

TCEQ Interoffice Memorandum

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

Thru: Anna Treadwell, Senior Attorney
AMT 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's:** See Compliance History - 10 related NOV's**Date of NOE:** February 15, 2019

City of Marlin

RN102915774

Docket No. 2019-0319-MWD-E

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Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third Parties:	None

Texas Register Publication Date:	July 5, 2024
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Comments Received:	None
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Penalty Information

Total Penalty Assessed:	\$138,316
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Total Paid to General Revenue:	\$0
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Total Due to General Revenue:	\$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

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

Complaint Dates:	December 14, 2018; January 16, 2019
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<i>Complaint Information:</i>	Complainant stated the City's main line is broken, which caused sewage to flood her yard.
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<i>Complaint Information:</i>	Complainant stated that sewer cleanouts are discharging.
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Dates of Investigation:	December 6, 2018 through December 14, 2018
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Dates of NOV's:	See Compliance History - 10 related NOV's
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Date of NOE:	February 15, 2019
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City of Marlin

RN102915774

Docket No. 2019-0319-MWD-E

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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.

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Past-Due Penalties:	None
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Other:	None
Interested Third Parties:	None

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Comments Received:	None
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Total Penalty Assessed:	\$138,316
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**Supplemental Environmental Project
("SEP") Conditional Offset:**

\$138,316

Name of SEP:	Compliance Supplemental Project in Falls County
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Person/CN – Satisfactory
Site/RN – Satisfactory

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

Complaint Dates:	December 14, 2018; January 16, 2019
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Dates of Investigation:	December 6, 2018 through December 14, 2018
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Dates of NOV's:	See Compliance History - 10 related NOV's
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Date of NOE:	February 15, 2019
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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
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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

DATES	Assigned	11-Feb-2019	Screening	27-Feb-2019	EPA Due	
	PCW	15-Apr-2020				

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

CASE INFORMATION			
Enf./Case ID No.	57374	No. of Violations	6
Docket No.	2019-0319-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Caleb Olson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$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.

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

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

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

SUM OF SUBTOTALS 1-7	Final Subtotal	\$38,439
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$38,439
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$38,439
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$38,439
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Screening Date 27-Feb-2019
Respondent City of Marlin (PCW No. 1)
Case ID No. 57374
Reg. Ent. Reference No. RN102915774
Media Water Quality
Enf. Coordinator Caleb Olson

Docket No. 2019-0319-MWD-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	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%

Screening Date 27-Feb-2019 Respondent City of Marlin (PCW No. 1) Case ID No. 57374 Reg. Ent. Reference No. RN102915774 Media Water Quality Enf. Coordinator Caleb Olson	Docket No. 2019-0319-MWD-E	PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>
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Violation Number	1	Rule Cite(s)	
		30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 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	\$25,000
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>> Environmental, Property and Human Health Matrix

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.
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Adjustment	\$23,750
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	\$1,250
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Violation Events

Number of Violation Events <input style="width: 50px;" type="text" value="3"/>	<input style="width: 50px;" type="text" value="10"/>	Number of violation days
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	daily	<input type="text"/>	
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input checked="" type="text"/>	
	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.	
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Good Faith Efforts to Comply

	25.0%		
	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input checked="" type="text"/>	<input type="text"/>	
N/A	<input type="text"/>	<input type="text"/>	
Notes	The Respondent achieved compliance on December 18, 2018.		

Reduction

Violation Subtotal	\$2,813
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$13
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Statutory Limit Test

Violation Final Penalty Total	\$4,688
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This violation Final Assessed Penalty (adjusted for limits)	\$4,688
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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

Screening Date	27-Feb-2019	Docket No.	2019-0319-MWD-E	PCW	
Respondent	City of Marlin (PCW No. 1)				<i>Policy Revision 4 (April 2014)</i>
Case ID No.	57374				<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102915774				
Media	Water Quality				
Enf. Coordinator	Caleb Olson				
Violation Number	2				
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	<p>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.</p>				
		Base Penalty	\$25,000		
>> Environmental, Property and Human Health Matrix					
OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential				Percent 0.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
		X			Percent 5.0%
Matrix Notes	100% of the rule requirements were not met.				
		Adjustment	\$23,750		
			\$1,250		
Violation Events					
	Number of Violation Events	1	10	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event		X		
		One single event is recommended.			
				Violation Base Penalty	\$1,250
Good Faith Efforts to Comply					
		0.0%		Reduction	\$0
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary				
	N/A	X			
	Notes	The Respondent does not meet the good faith criteria for this violation.			
		Violation Subtotal	\$1,250		
Economic Benefit (EB) for this violation					
	Estimated EB Amount	\$25	Violation Final Penalty Total	\$1,875	
	This violation Final Assessed Penalty (adjusted for limits)				\$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

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

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$21,250
	\$3,750

Violation Events

Number of Violation Events	2	43	Number of violation days
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	daily						
	weekly						
	monthly	X					
	quarterly						
	semiannual						
	annual						
	single event						

Violation Base Penalty	\$7,500
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Two monthly events are recommended from the investigation start date (December 6, 2018) to the date of compliance (January 18, 2019).	
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Good Faith Efforts to Comply

	25.0%		
	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
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Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$0	

Violation Final Penalty Total	\$9,375
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This violation Final Assessed Penalty (adjusted for limits)	\$9,375
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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

Screening Date 27-Feb-2019 Respondent City of Marlin (PCW No. 1) Case ID No. 57374 Reg. Ent. Reference No. RN102915774 Media Water Quality Enf. Coordinator Caleb Olson	Docket No. 2019-0319-MWD-E	PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>
Violation Number 4		
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 317.3(a) and TPDES Permit No. WQ0010110002, Operational Requirements No. 1		
Violation Description 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.		
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$23,750
	\$1,250

Violation Events

Number of Violation Events	2		Number of violation days	83
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	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	\$2,500
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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	<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	\$2,500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$524	Statutory Limit Test	
		Violation Final Penalty Total	\$3,750
This violation Final Assessed Penalty (adjusted for limits)			\$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

Screening Date 27-Feb-2019 Respondent City of Marlin (PCW No. 1) Case ID No. 57374 Reg. Ent. Reference No. RN102915774 Media Water Quality Enf. Coordinator Caleb Olson	Docket No. 2019-0319-MWD-E <div style="text-align: right;"> <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i> </div>	PCW		
Violation Number 5				
Rule Cite(s) 30 Tex. Admin. Code § 317.3(e)(5)				
Violation Description 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.				
Base Penalty		\$25,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential		X	
		Percent	5.0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		Percent	0.0%	
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
Adjustment		\$23,750		
		\$1,250		
Violation Events				
Number of Violation Events		3	Number of violation days	
		43		
	daily		Violation Base Penalty \$3,750	
	weekly			
	monthly			
	quarterly	X		
	semiannual			
	annual			
	single event			
Three quarterly events are recommended from the investigation start date (December 6, 2018) to the date of compliance (January 18, 2019), one for each lift station.				
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 18, 2019.		
Violation Subtotal		\$2,813		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$9	Violation Final Penalty Total \$4,688	
		This violation Final Assessed Penalty (adjusted for limits) \$4,688		

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

Screening Date 27-Feb-2019 Respondent City of Marlin (PCW No. 1) Case ID No. 57374 Reg. Ent. Reference No. RN102915774 Media Water Quality Enf. Coordinator Caleb Olson	Docket No. 2019-0319-MWD-E <div style="text-align: right; color: red; font-size: small;"> <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i> </div>	PCW
Violation Number 6		
Rule Cite(s) 30 Tex. Admin. Code §§ 317.4(a)(8) and 317.7(i)		
Violation Description 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. 		
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3		Number of violation days 9
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	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$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%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

Notes
 The Respondent achieved compliance on December 15, 2018.

Violation Subtotal \$8,438

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount \$0	Violation Final Penalty Total \$14,063
This violation Final Assessed Penalty (adjusted for limits) \$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

DATES	Assigned	11-Feb-2019	Screening	27-Feb-2019	EPA Due	
	PCW	26-May-2020				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	57374	No. of Violations	10
Docket No.	2019-0319-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Caleb Olson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$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.

Compliance History	50.0%	Adjustment	Subtotals 2, 3, & 7	\$34,750
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Notes: Enhancement for ten months of self-reported effluent violations.

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

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

SUM OF SUBTOTALS 1-7	Final Subtotal	\$99,877
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$99,877
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$99,877
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$99,877
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Screening Date 27-Feb-2019
Respondent City of Marlin (PCW No. 2)
Case ID No. 57374
Reg. Ent. Reference No. RN1029/15774
Media Water Quality
Enf. Coordinator Caleb Olson

Docket No. 2019-0319-MWD-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	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%

Screening Date	27-Feb-2019	Docket No.	2019-0319-MWD-E	PCW
Respondent	City of Marlin (PCW No. 2)	Policy Revision 4 (April 2014)		
Case ID No.	57374	PCW Revision March 26, 2014		
Reg. Ent. Reference No.	RN1029/15774			
Media	Water Quality			
Enf. Coordinator	Caleb Olson			
Violation Number	1			
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 <i>Escherichia coli</i> ("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			\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual					
	Potential					
					Percent	0.0%

>> Programmatic Matrix

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual					
	Potential					
					Percent	1.0%

Matrix Notes	30% of the rule requirements were not met.
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Adjustment	\$24,750	
Total		\$250

Violation Events

Number of Violation Events	1	Number of violation days	77														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td>X</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	X		
daily																	
weekly																	
monthly																	
quarterly																	
semiannual																	
annual																	
single event	X																
Violation Base Penalty			\$250														

One single event is recommended.	
----------------------------------	--

Good Faith Efforts to Comply

	0.0%			Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
Extraordinary					
Ordinary					
N/A	X				
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal			\$250		

Economic Benefit (EB) for this violation

Estimated EB Amount	\$0	Statutory Limit Test	
Violation Final Penalty Total		\$375	
This violation Final Assessed Penalty (adjusted for limits)		\$375	

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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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

Screening Date 27-Feb-2019 Respondent City of Marlin (PCW No. 2) Case ID No. 57374 Reg. Ent. Reference No. RN1029/15774 Media Water Quality Enf. Coordinator Caleb Olson Violation Number 2 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 <i>E. coli</i> for the monthly monitoring periods of March 2018 through October 2018 were being calculated improperly.	Docket No. 2019-0319-MWD-E 	PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>																												
Base Penalty \$25,000																														
>> Environmental, Property and Human Health Matrix																														
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"></td> <td style="width: 20%; text-align: center;">Harm</td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td style="text-align: center;">X</td> <td></td> </tr> </table>			Harm				Release	Major	Moderate	Minor		Actual					Potential			X									
	Harm																													
Release	Major	Moderate	Minor																											
Actual																														
Potential			X																											
		Percent 7.0%																												
>> Programmatic Matrix																														
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"></td> <td style="width: 20%; text-align: center;">Falsification</td> <td style="width: 15%; text-align: center;">Major</td> <td style="width: 15%; text-align: center;">Moderate</td> <td style="width: 15%; text-align: center;">Minor</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Falsification	Major	Moderate	Minor						Percent 0.0%																		
	Falsification	Major	Moderate	Minor																										
Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.																													
		Adjustment \$23,250																												
		\$1,750																												
Violation Events																														
Number of Violation Events 2		214 Number of violation days																												
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"></td> <td style="width: 15%; text-align: center;">daily</td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> </tr> <tr> <td></td> <td style="text-align: center;">weekly</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">monthly</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">quarterly</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">semiannual</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">annual</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">single event</td> <td style="text-align: center;">X</td> <td></td> </tr> </table>			daily				weekly				monthly				quarterly				semiannual				annual				single event	X		Violation Base Penalty \$3,500
	daily																													
	weekly																													
	monthly																													
	quarterly																													
	semiannual																													
	annual																													
	single event	X																												
Two single events are recommended, one for each parameter.																														
Good Faith Efforts to Comply		25.0%																												
		Reduction \$875																												
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"></td> <td style="width: 15%; text-align: center;">Before NOE/NOV</td> <td style="width: 15%; text-align: center;">NOE/NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td style="text-align: center;">X</td> <td></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td></td> <td></td> </tr> </table>			Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary	X		N/A																			
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer																												
Extraordinary																														
Ordinary	X																													
N/A																														
Notes	The Respondent achieved compliance on December 18, 2018.																													
		Violation Subtotal \$2,625																												
Economic Benefit (EB) for this violation																														
Estimated EB Amount \$7		Statutory Limit Test																												
		Violation Final Penalty Total \$4,375																												
		This violation Final Assessed Penalty (adjusted for limits) \$4,375																												

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

Screening Date 27-Feb-2019 Respondent City of Marlin (PCW No. 2) Case ID No. 57374 Reg. Ent. Reference No. RN1029/15774 Media Water Quality Enf. Coordinator Caleb Olson Violation Number 3 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	Docket No. 2019-0319-MWD-E Base Penalty \$25,000	PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>																		
Violation Description <div style="border: 1px solid black; padding: 10px; margin-top: 5px;"> 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. </div>																				
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 20%;">Release</th> <th style="width: 20%;">Major</th> <th style="width: 20%;">Moderate</th> <th style="width: 20%;">Minor</th> </tr> </thead> <tbody> <tr> <td>Actual</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> <td>X</td> </tr> </tbody> </table>		Release	Major	Moderate	Minor	Actual					Potential				X	Percent 7.0%			
	Release	Major	Moderate	Minor																
Actual																				
Potential				X																
>> Programmatic Matrix																				
Matrix Notes	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Falsification</th> <th style="width: 20%;">Major</th> <th style="width: 20%;">Moderate</th> <th style="width: 20%;">Minor</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Falsification	Major	Moderate	Minor					Percent 0.0%										
Falsification	Major	Moderate	Minor																	
<div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> 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. </div>																				
Adjustment \$23,250																				
\$1,750																				
Violation Events																				
<table style="width: 100%;"> <tr> <td style="width: 40%;">Number of Violation Events</td> <td style="width: 10%; text-align: center;">1</td> <td style="width: 10%; text-align: center;">12</td> <td style="width: 40%;">Number of violation days</td> </tr> </table> <table style="width: 100%;"> <tr> <td style="width: 20%;"> <div style="display: flex; flex-direction: column; gap: 5px;"> <div>daily</div> <div>weekly</div> <div>monthly</div> <div>quarterly</div> <div>semiannual</div> <div>annual</div> <div>single event</div> </div> </td> <td style="width: 80%;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td></td></tr> <tr><td></td></tr> <tr><td></td></tr> <tr><td></td></tr> <tr><td></td></tr> <tr><td></td></tr> <tr><td>X</td></tr> </table> </td> </tr> </table> <div style="border: 1px solid black; padding: 10px; text-align: center; margin-top: 10px;"> One single event is recommended. </div>			Number of Violation Events	1	12	Number of violation days	<div style="display: flex; flex-direction: column; gap: 5px;"> <div>daily</div> <div>weekly</div> <div>monthly</div> <div>quarterly</div> <div>semiannual</div> <div>annual</div> <div>single event</div> </div>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td></td></tr> <tr><td></td></tr> <tr><td></td></tr> <tr><td></td></tr> <tr><td></td></tr> <tr><td></td></tr> <tr><td>X</td></tr> </table>							X					
Number of Violation Events	1	12	Number of violation days																	
<div style="display: flex; flex-direction: column; gap: 5px;"> <div>daily</div> <div>weekly</div> <div>monthly</div> <div>quarterly</div> <div>semiannual</div> <div>annual</div> <div>single event</div> </div>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td></td></tr> <tr><td></td></tr> <tr><td></td></tr> <tr><td></td></tr> <tr><td></td></tr> <tr><td></td></tr> <tr><td>X</td></tr> </table>							X												
X																				
Violation Base Penalty \$1,750																				
Good Faith Efforts to Comply																				
<table style="width: 100%;"> <tr> <td style="width: 30%;"></td> <td style="width: 20%; text-align: center;">25.0%</td> <td style="width: 50%;"></td> </tr> <tr> <td></td> <td style="font-size: small;">Before NOE/NOV</td> <td style="font-size: small;">NOE/NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td>X</td> <td></td> </tr> <tr> <td>N/A</td> <td></td> <td></td> </tr> <tr> <td>Notes</td> <td colspan="2" style="border: 1px solid black; padding: 5px; margin-top: 5px;"> The Respondent achieved compliance on December 18, 2018. </td> </tr> </table>				25.0%			Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary	X		N/A			Notes	The Respondent achieved compliance on December 18, 2018.	
	25.0%																			
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer																		
Extraordinary																				
Ordinary	X																			
N/A																				
Notes	The Respondent achieved compliance on December 18, 2018.																			
Reduction \$437																				
Violation Subtotal \$1,313																				
Economic Benefit (EB) for this violation																				
<table style="width: 100%;"> <tr> <td style="width: 50%;"> Estimated EB Amount \$0 </td> <td style="width: 50%;"> Statutory Limit Test </td> </tr> <tr> <td></td> <td> Violation Final Penalty Total \$2,188 </td> </tr> <tr> <td colspan="2" style="text-align: right;"> This violation Final Assessed Penalty (adjusted for limits) \$2,188 </td> </tr> </table>			Estimated EB Amount \$0	Statutory Limit Test		Violation Final Penalty Total \$2,188	This violation Final Assessed Penalty (adjusted for limits) \$2,188													
Estimated EB Amount \$0	Statutory Limit Test																			
	Violation Final Penalty Total \$2,188																			
This violation Final Assessed Penalty (adjusted for limits) \$2,188																				

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

Screening Date 27-Feb-2019 Respondent City of Marlin (PCW No. 2) Case ID No. 57374 Reg. Ent. Reference No. RN1029/15774 Media Water Quality Enf. Coordinator Caleb Olson Violation Number 4 Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010110002, Monitoring and Reporting Requirements Nos. 3.c.ii and 3.c.iii	Docket No. 2019-0319-MWD-E	PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>
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Violation Description	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.
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Base Penalty	\$25,000
---------------------	----------

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="1.0%"/>

Matrix Notes	Less than 30% of the rule requirements were not met.
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Adjustment	\$24,750
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	\$250
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Violation Events

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="5"/>	Number of violation days
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	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	\$250
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One single event is recommended.	
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Good Faith Efforts to Comply

	25.0%	
	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"/>

Notes	The Respondent achieved compliance on December 11, 2018.
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Violation Subtotal	\$188
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Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
<input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$313"/>

This violation Final Assessed Penalty (adjusted for limits)	\$313
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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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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

Screening Date 27-Feb-2019 Respondent City of Marlin (PCW No. 2) Case ID No. 57374 Reg. Ent. Reference No. RN1029/15774 Media Water Quality Enf. Coordinator Caleb Olson	Docket No. 2019-0319-MWD-E PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>														
Violation Number <input type="text" value="5"/>															
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 <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> 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. </div>															
Base Penalty <input type="text" value="\$25,000"/>															
>> Environmental, Property and Human Health Matrix															
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">Release</th> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>Potential</td> <td style="text-align: center;">X</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>	Release	Major	Moderate	Minor	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	X	<input type="text"/>	<input type="text"/>		
	Release	Major	Moderate	Minor											
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>											
Potential	X	<input type="text"/>	<input type="text"/>												
Percent <input type="text" value="30.0%"/>															
>> Programmatic Matrix															
Matrix Notes	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">Falsification</th> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>	Falsification	Major	Moderate	Minor	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>						
	Falsification	Major	Moderate	Minor											
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>											
Percent <input type="text" value="0.0%"/>															
<div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> 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. </div>															
Adjustment <input type="text" value="\$17,500"/>															
<input type="text" value="\$7,500"/>															
Violation Events															
<table style="width: 100%;"> <tr> <td style="width: 40%;">Number of Violation Events <input type="text" value="3"/></td> <td style="width: 20%; text-align: center;"><input type="text" value="83"/></td> <td style="width: 40%;">Number of violation days</td> </tr> </table>		Number of Violation Events <input type="text" value="3"/>	<input type="text" value="83"/>	Number of violation days											
Number of Violation Events <input type="text" value="3"/>	<input type="text" value="83"/>	Number of violation days													
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">daily</td> <td><input type="text"/></td> </tr> <tr> <td>weekly</td> <td><input type="text"/></td> </tr> <tr> <td>monthly</td> <td style="text-align: center;">X</td> </tr> <tr> <td>quarterly</td> <td><input type="text"/></td> </tr> <tr> <td>semiannual</td> <td><input type="text"/></td> </tr> <tr> <td>annual</td> <td><input type="text"/></td> </tr> <tr> <td>single event</td> <td><input type="text"/></td> </tr> </table>		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"/>
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 <input type="text" value="\$22,500"/>															
<div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Three monthly events are recommended from the investigation start date (December 6, 2018) to the screening date (February 27, 2019). </div>															
Good Faith Efforts to Comply															
0.0%															
Reduction <input type="text" value="\$0"/>															
<table style="width: 100%;"> <tr> <td></td> <td style="text-align: center;">Before NOE/NOV</td> <td style="text-align: center;">NOE/NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>Ordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">X</td> <td><input type="text"/></td> </tr> </table>			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"/>		
	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 <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> The Respondent does not meet the good faith criteria for this violation. </div>															
Violation Subtotal <input type="text" value="\$22,500"/>															
Economic Benefit (EB) for this violation															
Statutory Limit Test															
<table style="width: 100%;"> <tr> <td style="width: 50%;">Estimated EB Amount <input type="text" value="\$5,234"/></td> <td style="width: 50%;">Violation Final Penalty Total <input type="text" value="\$33,750"/></td> </tr> </table>		Estimated EB Amount <input type="text" value="\$5,234"/>	Violation Final Penalty Total <input type="text" value="\$33,750"/>												
Estimated EB Amount <input type="text" value="\$5,234"/>	Violation Final Penalty Total <input type="text" value="\$33,750"/>														
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$33,750"/>															

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. 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

Screening Date 27-Feb-2019 Respondent City of Marlin (PCW No. 2) Case ID No. 57374 Reg. Ent. Reference No. RN1029/15774 Media Water Quality Enf. Coordinator Caleb Olson Violation Number 6 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	Docket No. 2019-0319-MWD-E	PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>
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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.
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Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.	Adjustment	\$21,250
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	\$3,750
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Violation Events

Number of Violation Events	1	12	Number of violation days
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	daily	<input type="text"/>	Violation Base Penalty	\$3,750
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	X		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		

One quarterly event is recommended from the investigation start date (December 6, 2018) to the date of compliance (December 18, 2018).	
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Good Faith Efforts to Comply	25.0%	Reduction	\$937
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	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.
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Violation Subtotal	\$2,813
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$2
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Statutory Limit Test

Violation Final Penalty Total	\$4,688
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This violation Final Assessed Penalty (adjusted for limits)	\$4,688
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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

Screening Date 27-Feb-2019 Respondent City of Marlin (PCW No. 2) Case ID No. 57374 Reg. Ent. Reference No. RN1029/15774 Media Water Quality Enf. Coordinator Caleb Olson	Docket No. 2019-0319-MWD-E	PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>
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Violation Number	7	
Rule Cite(s)		30 Tex. Admin. Code § 317.7(e)
Violation Description	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.	

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment will or could be exposed to 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.
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Adjustment	\$21,250
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	\$3,750
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Violation Events

Number of Violation Events	1	34	Number of violation days
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	daily					
	weekly					
	monthly					
	quarterly	X				
	semiannual					
	annual					
	single event					

Violation Base Penalty	\$3,750
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One quarterly event is recommended from the investigation start date (December 6, 2018) to the date of compliance (January 9, 2019).	
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Good Faith Efforts to Comply

	25.0%	
	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
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$6	Statutory Limit Test
		Violation Final Penalty Total \$4,688
This violation Final Assessed Penalty (adjusted for limits)		\$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

Screening Date 27-Feb-2019 Respondent City of Marlin (PCW No. 2) Case ID No. 57374 Reg. Ent. Reference No. RN1029/15774 Media Water Quality Enf. Coordinator Caleb Olson	Docket No. 2019-0319-MWD-E PCW	<i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>	
Violation Number 8			
Rule Cite(s) 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			
Violation Description 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.			
Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual Potential	<div style="display: flex; justify-content: space-around;"> </div> <div style="display: flex; justify-content: space-around;"> X </div>	Percent 15.0%
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
			Percent 0.0%
Matrix Notes	Human health or the environment will or could be exposed to 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 semiannual annual single event	<div style="display: flex; justify-content: space-around;"> </div> <div style="display: flex; justify-content: space-around;"> X </div>	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	
	Extraordinary Ordinary N/A	<div style="display: flex; justify-content: space-around;"> </div> <div style="display: flex; justify-content: space-around;"> X </div>	
	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
ONE-TIME avoided costs	\$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

Screening Date	27-Feb-2019	Docket No.	2019-0319-MWD-E	PCW	
Respondent	City of Marlin (PCW No. 2)				<i>Policy Revision 4 (April 2014)</i>
Case ID No.	57374				<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN1029/15774				
Media	Water Quality				
Enf. Coordinator	Caleb Olson				
Violation Number	9				
Rule Cite(s)	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				
Violation Description	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.				
		Base Penalty	\$25,000		

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$17,500
	\$7,500

Violation Events

Number of Violation Events	1		31	Number of violation days
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daily		Violation Base Penalty	\$7,500
weekly			
monthly	X		
quarterly			
semiannual			
annual			
single event			

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	

Economic Benefit (EB) for this violation

Estimated EB Amount	\$3,747	Statutory Limit Test	
		Violation Final Penalty Total	\$11,250
		This violation Final Assessed Penalty (adjusted for limits)	\$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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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

Screening Date	27-Feb-2019	Docket No.	2019-0319-MWD-E	PCW
Respondent	City of Marlin (PCW No. 2)			Policy Revision 4 (April 2014)
Case ID No.	57374			PCW Revision March 26, 2014
Reg. Ent. Reference No.	RN1029/15774			
Media	Water Quality			
Enf. Coordinator	Caleb Olson			
Violation Number	10			
Rule Cite(s)	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			
Violation Description	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes: A simplified model was used to evaluate biochemical oxygen demand (five-day) to determine whether the discharged amounts of pollutants exceeded protective levels. *E. coli* 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.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events	4	275	Number of violation days
----------------------------	---	-----	--------------------------

daily							
weekly							
monthly							
quarterly	X						
semiannual							
annual							
single event							

Violation Base Penalty \$15,000

Four quarterly events are recommended for the quarters containing the 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%			
		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.			

Reduction \$0

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$0	Violation Final Penalty Total \$22,500
This violation Final Assessed Penalty (adjusted for limits) \$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 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	Classification: Moderate
2	Date: 06/30/2019 (1593255) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
3	Date: 07/31/2019 (1599603) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
4	Date: 08/31/2019 (1606504) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
5	Date: 09/30/2019 (1613351) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
6	Date: 10/31/2019 (1619166) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
7	Date: 11/30/2019 (1626517) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
8	Date: 12/31/2019 (1634158) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
9	Date: 01/31/2020 (1640776) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
10	Date: 02/29/2020 (1647297) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate

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. Chanallo
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

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

Item	Cost	Quantity	Total
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
Total			\$150,000

2. Performance Schedule

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

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

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