 30 City of Marlin  
Docket No. 2019-0319-MWD-E

Enclosed please find the following:

**Page 1 of the Executive Summary:**

Total Due to General Revenue was corrected from \$138,316 to \$0.

**Page 1 of the Executive Summary:**

Name of SEP was corrected from "Compliance Supplemental Project in Falls County" to "WWTF Collection System Rehabilitation (Compliance)".

Counsel for Respondent:

James Parker  
1000 Gattis School Road Suite 650  
Round Rock, TX 78664

Respondent Contact:

Susan Byrd, Mayor  
P.O. Box 980  
Marlin, Texas 76661

Please do not hesitate to call Benjamin Warms at (512) 239-5144 if you have any questions regarding this matter.

cc: Mistie Gonzales, Enforcement Division  
Richard Monreal, Waco Regional Office  
Gill Valls, Office of the General Counsel  
Michael Parrish, Enforcement Division  
Leslie Gann, Enforcement Division  
Stuart Beckley, Enforcement Division  
James Parker, Counsel for Respondent

**City of Marlin**  
**RN102915774**  
**Docket No. 2019-0319-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

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

**Media:**

MWD

**Small Business:**

N/A

**Location Where Violation Occurred:**

241 County Road 302, on the west side of County Road 302, approximately 2.5 miles southwest of the intersection of Business State Highway 6 and Farm-to-Market Road 712.

**Type of Operation:**

wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions:	Yes, 2024-0833-MWD-E
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third Parties:	None

**Texas Register Publication Date:**

July 5, 2024

**Comments Received:**

None

**Penalty Information****Total Penalty Assessed:** \$138,316**Total Paid to General Revenue:** \$0**Total Due to General Revenue:** ~~\$138,316~~**Supplemental Environmental Project (“SEP”) Conditional Offset:**

\$138,316

Name of SEP:

~~Compliance Supplemental Project in Falls County~~**Compliance History Classifications:**

Person/CN – Satisfactory  
 Site/RN – Satisfactory

**Major Source:**

PCW 1, No; PCW 2, Yes

**Statutory Limit Adjustment:**

None

**Applicable Penalty Policy:**

April 2014

**Investigation Information****Complaint Dates:**

December 14, 2018; January 16, 2019

*Complaint Information:*

Complainant stated the City's main line is broken, which caused sewage to flood her yard.

*Complaint Information:*

Complainant stated that sewer cleanouts are discharging.

**Dates of Investigation:**

December 6, 2018 through December 14, 2018

**Dates of NOV:**

See Compliance History - 10 related NOVs

**Date of NOE:**

February 15, 2019

**City of Marlin**

RN102915774

Docket No. 2019-0319-MWD-E

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<b>Texas Register Publication Date:</b>	July 5, 2024
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<b>Comments Received:</b>	None
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<b>Total Penalty Assessed:</b>	\$138,316
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<b>Total Paid to General Revenue:</b>	\$0
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<b>Total Due to General Revenue:</b>	\$0
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**Supplemental Environmental Project (“SEP”) Conditional Offset:**

\$138,316
Name of SEP: WWTF Collection System Rehabilitation (Compliance)

**Compliance History Classifications:**

Person/CN - Satisfactory
Site/RN - Satisfactory

<b>Major Source:</b>	PCW 1, No; PCW 2, Yes
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<b>Statutory Limit Adjustment:</b>	None
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<b>Applicable Penalty Policy:</b>	April 2014
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**Investigation Information**

<b>Complaint Dates:</b>	December 14, 2018; January 16, 2019
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<b>Dates of Investigation:</b>	December 6, 2018 through December 14, 2018
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<b>Dates of NOV's:</b>	See Compliance History - 10 related NOV's
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<b>Date of NOE:</b>	February 15, 2019
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Site/RN – Satisfactory

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See Compliance History - 10 related NOV's

**Date of NOE:**

February 15, 2019

**City of Marlin**  
**RN102915774**  
**Docket No. 2019-0319-MWD-E**

**Violation Information**

1. Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010110002, Permit Conditions No. 2.g.].
2. Failed to report an unauthorized discharge orally to the TCEQ Waco Regional Office within 24 hours of becoming aware of the noncompliance, and in writing to the TCEQ Waco Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance [TEX. WATER CODE § 26.039(b), 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A), and TPDES Permit No. WQ0010110002, Monitoring and Reporting Requirements Nos. 7.a and 7.b.i.].
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. WQ0010110002, Operational Requirements No. 1.].
4. Failed to secure the lift stations in an intruder-resistant manner [30 TEX. ADMIN. CODE §§ 305.125(1) and 317.3(a) and TPDES Permit No. WQ0010110002, Operational Requirements No. 1.].
5. Failed to provide an audiovisual alarm system for all lift stations [30 TEX. ADMIN. CODE § 317.3(e)(5)].
6. Failed to provide atmospheric vacuum breakers ("AVBs") on all potable water washdown hoses [30 TEX. ADMIN. CODE §§ 317.4(a)(8) and 317.7(i)].
7. Failed to timely report to the TCEQ Waco Regional Office and the Enforcement Division in writing any effluent violation which deviates from the permitted effluent limitations by more than 40% within five working days of becoming aware of the noncompliance [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010110002, Monitoring and Reporting Requirements No. 7.c.].
8. Failed to perform effluent calculations as specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0010110002, Definitions and Standard Permit Conditions Nos. 1.b. and 2.e.].
9. Failed to properly preserve effluent samples [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(b) and TPDES Permit No. WQ0010110002, Monitoring and Reporting Requirements No. 2.a.].
10. Failed to maintain complete and accurate records [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010110002, Monitoring and Reporting Requirements Nos. 3.c.ii. and 3.c.iii.].
11. 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. WQ0010110002, Operational Requirements No. 1 and Other Requirements No. 7.].
12. Failed to dispose of all screenings and grit in an approved manner [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE §§ 305.125(1) and 317.4(b)(4), and TPDES Permit No. WQ0010110002, Permit Conditions No. 2.g.].
13. Failed to provide the required plant protection [30 TEX. ADMIN. CODE § 317.7(e)].
14. Failed to ensure that a person that operates, assists in the operation, or contracts to operate domestic wastewater treatment facilities or supervise wastewater collection activities, other than an operator-in-training, is properly licensed [TEX. WATER CODE § 26.0301(c), 30 TEX. ADMIN. CODE §§ 30.5(a), 30.331(b), and 305.125(1), and TPDES Permit No. WQ0010110002, Operational Requirements No. 9.].
15. Failed to comply with the permitted effluent limitations, as shown in the effluent violation table [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010110002, Effluent Limitations and Monitoring Requirements Nos. 1 and 3.].

**City of Marlin**  
RN102915774  
Docket No. 2019-0319-MWD-E

**Corrective Actions/Technical Requirements**

**Corrective Action Completed:**

Respondent has implemented the following corrective measures at the Facility:

1. On January 23, 2018, repaired the faulty sewer line near 742 Farm-to-Market Road 712, properly cleaned the affected area, and disinfected the affected area with high-test hypochlorite (“HTH”).
2. On August 30, 2018, repaired the faulty sewer line near 742 Farm-to-Market Road 712, properly cleaned the affected area, and disinfected the affected area with HTH.
3. On December 11, 2018:
  - a. Prepared and submitted the delinquent notification on noncompliance for the *E. coli* exceedance to the TCEQ Waco Regional Office and the Enforcement Division; and
  - b. Updated the Facility’s operational guidance and conducted employee training to ensure that calibrations of the dissolved oxygen and pH meters are preformed and properly documented.
4. On December 15, 2018, purchased and installed AVBs on all potable water washdown hoses at the Rock Dam Road, City Park, and Vernell Lift Stations.
5. On December 18, 2018:
  - a. Replaced the collapsed sewer line on Rock Dam Road, properly cleaned the affected area, and disinfected the affected area with HTH;
  - b. Prepared and resubmitted the discharge monitoring reports (“DMRs”) for the monthly monitoring periods of March 2018 through October 2018;
  - c. Updated the Facility’s operational guidance and conducted employee training to ensure that effluent calculations are performed as specified in the permit;
  - d. Purchased and installed a National Institute of Standards and Technology traceable thermometer; and
  - e. Properly secured the trash cans containing bar screenings located between the aeration lagoons and installed a cover for the trash can at the headworks to ensure that all screenings from the automatic bar screen are properly collected.
6. On December 20, 2018, prepared and submitted a written notification of noncompliance for the unauthorized discharge that occurred on December 9, 2018 through December 10, 2018.
7. On January 9, 2019, purchased and installed seventy hazard signs stating “Danger—Open Tank—No Trespassing” and secured the signs to the perimeter fence at the Facility’s entrance and at additional locations along the fence.
8. By January 14, 2019, removed and properly disposed of the build-up of sediment with vegetative growth at the base of the channel of the secondary bar screen and the debris that was caked onto the bar screen.
9. On January 18, 2019:
  - a. Reset the electrical breakers at the Rock Dam Road Lift Station and returned it to operation; and
  - b. Purchased and installed audiovisual alarm systems for the Rock Dam Road, City Park, and Wastewater Treatment Plant Lift Stations.
10. On February 11, 2019, ceased employing the unlicensed operator.

**City of Marlin**  
**RN102915774**  
**Docket No. 2019-0319-MWD-E**

**Technical Requirements:**

1. Within 30 days update the Facility's operational guidance and conduct employee training to ensure that:
  - a. Sludge accumulation and water depth monitoring of the aeration lagoons is being conducted at least once every three years; and
  - b. All lift stations are secured in an intruder-resistant manner.
2. Within 60 days remove the excessive vegetative growth enveloping the perimeter fence of the City Park Lift Station.
3. Within 90 days repair the faulty aeration lines in the aeration lagoons; remove and properly dispose of the excessive mats of sludge with vegetative growth from the aeration lagoons to ensure that the detention time of the wastewater within the aeration lagoons meets the Facility's design criteria, remove all woody vegetation from the banks of the polishing ponds, and repair the median between the two polishing ponds.
4. Within 130 days submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010110002, including specific corrective actions that were implemented at the Facility to return to compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.
5. Submit written certification to demonstrate compliance:
  - a. Within 45 days for Technical Requirement Nos. 1.a. and 1.b.;
  - b. Within 75 days for Technical Requirement No. 2.; and
  - c. Within 105 days for Technical Requirement No. 3.

**Litigation Information**

**Date Petition Filed:** September 30, 2022  
**Date of Service:** October 4, 2022  
**Settlement Date:** May 28, 2024

**Contact Information**

**TCEQ Attorneys:** Benjamin Warms, Litigation Division, (512) 239-3400  
Sheldon Wayne, Public Interest Counsel, (512) 239-6363  
**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575  
**TCEQ SEP Coordinator:** Adena Crider, Litigation Division, (512) 239-0648  
**TCEQ Enforcement Coordinator:** Caleb Olson, Enforcement Division, (817) 588-5856  
**TCEQ Regional Contact:** Richard Monreal, Waco Regional Office, (254) 751-0335  
**Respondent Contact:** Susan Byrd, Mayor, City of Marlin, P.O. Box 980, Marlin, Texas 76661  
**Respondent's Attorney:** James Parker, The Parker Law Firm, P.L.L.C., 1000 Gattis School Road, Suite 650, Round Rock, Texas 78664



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	11-Feb-2019	<b>Screening</b>	27-Feb-2019	<b>EPA Due</b>	
	<b>PCW</b>	15-Apr-2020				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Marlin (PCW No. 1)
<b>Reg. Ent. Ref. No.</b>	RN102915774
<b>Facility/Site Region</b>	9-Waco
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	57374	<b>No. of Violations</b>	6
<b>Docket No.</b>	2019-0319-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>	Caleb Olson
		<b>EC's Team</b>	Enforcement Team 1
<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>	\$30,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	50.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$15,000
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Notes: Enhancement for ten months of self-reported effluent violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$6,561
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$571  
 Estimated Cost of Compliance: \$32,850  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$38,439
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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.

Notes:

<b>Final Penalty Amount</b>	\$38,439
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$38,439
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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.

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$38,439
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<b>Screening Date</b>	27-Feb-2019	<b>Docket No.</b>	2019-0319-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Marlin (PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	57374			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN102915774			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Caleb Olson			

### 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> )	10	50%
	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)** 50%

>> **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 ten months of self-reported effluent violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 50%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 50%

<b>Screening Date</b>	27-Feb-2019	<b>Docket No.</b>	2019-0319-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Marlin (PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	57374			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN102915774			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Caleb Olson			

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010110002, 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, on December 9, 2018 through December 10, 2018, an unauthorized discharge occurred from the Rock Dam Road Lift Station and from manholes located at 1309 Rock Dam Road and 1101 Rock Dam Road, discharging approximately 16,000 gallons of untreated wastewater. Additionally, two unauthorized discharges occurred near 742 Farm-to-Market Road 712 on January 23, 2018 and on August 29, 2018 through August 30, 2018, discharging approximately 3,000 gallons and 1,000 gallons of untreated wastewater, respectively.

**Base Penalty**

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

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

**>> Programmatic Matrix**

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

**Matrix Notes** Human health or the environment has been exposed to insignificant amounts of pollutants 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="text" value="X"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

Three quarterly events are recommended, one for each discharge.

**Good Faith Efforts to Comply**  Reduction

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

**Notes** The Respondent achieved compliance on December 18, 2018.

**Violation Subtotal**

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

**Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** City of Marlin (PCW No. 1)  
**Case ID No.** 57374  
**Reg. Ent. Reference No.** RN102915774  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (1)	\$10,000	9-Dec-2018	18-Dec-2018	0.02	\$12	n/a	\$12
Other (2)	\$8,000	23-Jan-2018	23-Jan-2018	0.00	\$0	n/a	\$0
Other (3)	\$8,000	29-Aug-2018	30-Aug-2018	0.00	\$1	n/a	\$1

**Notes for DELAYED costs**

Other cost (1) is the estimated cost to replace the collapsed sewer line on Rock Dam Road, properly clean the affected area, and disinfect the affected area with high-test hypochlorite ("HTH"). Date required is the date the unauthorized discharge initially occurred. Final date is the date of compliance.

Other cost (2) is the estimated cost to repair the faulty sewer line near 742 Farm-to-Market Road 712, properly clean the affected area, and disinfect the affected area with HTH. Date required is the date the unauthorized discharge occurred. Final date is the date the unauthorized discharge ceased and the affected area was properly cleaned and disinfected.

Other cost (3) if the estimated cost to repair the faulty sewer line near 742 Farm-to-Market Road 712, properly clean the affected area, and disinfect the affected area with HTH. Date required is the date the unauthorized discharge initially occurred. Final date is the date the unauthorized discharge ceased and the affected area was properly cleaned and disinfected.

### 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 \$26,000

**TOTAL** \$13

<b>Screening Date</b>	27-Feb-2019	<b>Docket No.</b>	2019-0319-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Marlin (PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	57374			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN102915774			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Caleb Olson			

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (9)(A), Tex. Water Code § 26.039(b), and TPDES Permit No. WQ0010110002, Monitoring and Reporting Requirements Nos. 7.a and 7.b.i

**Violation Description** Failed to report an unauthorized discharge orally to the Texas Commission on Environmental Quality ("TCEQ") Waco Regional Office within 24 hours of becoming aware of the noncompliance, and in writing to the TCEQ Waco Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, the unauthorized discharge at the Rock Dam Road Lift Station and from manholes located at 1309 Rock Dam Road and 1101 Rock Dam Road occurred on December 9, 2018 through December 10, 2018, and the Respondent did not notify the TCEQ within 24 hours and did not submit a written notification of noncompliance until December 20, 2018.

**Base Penalty**

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="5.0%"/>
<b>Matrix Notes</b>	<input type="text" value="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**

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="X"/>	<input type="text"/>
<b>Notes</b>	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>	

**Violation Subtotal**

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$25"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$1,875"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,875"/>	

## Economic Benefit Worksheet

**Respondent** City of Marlin (PCW No. 1)  
**Case ID No.** 57374  
**Reg. Ent. Reference No.** RN102915774  
**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	\$25	14-Dec-2018	20-Dec-2018	0.02	\$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**  
 Record keeping system cost is the estimated cost to prepare and submit a written notification of noncompliance for the unauthorized discharge that occurred at the Rock Dam Road Lift Station and from manholes located at 1309 Rock Dam Road and 1101 Rock Dam Road. Date required is the date the report was due. Final date is the date delinquent notification of noncompliance was submitted.

### 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	\$25	10-Dec-2018	14-Dec-2018	0.01	\$0	\$25	\$25
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 Estimated avoided cost to report the unauthorized discharge to the TCEQ within 24 hours of the noncompliance. Date required is the date the report was due. Final date is the date the violation was initially documented.

**Approx. Cost of Compliance** \$50

**TOTAL** \$25

<b>Screening Date</b>	27-Feb-2019	<b>Docket No.</b>	2019-0319-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Marlin (PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	57374			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN102915774			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Caleb Olson			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010110002, Operational Requirements No. 1			
<b>Violation Description</b>	Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Rock Dam Road Lift Station was inoperable.			
		<b>Base Penalty</b>	\$25,000	

>> Environmental, Property and Human Health Matrix

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	X			<b>Percent</b> 15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 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      43 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 investigation start date (December 6, 2018) to the date of compliance (January 18, 2019).

**Good Faith Efforts to Comply** 25.0% Reduction \$1,875

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

Notes: The Respondent achieved compliance on January 18, 2019.

**Violation Subtotal** \$5,625

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> \$0	<b>Violation Final Penalty Total</b> \$9,375
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$9,375	

## Economic Benefit Worksheet

**Respondent** City of Marlin (PCW No. 1)  
**Case ID No.** 57374  
**Reg. Ent. Reference No.** RN102915774  
**Media** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$30	6-Dec-2018	18-Jan-2019	0.12	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost to reset the electrical breakers at the Rock Dam Road Lift Station and return it to operation. Date required is the investigation start date. Final date is the date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance** \$30

**TOTAL** \$0

<b>Screening Date</b>	27-Feb-2019	<b>Docket No.</b>	2019-0319-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Marlin (PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	57374			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN102915774			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Caleb Olson			
<b>Violation Number</b>	4			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 305.125(1) and 317.3(a) and TPDES Permit No. WQ0010110002, Operational Requirements No. 1			
<b>Violation Description</b>	Failed to secure the lift stations in an intruder-resistant manner. Specifically, the gate for the Rock Dam Road Lift Station was unlocked and excessive vegetative growth was enveloping the perimeter fence of the City Park Lift Station, preventing the fence from being intruder-resistant.			
		<b>Base Penalty</b>	\$25,000	

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 5.0%
Potential		X			

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

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

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events: 2      83 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$2,500

Two quarterly events are recommended from the investigation start date (December 6, 2018) to the screening date (February 27, 2019), one for each lift station.

**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** \$2,500

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> \$524	<b>Violation Final Penalty Total</b> \$3,750
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$3,750	

## Economic Benefit Worksheet

**Respondent** City of Marlin (PCW No. 1)  
**Case ID No.** 57374  
**Reg. Ent. Reference No.** RN102915774  
**Media** Water Quality  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	6-Dec-2018	5-Nov-2020	1.92	\$24	n/a	\$24
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	6-Dec-2018	5-Dec-2020	2.00	\$500	n/a	\$500

**Notes for DELAYED costs**

Training/sampling cost is the estimated cost to update the Facility's operational guidance and conduct employee training to ensure that all lift stations are secured in an intruder-resistant manner. Date required is the investigation start date. Final date is the anticipated date of compliance.

Other cost is the estimated cost to remove the excessive vegetative growth enveloping the perimeter fence of the City Park Lift Station. Date required is the investigation start date. Final date is the anticipated 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 \$5,250

**TOTAL** \$524

<b>Screening Date</b> 27-Feb-2019	<b>Docket No.</b> 2019-0319-MWD-E	<b>PCW</b>
<b>Respondent</b> City of Marlin (PCW No. 1)		Policy Revision 4 (April 2014)
<b>Case ID No.</b> 57374		PCW Revision March 26, 2014
<b>Reg. Ent. Reference No.</b> RN102915774		
<b>Media</b> Water Quality		
<b>Enf. Coordinator</b> Caleb Olson		

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

		Harm			
		Major	Moderate	Minor	
<b>OR</b>	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="5.0%"/>
	Potential	<input type="text"/>	X	<input type="text"/>	

**>> Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	X	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

**Notes**

**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 Marlin (PCW No. 1)  
**Case ID No.** 57374  
**Reg. Ent. Reference No.** RN102915774  
**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)	\$1,500	6-Dec-2018	18-Jan-2019	0.12	\$9	n/a	\$9

**Notes for DELAYED costs**  
 Estimated cost to purchase and install audiovisual alarm systems for the Rock Dam Road, City Park, and Water Treatment Plant Lift Stations. Date required is the investigation start date. Final date is the date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance** \$1,500

**TOTAL** \$9

<b>Screening Date</b> 27-Feb-2019	<b>Docket No.</b> 2019-0319-MWD-E	<b>PCW</b>
<b>Respondent</b> City of Marlin (PCW No. 1)		<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b> 57374		<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b> RN102915774		
<b>Media</b> Water Quality		
<b>Enf. Coordinator</b> Caleb Olson		
<b>Violation Number</b> 6		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 317.4(a)(8) and 317.7(i)	
<b>Violation Description</b>	Failed to provide atmospheric vacuum breakers ("AVBs") on all potable water washdown hoses. Specifically, potable water washdown hoses at the Rock Dam Road, City Park, and Vernell Lift Stations did not have AVBs.	
	<b>Base Penalty</b>	\$25,000

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

<b>OR</b>	<b>Harm</b>				
		Major	Moderate		Minor
	<b>Release</b>				
	Actual			<b>Percent</b> 15.0%	
	Potential	X			

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events	3		9	Number of violation days
	daily			
	weekly			
	monthly	X		
	quarterly			
	semiannual			
	annual			
	single event			
				<b>Violation Base Penalty</b> \$11,250

Three monthly events are recommended from the investigation start date (December 6, 2018) to the date of compliance (December 15, 2018), one for each lift station.

**Good Faith Efforts to Comply** 25.0% Reduction \$2,812

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		
Notes	The Respondent achieved compliance on December 15, 2018.	
		<b>Violation Subtotal</b> \$8,438

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount	Violation Final Penalty Total
\$0	\$14,063
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$14,063	

## Economic Benefit Worksheet

**Respondent** City of Marlin (PCW No. 1)  
**Case ID No.** 57374  
**Reg. Ent. Reference No.** RN102915774  
**Media** Water Quality  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$20	6-Dec-2018	15-Dec-2018	0.02	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Actual cost to purchase and install AVBs on all potable water washdown hoses at the Rock Dam Road, City Park, and Vernell Lift Stations. Date required is the investigation start date. Final date is the date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$20

**TOTAL** \$0



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	11-Feb-2019	<b>Screening</b>	27-Feb-2019	<b>EPA Due</b>	
	<b>PCW</b>	26-May-2020				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Marlin (PCW No. 2)
<b>Reg. Ent. Ref. No.</b>	RN1029/15774
<b>Facility/Site Region</b>	9-Waco
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	57374	<b>No. of Violations</b>	10
<b>Docket No.</b>	2019-0319-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>	Caleb Olson
		<b>EC's Team</b>	Enforcement Team 1
<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>	\$69,500
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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>	50.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$34,750
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Notes: Enhancement for ten months of self-reported effluent violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$4,373
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$9,111  
 Estimated Cost of Compliance: \$79,139  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$99,877
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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.

Notes:

<b>Final Penalty Amount</b>	\$99,877
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$99,877
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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.

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$99,877
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<b>Screening Date</b>	27-Feb-2019	<b>Docket No.</b>	2019-0319-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Marlin (PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	57374			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN1029/15774			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Caleb Olson			

### 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> )	10	50%
	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)** 50%

>> **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 ten months of self-reported effluent violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 50%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 50%

<b>Screening Date</b>	27-Feb-2019	<b>Docket No.</b>	2019-0319-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Marlin (PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	57374			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN1029/15774			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Caleb Olson			

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010110002, Monitoring and Reporting Requirements No. 7.c

**Violation Description** Failed to timely report to the TCEQ Waco Regional Office and the Enforcement Division in writing, any effluent violation which deviates from the permitted effluent limitations by more than 40% within five working days of becoming aware of the noncompliance. Specifically, the Respondent exceeded the daily maximum concentration for *Escherichia coli* ("*E. coli*") by greater than 40% of the permitted limitation for the monthly monitoring period of August 2018 and the notification of noncompliance was not submitted until December 11, 2018.

**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 type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="1.0%"/>

**Matrix Notes** 30% 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="checkbox"/>

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**  Reduction

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

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

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** City of Marlin (PCW No. 2)  
**Case ID No.** 57374  
**Reg. Ent. Reference No.** RN1029/15774  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$25	25-Sep-2018	11-Dec-2018	0.21	\$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**  
 Record keeping system cost is the estimated cost to prepare and submit the delinquent notification of noncompliance to the TCEQ Waco Regional Office and the Enforcement Division. Date required is the date the notification for the violation during the monthly monitoring period of August 2018 was due. Final date is the date the notification of noncompliance was submitted.

**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 \$25

**TOTAL** \$0

<b>Screening Date</b> 27-Feb-2019	<b>Docket No.</b> 2019-0319-MWD-E	<b>PCW</b>
<b>Respondent</b> City of Marlin (PCW No. 2)		<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b> 57374		<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b> RN1029/15774		
<b>Media</b> Water Quality		
<b>Enf. Coordinator</b> Caleb Olson		

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0010110002, Definitions and Standard Permit Conditions Nos. 1.b and 2.e

**Violation Description**

Failed to perform effluent calculations as specified in the permit. Specifically, the daily average flow and the daily average concentration of *E. coli* for the monthly monitoring periods of March 2018 through October 2018 were being calculated improperly.

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>		X
				<b>Percent</b> <input type="text" value="7.0%"/>	

**>> Programmatic Matrix**

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

Matrix Notes

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

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

Two single events are recommended, one for each parameter.

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	X	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

Notes

The Respondent achieved compliance on December 18, 2018.

**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 Marlin (PCW No. 2)  
**Case ID No.** 57374  
**Reg. Ent. Reference No.** RN1029/15774  
**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	\$200	31-Mar-2018	18-Dec-2018	0.72	\$7	n/a	\$7
Training/Sampling	\$250	6-Dec-2018	18-Dec-2018	0.03	\$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**

Record keeping system cost is the estimated cost (\$25 per discharge monitoring report ("DMR") x eight DMRs) to prepare and resubmit the DMRs for the monthly monitoring periods of March 2018 through October 2018. Date required is the violation start date. Final date is the date of compliance.

Training/sampling cost is the estimated cost to update the Facility's operational guidance and conduct employee training to ensure that effluent calculations are performed as specified in the permit. Date required is the investigation start date. Final date is the date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$450

**TOTAL** \$7

<b>Screening Date</b> 27-Feb-2019	<b>Docket No.</b> 2019-0319-MWD-E	<b>PCW</b>
<b>Respondent</b> City of Marlin (PCW No. 2)		<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b> 57374		<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b> RN1029/15774		
<b>Media</b> Water Quality		
<b>Enf. Coordinator</b> Caleb Olson		

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 305.125(1) and 319.11(b) and TPDES Permit No. WQ0010110002, Monitoring and Reporting Requirements No. 2.a

**Violation Description** Failed to properly preserve effluent samples. Specifically, the thermometer utilized in the sample preservation refrigerator was not a National Institute of Standards and Technology ("NIST") traceable thermometer.

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	X	<b>Percent</b> <input type="text" value="7.0%"/>	

**>> Programmatic Matrix**

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

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

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**

Reduction

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

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	X	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

**Notes** The Respondent achieved compliance on December 18, 2018.

**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 Marlin (PCW No. 2)  
**Case ID No.** 57374  
**Reg. Ent. Reference No.** RN1029/15774  
**Media** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$93	6-Dec-2018	18-Dec-2018	0.03	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Actual cost to purchase and install an NIST traceable thermometer. Date required is the investigation start date. Final date is the date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$93

**TOTAL** \$0

<b>Screening Date</b> 27-Feb-2019	<b>Docket No.</b> 2019-0319-MWD-E	<b>PCW</b>
<b>Respondent</b> City of Marlin (PCW No. 2)		Policy Revision 4 (April 2014)
<b>Case ID No.</b> 57374		PCW Revision March 26, 2014
<b>Reg. Ent. Reference No.</b> RN1029/15774		
<b>Media</b> Water Quality		
<b>Enf. Coordinator</b> Caleb Olson		
<b>Violation Number</b> 4		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010110002, Monitoring and Reporting Requirements Nos. 3.c.ii and 3.c.iii	
<b>Violation Description</b>	Failed to maintain complete and accurate records. Specifically, the Respondent was not properly recording the individual who performed the calibration of the pH and dissolved oxygen ("D.O.") meters and the time that the calibrations were performed.	
	<b>Base Penalty</b>	\$25,000

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<b>Percent</b> <input type="text" value="1.0%"/>
<b>Matrix Notes</b>	Less than 30% of the rule requirements were not met.				
	<b>Adjustment</b>				\$24,750
					<input type="text" value="\$250"/>

<b>Violation Events</b>				
	Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="5"/>	Number of violation days
	daily	<input type="text"/>	<input type="text"/>	
	weekly	<input type="text"/>	<input type="text"/>	
	monthly	<input type="text"/>	<input type="text"/>	
	quarterly	<input type="text"/>	<input type="text"/>	
	semiannual	<input type="text"/>	<input type="text"/>	
	annual	<input type="text"/>	<input type="text"/>	
	single event	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Violation Base Penalty</b> <input type="text" value="\$250"/>
	One single event is recommended.			

<b>Good Faith Efforts to Comply</b>		<input type="text" value="25.0%"/>	Reduction	<input type="text" value="\$62"/>
		Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary	<input type="text"/>	<input type="text"/>	
	Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>	
	N/A	<input type="text"/>	<input type="text"/>	
	<b>Notes</b>	The Respondent achieved compliance on December 11, 2018.		
		<b>Violation Subtotal</b>	<input type="text" value="\$188"/>	

<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	<input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$313"/>
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$313"/>

## Economic Benefit Worksheet

**Respondent** City of Marlin (PCW No. 2)  
**Case ID No.** 57374  
**Reg. Ent. Reference No.** RN1029/15774  
**Media** Water Quality  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	6-Dec-2018	11-Dec-2018	0.01	\$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

Training/sampling cost is the estimated cost to update the Facility's operational guidance and conduct employee training to ensure that calibrations of the D.O. and pH meters are performed and properly documented. Date required is the investigation start date. Final date is the date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$250

**TOTAL** \$0

<b>Screening Date</b>	27-Feb-2019	<b>Docket No.</b>	2019-0319-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Marlin (PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	57374			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN1029/15774			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Caleb Olson			

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010110002, Operational Requirements No. 1 and Other Requirements No. 7

**Violation Description**

Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, at the headworks, the secondary bar screen was inoperable as a result of the build-up of sediment with vegetative growth at the base of the channel and debris being caked onto the bar screen; at the aeration lagoons, sludge accumulation and water depth monitoring was not being conducted at least once every three years, some of the aeration lines were not operating in a uniform manner, and excessive mats of sludge with vegetative growth were observed, affecting the detention time of wastewater within the lagoons; and at the polishing ponds, woody vegetation was growing along the banks and the median between the two ponds had begun to erode away.

**Base Penalty**

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="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**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

Three monthly events are recommended from the investigation start date (December 6, 2018) to the screening date (February 27, 2019).

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	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 Marlin (PCW No. 2)  
**Case ID No.** 57374  
**Reg. Ent. Reference No.** RN1029/15774  
**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	\$250	6-Dec-2018	5-Nov-2020	1.92	\$24	n/a	\$24
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (1)	\$50,000	6-Dec-2018	4-Jan-2021	2.08	\$5,205	n/a	\$5,205
Other (2)	\$1,000	6-Dec-2018	14-Jan-2019	0.11	\$5	n/a	\$5

**Notes for DELAYED costs**

Training/sampling cost is the estimated cost to update the Facility's guidance and conduct employee training to ensure that sludge accumulation and water depth monitoring of the aeration lagoons is being conducted at least once every three years. Date required is the investigation start date. Final date is the anticipated date of compliance.

Other cost (1) is the estimated cost to repair the faulty aeration lines in the aeration lagoons, remove and properly dispose of the excessive mats of sludge with vegetative growth from the aeration lagoons to ensure that the detention time of wastewater within the aeration lagoons meets the Facility's design criteria, remove all woody vegetation from the banks of the polishing ponds, and repair the median between the two polishing ponds. Date required is the investigation start date. Final date is the anticipated date of compliance.

Other cost (2) is the estimated cost to the remove and properly dispose of the build-up of sediment with vegetative growth at the base of the channel of the secondary bar screen and the debris that was caked onto the bar screen. Date required is the investigation start date. Final date is the date the secondary bar screen had been properly cleaned.

**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 \$51,250

**TOTAL** \$5,234

<b>Screening Date</b>	27-Feb-2019	<b>Docket No.</b>	2019-0319-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Marlin (PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	57374			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN1029/15774			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Caleb Olson			

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 305.125(1) and 317.4(b)(4), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010110002, Permit Conditions No. 2.g

**Violation Description** Failed to dispose of all screenings and grit in an approved manner. Specifically, trash cans containing bar screenings located between the aeration lagoons were left open and there was no containment of the bar screenings between the automatic bar screen at the headworks and the trash can containing the bar screenings, resulting in the unauthorized discharge of bar screenings at the headworks.

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="X"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="15.0%"/>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <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="text" value="X"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

One quarterly event is recommended from the investigation start date (December 6, 2018) to the date of compliance (December 18, 2018).

**Good Faith Efforts to Comply**

Reduction

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

Notes

The Respondent achieved compliance on December 18, 2018.

**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 Marlin (PCW No. 2)  
**Case ID No.** 57374  
**Reg. Ent. Reference No.** RN1029/15774  
**Media** Water Quality  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$1,000	6-Dec-2018	18-Dec-2018	0.03	\$2	n/a	\$2

**Notes for DELAYED costs**

Estimated cost to properly secure the trash cans containing bar screenings located between the aeration lagoons and install a cover for the trash can at the headworks to ensure that all screenings from the automatic bar screen are properly collected. Date required is the investigation start date. Final date is the date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$1,000

**TOTAL** \$2

<b>Screening Date</b>	27-Feb-2019	<b>Docket No.</b>	2019-0319-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Marlin (PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	57374			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN1029/15774			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Caleb Olson			
<b>Violation Number</b>	7			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 317.7(e)			
<b>Violation Description</b>	Failed to provide the required plant protection. Specifically, no hazard signs stating "Danger--Open Tanks--No Trespassing" were present on the perimeter fence or gates of the Facility.			
		<b>Base Penalty</b>	\$25,000	

>> Environmental, Property and Human Health Matrix

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 15.0%
Potential		X			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes: Human health or the environment will or could be exposed to a significant amount of pollutants that would 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: 1      34 Number of violation days

daily		
weekly		
monthly		
quarterly	X	
semiannual		
annual		
single event		

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

One quarterly event is recommended from the investigation start date (December 6, 2018) to the date of compliance (January 9, 2019).

Good Faith Efforts to Comply 25.0% Reduction \$937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		
Notes	The Respondent achieved compliance on January 9, 2019.	

**Violation Subtotal** \$2,813

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount \$6	Violation Final Penalty Total \$4,688
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$4,688	

## Economic Benefit Worksheet

**Respondent** City of Marlin (PCW No. 2)  
**Case ID No.** 57374  
**Reg. Ent. Reference No.** RN1029/15774  
**Media** Water Quality  
**Violation No.** 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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)	\$960	6-Dec-2018	9-Jan-2019	0.09	\$0	\$6	\$6
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** Actual cost to purchase seventy hazard signs stating "Danger--Open Tanks--No Trespassing" and secure the signs to the perimeter fence at the Facility's entrance and at additional locations along the fence. Date required is the investigation start date. Final date is the date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$960

**TOTAL** \$6

<b>Screening Date</b>	27-Feb-2019	<b>Docket No.</b>	2019-0319-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Marlin (PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	57374			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN1029/15774			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Caleb Olson			
<b>Violation Number</b>	8			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 30.5(a), 30.331(b), and 305.125(1), Tex. Water Code § 26.0301(c), and TPDES Permit No. WQ0010110002, Operational Requirements No. 9			
<b>Violation Description</b>	Failed to ensure that a person that operates, assists in the operation, or contracts to operate domestic wastewater treatment facilities or supervise wastewater collection activities, other than an operator-in-training, is properly licensed. Specifically, process control activities at the Facility were being conducted by an individual who did not possess a wastewater operator license and was not an operator-in-training.			
		<b>Base Penalty</b>	\$25,000	

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 15.0%
Potential		X			

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> 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** \$21,250  
\$3,750

**Violation Events**

Number of Violation Events: 3      255 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$11,250

Three quarterly events are recommended from the date a wastewater operator license was required (June 1, 2018) to the date of compliance (February 11, 2019).

**Good Faith Efforts to Comply** 10.0% Reduction \$1,125

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

Notes: The Respondent achieved compliance on February 11, 2019.

**Violation Subtotal** \$10,125

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

**Estimated EB Amount** \$115      **Violation Final Penalty Total** \$15,750

**This violation Final Assessed Penalty (adjusted for limits)** \$15,750

## Economic Benefit Worksheet

**Respondent** City of Marlin (PCW No. 2)  
**Case ID No.** 57374  
**Reg. Ent. Reference No.** RN1029/15774  
**Media** Water Quality  
**Violation No.** 8

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

### 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
<b>ONE-TIME avoided costs</b>	\$111	1-Jun-2018	11-Feb-2019	0.70	\$4	\$111	\$115
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Avoided cost is the actual amount for the operator to obtain a Class "C" wastewater treatment facility operator license. Date required is the date a license was required. Final date is the date of compliance.

Approx. Cost of Compliance \$111

**TOTAL** \$115

<b>Screening Date</b>	27-Feb-2019	<b>Docket No.</b>	2019-0319-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Marlin (PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	57374			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN1029/15774			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Caleb Olson			
<b>Violation Number</b>	9			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010110002, Effluent Limitations and Monitoring Requirements Nos. 1 and 3			
<b>Violation Description</b>	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.			
		<b>Base Penalty</b>	\$25,000	

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual		X		<b>Percent</b> 30.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> 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** \$17,500

\$7,500

**Violation Events**

Number of Violation Events: 1      31 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

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

One monthly event is recommended for the monthly monitoring period of August 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** \$7,500

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount \$3,747	Violation Final Penalty Total \$11,250
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$11,250	

## Economic Benefit Worksheet

**Respondent** City of Marlin (PCW No. 2)  
**Case ID No.** 57374  
**Reg. Ent. Reference No.** RN1029/15774  
**Media** Water Quality  
**Violation No.** 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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)	\$25,000	31-Jan-2018	29-Jan-2021	3.00	\$3,747	n/a	\$3,747

**Notes for DELAYED costs**  
 Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments at the Facility to return to compliance with the permitted effluent limitations. Date required is the initial date of noncompliance. Final date is the anticipated 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** \$25,000

**TOTAL** \$3,747

<b>Screening Date</b>	27-Feb-2019	<b>Docket No.</b>	2019-0319-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Marlin (PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	57374			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN1029/15774			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Caleb Olson			
<b>Violation Number</b>	10			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010110002, Effluent Limitations and Monitoring Requirements Nos. 1 and 3			
<b>Violation Description</b>	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.			
		<b>Base Penalty</b>	\$25,000	

>> Environmental, Property and Human Health Matrix

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual			X	<b>Percent</b> 15.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%
<b>Matrix Notes</b>	A simplified model was used to evaluate biochemical oxygen demand (five-day) to determine whether the discharged amounts of pollutants exceeded protective levels. <i>E. coli</i> and pH were also considered. As a result of these discharges, 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.				
					<b>Adjustment</b> \$21,250

\$3,750

Violation Events

Number of Violation Events	4	275	Number of violation days	
	daily			<b>Violation Base Penalty</b> \$15,000
	weekly			
	monthly			
	quarterly	X		
	semiannual			
	annual			
	single event			
	Four quarterly events are recommended for the quarters containing the monthly monitoring periods of January 2018, April 2018, May 2018, June 2018, July 2018, September 2018, October 2018, November 2018, and December 2018.			

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

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	X		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
			<b>Violation Subtotal</b> \$15,000

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> \$0	<b>Violation Final Penalty Total</b> \$22,500
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$22,500	

## Economic Benefit Worksheet

**Respondent** City of Marlin (PCW No. 2)  
**Case ID No.** 57374  
**Reg. Ent. Reference No.** RN1029/15774  
**Media** Water Quality  
**Violation No.** 10

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

Compliance cost captured in Economic Benefit No. 9.

### 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 \$0

**TOTAL** \$0

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 CN600506604, RN102915774, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

**Customer, Respondent, or Owner/Operator:** CN600506604, City of Marlin **Classification:** SATISFACTORY **Rating:** 2.94

**Regulated Entity:** RN102915774, City of Marlin WWTP **Classification:** SATISFACTORY **Rating:** 3.78

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

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

**Location:** 241 County Road 302, on the west side of County Road 302, approximately 2.5 miles southwest of the intersection of Business State Highway 6 and Farm-to-Market Road 712 in Falls County, Texas

**TCEQ Region:** REGION 09 - WACO

**ID Number(s):**  
**WASTEWATER** EPA ID TX0021725 **WASTEWATER PERMIT** WQ0010110002  
**WASTEWATER LICENSING** LICENSE WQ0010110002 **STORMWATER PERMIT** TXR05Y691

**Compliance History Period:** September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

**Date Compliance History Report Prepared:** May 26, 2020

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** May 26, 2015 to May 26, 2020

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Caleb Olson **Phone:** (817) 588-5856

## 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 23, 2015	(1302034)
Item 2	June 27, 2016	(1352275)
Item 3	December 21, 2016	(1390647)
Item 4	January 30, 2017	(1397260)
Item 5	March 15, 2017	(1411244)
Item 6	June 08, 2017	(1431345)
Item 7	July 13, 2017	(1439954)
Item 8	March 20, 2018	(1490548)
Item 9	April 17, 2018	(1493791)
Item 10	April 10, 2019	(1571940)

## 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: 05/31/2019 (1583489) Self Report? YES Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter
2	Date: 06/30/2019 (1593255) Self Report? YES Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter
3	Date: 07/31/2019 (1599603) Self Report? YES Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter
4	Date: 08/31/2019 (1606504) Self Report? YES Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter
5	Date: 09/30/2019 (1613351) Self Report? YES Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter
6	Date: 10/31/2019 (1619166) Self Report? YES Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter
7	Date: 11/30/2019 (1626517) Self Report? YES Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter
8	Date: 12/31/2019 (1634158) Self Report? YES Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter
9	Date: 01/31/2020 (1640776) Self Report? YES Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter
10	Date: 02/29/2020 (1647297) Self Report? YES Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter

## F. Environmental audits:

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT  
ACTION CONCERNING  
CITY OF MARLIN;  
RN102915774

§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER

DOCKET NO. 2019-0319-MWD-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Marlin ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26 and 30 TEX. ADMIN. CODE chs. 70, 305, and 317. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by James Parker of the Parker Law Firm presented this Order to the Commission.

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

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

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

### FINDINGS OF FACT

1. Respondent owns and operates a wastewater treatment facility located at 241 County Road 302, on the west side of County Road 302, approximately 2.5 miles southwest of the intersection of Business State Highway 6 and Farm-to-Market Road 712 in Falls County, Texas (the "Facility"). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation conducted from December 6, 2018 through December 14, 2018, an investigator documented that Respondent:
  - a. Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state. Specifically, on December 9, 2018 through December 10, 2018, an unauthorized discharge occurred from the Rock Dam Road Lift Station and from manholes located at 1309 Rock Dam Road and 1101 Rock Dam Road, discharging approximately 16,000 gallons of untreated wastewater. Additionally, two unauthorized discharges occurred near 742 Farm-to-Market Road 712 on January 23, 2018, and on August 29, 2018 through August 30, 2018, discharging approximately 3,000 gallons and 1,000 gallons of untreated wastewater, respectively;
  - b. Failed to report an unauthorized discharge orally to the Texas Commission on Environmental Quality ("TCEQ") Waco Regional Office within 24 hours of becoming aware of the noncompliance, and in writing to the TCEQ Waco Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, the unauthorized discharge at the Rock Dam Road

Lift Station and from manholes located at 1309 Rock Dam Road and 1101 Rock Dam Road occurred on December 9, 2018 through December 10, 2018, and Respondent did not notify the TCEQ within 24 hours and did not submit a written notification of noncompliance until December 20, 2018;

- c. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Rock Dam Road Lift Station was inoperable;
- d. Failed to secure the lift stations in an intruder-resistant manner. Specifically, the gate for the Rock Dam Road Lift Station was unlocked and excessive vegetative growth was enveloping the perimeter fence of the City Park Lift Station, preventing the fence from being intruder-resistant;
- e. Failed to provide an audiovisual alarm system for all lift stations. Specifically, the Rock Dam Road, City Park, and Wastewater Treatment Plant Lift Stations did not have operational audiovisual alarm systems;
- f. Failed to provide atmospheric vacuum breakers ("AVBs") on all potable water washdown hoses. Specifically, potable water washdown hoses at the Rock Dam Road, City Park, and Vernell Lift Stations did not have AVBs;
- g. Failed to timely report to the TCEQ Waco Regional Office and the Enforcement Division in writing, any effluent violation which deviates from the permitted effluent limitations by more than 40% within five working days of becoming aware of the noncompliance. Specifically, Respondent exceeded the daily maximum concentration for *Escherichia coli* ("*E. coli*") by greater than 40% of the permitted limitation for the monthly monitoring period of August 2018 and the notification of noncompliance was not submitted until December 11, 2018;
- h. Failed to perform effluent calculations as specified in the permit. Specifically, the daily average flow and the daily average concentration of *E. coli* for the monthly monitoring periods of March 2018 through October 2018 were being calculated improperly;
- i. Failed to properly preserve effluent samples. Specifically, the thermometer utilized in the sample preservation refrigerator was not a National Institute of Standards and Technology ("NIST") traceable thermometer;
- j. Failed to maintain complete and accurate records. Specifically, Respondent was not properly recording the individual who performed the calibration of the pH and dissolved oxygen ("D.O.") meters and the time that the calibrations were performed;
- k. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, at the headworks, the secondary bar screen was inoperable as a result of the build-up of sediment with vegetative growth at the base of the channel and debris being caked onto the bar screen; at the aeration lagoons, sludge accumulation and water depth monitoring was not being conducted at least once every three years, some of the aeration lines were not operating in a uniform manner, and excessive mats of sludge with vegetative growth were observed, affecting the detention time of wastewater within the lagoons; and at the polishing ponds, woody vegetation was growing along the banks and the median between the two ponds had begun to erode away;
- l. Failed to dispose of all screenings and grit in an approved manner. Specifically, trash cans containing bar screenings located between the aeration lagoons were left open and there was no containment of the bar screenings between the automatic bar screen at the headworks and the trash can containing the bar

screenings, resulting in the unauthorized discharge of bar screenings at the headworks;

- m. Failed to provide the required plant protection. Specifically, no hazard signs stating "Danger--Open Tanks--No Trespassing" were present on the perimeter fence or gates of the Facility;
- n. Failed to ensure that a person that operates, assists in the operation, or contracts to operate domestic wastewater treatment facilities or supervise wastewater collection activities, other than an operator-in-training, is properly licensed. Specifically, process control activities at the Facility were being conducted by an individual who did not possess a wastewater operator license and was not an operator-in-training; and
- o. Failed to comply with the permitted effluent limitations, as shown in the effluent violation table below:

b.	BOD5 Daily Average Concentration	<i>E. coli</i> Daily Average Concentration	<i>E. coli</i> Daily Maximum Concentration	pH Daily Maximum
Monitoring Period	Limit = 30 mg/L	Limit = 126 CFU/100 mL	Limit = 399 CFU/100mL	Limit = 9 s.u.
January 2018	c	c	517.0	c
April 2018	c	c	c	9.60
May 2018	c	c	c	9.80
June 2018	c	c	c	10.20
July 2018	c	c	c	9.90
August 2018	c	c	1,414.0	9.90
September 2018	c	c	c	9.70
October 2018	c	c	523.0	9.90
November 2018	31	c	1,119.9	9.50
December 2018*	c	c	c	9.66

BOD5 = Biochemical Oxygen Demand (5-day)

c = compliant

CFU/100 ml = colony forming units per 100 milliliters

mg/L = milligrams per liter

s.u. = standard units

\*Grab sample collected during the December 6, 2018 investigation.

3. The Executive Director recognizes that Respondent has implemented the following corrective measures at the Facility:
  - a. On January 23, 2018, repaired the faulty sewer line near 742 Farm-to-Market Road 712, properly cleaned the affected area, and disinfected the affected area with high-test hypochlorite (“HTH”).
  - b. On August 30, 2018, repaired the faulty sewer line near 742 Farm-to-Market Road 712, properly cleaned the affected area, and disinfected the affected area with HTH.
  - c. On December 11, 2018:
    - i. Prepared and submitted the delinquent notification on noncompliance for the *E. coli* exceedance to the TCEQ Waco Regional Office and the Enforcement Division.
    - ii. Updated the Facility’s operational guidance and conducted employee training to ensure that calibrations of the D.O. and pH meters are preformed and properly documented.
  - d. On December 15, 2018, purchased and installed AVBs on all potable water washdown hoses at the Rock Dam Road, City Park, and Vernell Lift Stations.
  - e. On December 18, 2018:
    - i. Replaced the collapsed sewer line on Rock Dam Road, properly cleaned the affected area, and disinfected the affected area with HTH.
    - ii. Prepared and resubmitted the discharge monitoring reports (“DMRs”) for the monthly monitoring periods of March 2018 through October 2018.
    - iii. Updated the Facility’s operational guidance and conducted employee training to ensure that effluent calculations are performed as specified in the permit.
    - iv. Purchased and installed an NIST traceable thermometer.
    - v. Properly secured the trash cans containing bar screenings located between the aeration lagoons and installed a cover for the trash can at the headworks to ensure that all screenings from the automatic bar screen are properly collected.
  - f. On December 20, 2018, prepared and submitted a written notification of noncompliance for the unauthorized discharge that occurred on December 9, 2018 through December 10, 2018.
  - g. On January 9, 2019, purchased and installed seventy hazard signs stating “Danger—Open Tank—No Trespassing” and secured the signs to the perimeter fence at the Facility’s entrance and at additional locations along the fence.
  - h. By January 14, 2019, removed and properly disposed of the build-up of sediment with vegetative growth at the base of the channel of the secondary bar screen and the debris that was caked onto the bar screen.
  - i. On January 18, 2019:
    - i. Reset the electrical breakers at the Rock Dam Road Lift Station and returned it to operation.
    - ii. Purchased and installed audiovisual alarm systems for the Rock Dam Road, City Park, and Wastewater Treatment Plant Lift Stations.
  - j. On February 11, 2019, ceased employing the unlicensed operator.

### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010110002, Permit Conditions No. 2.g.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to report an unauthorized discharge orally to the TCEQ Waco Regional Office within 24 hours of becoming aware of the noncompliance, and in writing to the TCEQ Waco Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, in violation of TEX. WATER CODE § 26.039(b), 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A), and TPDES Permit No. WQ0010110002, Monitoring and Reporting Requirements Nos. 7.a and 7.b.i.
4. As evidenced by Finding of Fact No. 2.c., 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. WQ0010110002, Operational Requirements No. 1.
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to secure the lift stations in an intruder-resistant manner, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 317.3(a) and TPDES Permit No. WQ0010110002, Operational Requirements No. 1.
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to provide an audiovisual alarm system for all lift stations, in violation of 30 TEX. ADMIN. CODE § 317.3(e)(5).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to provide AVBs on all potable water washdown hoses, in violation of 30 TEX. ADMIN. CODE §§ 317.4(a)(8) and 317.7(i).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to timely report to the TCEQ Waco Regional Office and the Enforcement Division in writing, any effluent violation which deviates from the permitted effluent limitations by more than 40% within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010110002, Monitoring and Reporting Requirements No. 7.c.
9. As evidenced by Finding of Fact No. 2.h., Respondent failed to perform effluent calculations as specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0010110002, Definitions and Standard Permit Conditions Nos. 1.b. and 2.e.
10. As evidenced by Finding of Fact No. 2.i., Respondent failed to properly preserve effluent samples, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(b) and TPDES Permit No. WQ0010110002, Monitoring and Reporting Requirements No. 2.a.
11. As evidenced by Finding of Fact No. 2.j., Respondent failed to maintain complete and accurate records, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010110002, Monitoring and Reporting Requirements Nos. 3.c.ii. and 3.c.iii.
12. As evidenced by Finding of Fact No. 2.k., 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. WQ0010110002, Operational Requirements No. 1 and Other Requirements No. 7.
13. As evidenced by Finding of Fact No. 2.l., Respondent failed to dispose of all screenings and grit in an approved manner, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE §§ 305.125(1) and 317.4(b)(4), and TPDES Permit No. WQ0010110002, Permit Conditions No. 2.g.

14. As evidenced by Finding of Fact No. 2.m., Respondent failed to provide the required plant protection, in violation of 30 TEX. ADMIN. CODE § 317.7(e).
15. As evidenced by Finding of Fact No. 2.n., Respondent failed to ensure that a person that operates, assists in the operation, or contracts to operate domestic wastewater treatment facilities or supervise wastewater collection activities, other than an operator-in-training, is properly licensed, in violation of TEX. WATER CODE § 26.0301(c), 30 TEX. ADMIN. CODE §§ 30.5(a), 30.331(b), and 305.125(1), and TPDES Permit No. WQ0010110002, Operational Requirements No. 9.
16. As evidenced by Finding of Fact No. 2.o., Respondent failed to comply with the permitted effluent limitations, as shown in the effluent violation table, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010110002, Effluent Limitations and Monitoring Requirements Nos. 1 and 3.
17. Pursuant to TEX. WATER CODE § 7.051, TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
18. An administrative penalty in the amount of \$138,316.00 is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Pursuant to TEX. WATER CODE § 7.067, \$138,316.00 of the penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A" - incorporated herein by reference). Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes any payment schedule and the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

#### ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 18 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: City of Marlin, Docket No. 2019-0319-MWD-E" to:  

Financial Administration Division  
Revenue Operations Section  
Texas Commission on Environmental Quality  
Attention: Cashier's Office, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088
2. Respondent shall implement and complete a SEP as set forth in Conclusion of Law No. 18. The amount of \$138,316.00 of the assessed administrative penalty is conditionally offset based on Respondent's implementation and completion of a SEP pursuant to the terms and conditions contained in the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.

3. Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Order, update the Facility's operational guidance and conduct employee training to ensure that:
    - i. Sludge accumulation and water depth monitoring of the aeration lagoons is being conducted at least once every three years, in accordance with TPDES Permit No. WQ0010110002, Other Requirements No. 6.
    - ii. All lift stations are secured in an intruder-resistant manner.
  - b. Within 45 days after the effective date of this Order, Submit written certification of compliance with Ordering Provision Nos. 3.a.i., and 3.a.ii., in accordance with Ordering Provision No. 3.h.
  - c. Within 60 days after the effective date of this Order, remove the excessive vegetative growth enveloping the perimeter fence of the City Park Lift Station.
  - 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.
  - e. Within 90 days after the effective date of this Order, repair the faulty aeration lines in the aeration lagoons; remove and properly dispose of the excessive mats of sludge with vegetative growth from the aeration lagoons to ensure that the detention time of the wastewater within the aeration lagoons meets the Facility's design criteria, remove all woody vegetation from the banks of the polishing ponds, and repair the median between the two polishing ponds.
  - f. Within 105 days after the effective date of this Order, submit written certification of compliance with Ordering Provision No. 3.e., in accordance with Ordering Provision No. 3.h.
  - g. Within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010110002, including specific corrective actions that were implemented at the Facility to return to compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, in accordance with Ordering Provision No. 3.h.
  - h. The certification required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

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

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

and:

Water Section Manager  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826

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

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

\_\_\_\_\_  
Date

Erin E. Chanallop  
\_\_\_\_\_  
For the Executive Director

7/15/24  
\_\_\_\_\_  
Date

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

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

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

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

  
\_\_\_\_\_  
Signature

5/28/2024  
\_\_\_\_\_  
Date

Susan Byrd  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized representative of  
City of Marlin

Mayor  
\_\_\_\_\_  
Title

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

\_\_\_\_\_

# Attachment A

**Attachment A**

**Docket Number: 2019-0319-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Marlin
<b>Penalty Amount:</b>	\$138,316
<b>SEP Offset Amount:</b>	\$138,316
<b>Type of SEP:</b>	Compliance
<b>Project Name:</b>	<i>WWTF Collection System Rehabilitation</i>
<b>Location of SEP:</b>	Falls County

The Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order in exchange for Respondent’s performance of 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 evaluate the sewer collection system for inflow and infiltration using smoke testing or a video line inspection. Respondent shall repair or replace approximately six manholes, and make repairs to the sewer lines and pavement along Gift Street. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for the inflow and infiltration study, and the rehabilitation of manholes, sewer lines, and pavement (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement or invitation for bids, including publication, related to the SEP must include the enforcement statement as stated below 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. The Commission’s approval and issuance of this Agreed Order shall not itself be construed to authorize any activity for which Respondent is required by statute or rule to obtain authorization from the Commission.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including 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*

SEP will provide a discernible environmental benefit by improving prevention of inflow and infiltration (where unauthorized water is entering the sewer system). Inflow and infiltration could lead to high flows and discharge of inadequately treated wastewater during storm events.

*C. Minimum Expenditure*

Respondent shall spend at least the SEP Offset Amount to complete the project described above in Section 1.A 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. Costs in excess of the SEP Offset Amount shall not be grounds to relieve Respondent of its obligations to perform this SEP.

**Estimated Cost Schedule**

<b>Item</b>	<b>Cost</b>	<b>Quantity</b>	<b>Total</b>
Sewer System Evaluation	\$30,000	Lump Sum	\$30,000
Manhole Repairs/Coating	\$3,000	4	\$12,000
Manhole Replacement	\$6,500	2	\$13,000
Sewer Line Repair	\$50	1200 Linear Feet	\$60,000
Pavement Repair	\$35,000	Lump Sum	\$35,000
<b>Total</b>			<b>\$150,000</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 130 days after the effective date of this Agreed Order.

Executive Director (“ED”) staff may grant an extension to any deadline for Respondent’s performance of the SEP described herein, upon a written and substantiated showing of good cause. All requests for extensions must be made by Respondent and shall be made in writing to ED staff. Extensions are not effective until Respondent receives written approval from ED staff. The determination of what constitutes good cause rests solely with ED staff. Extension requests shall be sent to the SEP Coordinator by first class mail or electronic mail, at:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087  
Email: [sepreports@tceq.texas.gov](mailto:sepreports@tceq.texas.gov)

**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 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 130-day timeframe set forth above in Section 2, Performance Schedule.

**Reporting Schedule**

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

*B. Final Report*

Within 130 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 TCEQ, which shall include the following:

1. An 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. A detailed map showing the specific location of the project site(s);
7. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;
8. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
9. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

*C. Submittals*

Respondent shall submit all SEP reports and any additional information as requested to the SEP Coordinator at the address provided above.

**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 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 above in Sections 2 through 4, the 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 the SEP Coordinator at the address provided above.

**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 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 TCEQ or any other agency of the state or federal government.