

City of La Joya
RN101920361
Docket No. 2019-0545-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order.

Media:

MWD

Small Business:

N/A

Location Where Violations Occurred:

approximately 1.5 miles south-southwest of the intersection of United States Highway 83 and Farm-to-Market Road 2521, Hidalgo County

Type of Operation:

wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions:	Yes, 2022-1467-UTL-E
Past-Due Penalties:	None
Past-Due Fees:	\$2.76
Other:	None
Interested Third Parties:	None

Texas Register Publication Date:

February 24, 2023

Comments Received:

None

Penalty Information**Total Penalty Assessed:** \$218,812**Deferred for Financial Inability to Pay:** \$218,812

Confidential information, which may include financial information, has been provided to the Commission for its consideration.

Total Paid to General Revenue: \$0**Total Due to General Revenue:** \$0**Compliance History Classifications:**

Person/CN - Satisfactory
 Site/RN - Satisfactory

Major Source: No**Statutory Limit Adjustment:** None**Applicable Penalty Policy:** April 2014**Investigation Information****Complaint Date:** N/A**Dates of Investigation:** April 5, 2018**Dates of NOVs:** See Compliance History - 10**Date of NOE:** July 17, 2018

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Violation Information

1. Failed to comply with the permitted effluent limitations [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012675001, Interim and Interim I Effluent Limitations and Monitoring Requirements Nos. 1 and 3, and TCEQ Agreed Order Docket No. 2011-0244-MWD-E, Ordering Provision No. 3.c].
2. Failed to comply with the permitted effluent limitations [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0012675001, Interim and Interim I Effluent Limitations and Monitoring Requirements No. 1, and TCEQ Agreed Order Docket No. 2011-0244-MWD-E, Ordering Provision No. 3.c].
3. Failed to comply with the permitted effluent limitations [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0012675001, Interim and Interim I Effluent Limitations and Monitoring Requirements Nos. 1 and 3, and TCEQ Agreed Order Docket No. 2011-0244-MWD-E, Ordering Provision No. 3.c].
4. Failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 319.7(c) and TPDES Permit No. WQ0012675001, Monitoring and Reporting Requirements No. 3.b].
5. Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted limitation by more than 40% within five working days of becoming aware of the noncompliance for the monitoring periods [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0012675001, Monitoring and Reporting Requirements No. 7.c].
6. Failed to timely submit effluent monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0012675001 Monitoring and Reporting Requirements No. 1].
7. Failed to timely submit annual sludge reports ("ASRs") at the intervals specified in the permit [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0012675001 Sludge Provisions].
8. Failed to submit ASRs at the intervals specified in the permit [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0012675001 Sludge Provisions].
9. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0012675001, Operational Requirements No. 1].
10. Failed to comply with all permit conditions [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0012675001, Other Requirements No. 10].
11. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0012675001, Operational Requirements No. 1].
12. Failed to prevent the unauthorized discharge of untreated wastewater from the wastewater collection system 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 TPDES Permit No. WQ0012675001, Permit Conditions No. 2.g].

Corrective Actions/Technical Requirements

Corrective Actions Completed:

1. Submitted the Discharge Monitoring Reports ("DMRs") for the monthly monitoring periods of January 2016, February 2016, March 2016, May 2016, June 2016, July 2016, August 2016, September 2016, October 2016, November 2016, December 2016, January 2017, February 2017, March 2017, April 2017, May 2017, June 2017, July 2017, August 2017, September 2017, October 2017, November 2017, January 2018, and February 2018, by April 5, 2018; and

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2. Submitted the ASRs for the monitoring periods ending July 31, 2016, and July 31, 2017, on January 10, 2018.

Technical Requirements:

1. Within 30 days:
 - a. Update operational procedures and conduct employee training to ensure that all required records are maintained and made readily available for review by a TCEQ representative, including the operator manual and maintenance records and all self-reporting requirements are properly accomplished, including the timely submittal of signed and certified ASRs, quarterly progress reports, complete and accurate DMRs, and noncompliance notifications;
 - b. Submit the ASRs for the monitoring periods ending July 31, 2014, and July 31, 2015;
 - c. Submit the April 1, 2018, quarterly progress report to address compliance with effluent limitations for biochemical oxygen demand (5-day), total suspended solids and *E. coli*;
 - d. Develop and implement a solids management plan at the Facility;
 - e. Repair or replace the leaking wastewater pump located at Lift Station No. 1; and
 - f. Clean and disinfect the affected area and properly dispose of the untreated wastewater from Lift Station No. 1.
2. Within 60 days repair or replace the aerator in the final storage pond and ensure that no algal growths are present in the pond.
3. Within 130 days submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0012675001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.
4. Within 180 days remove and properly dispose of the excess sludge from facultative ponds 1 and 2.
5. Submit written certification to demonstrate compliance:
 - a. Within 45 days for Technical Requirements Nos. 1.a. through 1.f.
 - b. Within 75 days for Technical Requirement No. 2.
 - c. Within 195 days for Technical Requirement No. 4.

Litigation Information

Settlement Date: January 10, 2023

Contact Information

TCEQ Attorneys: Tracy Chandler, 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 Enforcement Coordinator: Katy Montgomery, Enforcement Division, (210) 403-4016

TCEQ Regional Contact: Jaime A. Garza, Harlingen Regional Office, (956) 425-6010

Respondent Contact: Isidro Casanova, Mayor, City of La Joya, P.O. Box H, La Joya, Texas 78560

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	23-Jul-2018			
	PCW	23-Apr-2019	Screening	23-Aug-2018	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	City of La Joya				
Reg. Ent. Ref. No.	RN101920361				
Facility/Site Region	15-Harlingen	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	41134	No. of Violations	12
Docket No.	2019-0545-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Alejandro Laje
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$157,125
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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	\$78,562
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Notes: Enhancement for eight self-reported effluent violations, and two NOVs with same/similar 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	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$425,978
Estimated Cost of Compliance	\$1,013,436

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$235,687
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-7.2%	Adjustment	-\$16,875
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction to prevent the reporting violations from overly impacting the penalty.

Final Penalty Amount	\$218,812
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$218,812
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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	\$218,812
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Screening Date 23-Aug-2018

Docket No. 2019-0545-MWD-E

PCW

Respondent City of La Joya

Policy Revision 4 (April 2014)

Case ID No. 41134

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101920361

Media Water Quality

Enf. Coordinator Alejandro Laje

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 eight self-reported effluent violations, and two NOVs with same/similar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 50%

Screening Date 23-Aug-2018

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PCW

Respondent City of La Joya

Policy Revision 4 (April 2014)

Case ID No. 41134

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101920361

Media Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1) and 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012675001, Interim and Interim I Effluent Limitations and Monitoring Requirements Nos. 1 and 3 and Texas Commission on Environmental Quality ("TCEQ") Agreed Order Docket No. 2011-0244-MWD-E, Ordering Provision No. 3.c

Violation Description Failed to comply with the permitted effluent limitations, as shown in Attachment A.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (30.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes

A simplified model was utilized to evaluate biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. Escherichia coli ("E. coli"), flow, pH, and total suspended solids were also evaluated. Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 11 332 Number of violation days

Table with frequency categories: daily, weekly, monthly, quarterly, semiannual, annual, single event.

Violation Base Penalty \$82,500

Eleven monthly events are recommended for the monthly monitoring periods of November 2013, December 2013, August 2014, September 2014, October 2014, January 2015, February 2015, March 2015, April 2015, May 2015, and February 2018.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Table with columns: Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer, and rows: Extraordinary, Ordinary, N/A.

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

Violation Subtotal \$82,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$423,973

Violation Final Penalty Total \$114,890

This violation Final Assessed Penalty (adjusted for limits) \$114,890

Economic Benefit Worksheet

Respondent City of La Joya
Case ID No. 41134
Reg. Ent. Reference No. RN101920361
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000,000	31-Jan-2012	22-Jul-2020	8.48	\$423,973	n/a	\$423,973

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility. Date required is the end date of the first month of noncompliance and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000,000

TOTAL

\$423,973

Screening Date 23-Aug-2018
Respondent City of La Joya
Case ID No. 41134
Reg. Ent. Reference No. RN101920361
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2019-0545-MWD-E

PCW

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

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1) and 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0012675001, Interim and Interim I Effluent Limitations and Monitoring Requirements No. 1 and TCEQ Agreed Order Docket No. 2011-0244-MWD-E, Ordering Provision No. 3.c

Violation Description

Failed to comply with the permitted effluent limitations, as shown in Attachment A.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

A simplified model was utilized to evaluate biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. *E. coli* and total suspended solids were also evaluated. Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 4 124 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Four monthly events are recommended for the monthly monitoring periods of January 2012, October 2013, July 2014, and October 2017.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary	
Ordinary	
N/A	X

Notes

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$20,889

This violation Final Assessed Penalty (adjusted for limits) \$20,889

Economic Benefit Worksheet

Respondent City of La Joya
Case ID No. 41134
Reg. Ent. Reference No. RN101920361
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility is captured in the Economic Benefit Worksheet for Violation No. 1.

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

Screening Date 23-Aug-2018

Docket No. 2019-0545-MWD-E

PCW

Respondent City of La Joya

Policy Revision 4 (April 2014)

Case ID No. 41134

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101920361

Media Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 3

Rule Cite(s) Tex. Water Code § 26.121(a)(1) and 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0012675001, Interim and Interim I Effluent Limitations and Monitoring Requirements Nos. 1 and 3 and TCEQ Agreed Order Docket No. 2011-0244-MWD-E, Ordering Provision No. 3.c

Violation Description Failed to comply with the permitted effluent limitations, as shown in Attachment A.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

A simplified model was utilized to evaluate biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. E. coli, flow, pH, and total suspended solids were also evaluated. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 21 1,704 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$26,250

Twenty-one quarterly events are recommended for the monthly monitoring periods of February 2012 through September 2013, January through June 2014, December 2014, June 2015 through November 2016, January through September 2017, January 2018, and March 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 \$26,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$36,556

This violation Final Assessed Penalty (adjusted for limits) \$36,556

Economic Benefit Worksheet

Respondent City of La Joya
Case ID No. 41134
Reg. Ent. Reference No. RN101920361
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility is captured in the Economic Benefit Worksheet for Violation No. 1.

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

Screening Date 23-Aug-2018
Respondent City of La Joya
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Reg. Ent. Reference No. RN101920361
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2019-0545-MWD-E

PCW

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

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (11)(B) and 319.7(c) and TCEQ Permit No. WQ0012675001, Monitoring and Reporting Requirements No. 3.b

Violation Description Failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative. Specifically, the operator manual, Discharge Monitoring Reports ("DMRs") for the monitoring periods ending September 30, 2016 through December 31, 2017, annual sludge reports for the monitoring periods ending July 31, 2016 and July 31, 2017 and plant maintenance records were not available for review.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
			X		2.5%
30 to 70% of the rule requirements were not met.					

Adjustment \$24,375

\$625

Violation Events

Number of Violation Events 1 140 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$625

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 \$625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25 **Violation Final Penalty Total** \$870

This violation Final Assessed Penalty (adjusted for limits) \$870

Economic Benefit Worksheet

Respondent City of La Joya
Case ID No. 41134
Reg. Ent. Reference No. RN101920361
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	5-Apr-2018	13-Apr-2020	2.02	\$25	n/a	\$25
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update operational procedures and conduct employee training to ensure that all required records are maintained and made readily available for review by a TCEQ representative for a period of three years (non-sludge activities) or five years (sludge activities). Date required is the initial investigation date and the final date is the estimated compliance date.

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

\$25

Screening Date 23-Aug-2018
Respondent City of La Joya
Case ID No. 41134
Reg. Ent. Reference No. RN101920361
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2019-0545-MWD-E

PCW

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

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (9)(A) and TPDES Permit No. WQ0012675001, Monitoring and Reporting Requirements No. 7.c

Violation Description

Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted limitation by more than 40% within five working days of becoming aware of the noncompliance for the monitoring periods ending March 31, 2016, May 31, 2016, June 30, 2016, August 31, 2016, September 30, 2016, February 28, 2017, April 30, 2017, May 31, 2017, July 31, 2017, August 31, 2017, September 30, 2017 and October 31, 2017.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		X			5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 12 850 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$15,000

Twelve single events are recommended, one for each report that was not submitted.

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 \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$347

Violation Final Penalty Total \$20,889

This violation Final Assessed Penalty (adjusted for limits) \$20,889

Economic Benefit Worksheet

Respondent City of La Joya
Case ID No. 41134
Reg. Ent. Reference No. RN101920361
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	5-Apr-2018	13-Apr-2020	2.02	\$25	n/a	\$25
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that all self-reporting requirements are properly accomplished, including the timely submittal of signed and certified annual sludge reports, quarterly progress reports, complete and accurate DMRs, and noncompliance notifications. Date required is the initial investigation date and the final date is the estimated compliance date.

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	\$311	25-Nov-2017	23-Aug-2018	0.74	\$11	\$311	\$322
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to report in writing any effluent violation which deviates from the permitted effluent limitation by more than 40% to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance (\$25 per notification x 12 missed notifications), including the accrued costs and interest of ten prior periods plus the item cost of the final period. Date required is the date the last noncompliance notification was due and the final date is the screening date.

Approx. Cost of Compliance \$561

TOTAL \$347

Screening Date 23-Aug-2018
Respondent City of La Joya
Case ID No. 41134
Reg. Ent. Reference No. RN101920361
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2019-0545-MWD-E

PCW

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

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0012675001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit effluent monitoring results at the intervals specified in the permit. Specifically, the Respondent did not submit the DMRs for the monthly monitoring periods of January 2016, February 2016, March 2016, May 2016, June 2016, July 2016, August 2016, September 2016, October 2016, November 2016, December 2016, January 2017, February 2017, March 2017, April 2017, May 2017, June 2017, July 2017, August 2017, September 2017, October 2017, November 2017, January 2018 and February 2018, by the 20th day of the following month.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				X	1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 24 775 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$6,000

Twenty-four single events are recommended, one for each monitoring period.

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 \$6,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$8,356

This violation Final Assessed Penalty (adjusted for limits) \$8,356

Economic Benefit Worksheet

Respondent City of La Joya
Case ID No. 41134
Reg. Ent. Reference No. RN101920361
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that all monitoring and self-reporting procedures are properly accomplished, including the timely submittal of complete and accurate DMRs is captured in the Economic Benefit Worksheet for Violation No. 5.

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

Screening Date 23-Aug-2018
Respondent City of La Joya
Case ID No. 41134
Reg. Ent. Reference No. RN101920361
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2019-0545-MWD-E

PCW

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

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0012675001, Sludge Provisions

Violation Description

Failed to timely submit annual sludge reports ("ASRs") at the intervals specified in the permit. Specifically, the Respondent did not submit the ASRs for the monitoring periods ending July 31, 2016 and July 31, 2017 by September 30th of each year.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 2 467 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$500

Two single events are recommended, one for each ASR.

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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$696

This violation Final Assessed Penalty (adjusted for limits) \$696

Economic Benefit Worksheet

Respondent City of La Joya
Case ID No. 41134
Reg. Ent. Reference No. RN101920361
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)				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)	\$50	30-Sep-2016	10-Jan-2018	1.28	\$3	n/a	\$3

Notes for DELAYED costs

Estimated other cost to submit ASRs for the monitoring periods ending July 2016 and July 2017 (\$25 for each missing report x 2). Date required is the date the first annual sludge report was due and the final date is the compliance date. Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that all self-reporting requirements are properly accomplished, including the timely submittal of signed and certified annual sludge reports is captured in the Economic Benefit Worksheet for Violation No. 5.

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

\$50

TOTAL

\$3

Screening Date 23-Aug-2018

Docket No. 2019-0545-MWD-E

PCW

Respondent City of La Joya

Policy Revision 4 (April 2014)

Case ID No. 41134

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101920361

Media Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0012675001, Sludge Provisions

Violation Description Failed to submit ASRs at the intervals specified in the permit. Specifically, the Respondent did not submit the ASRs for the monitoring periods ending July 31, 2014 and July 31, 2015 by September 30th of each year.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		X			5.0%
100% of the rule requirements were not met.					

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2 1423 Number of violation days

daily		Violation Base Penalty \$2,500
weekly		
monthly		
quarterly		
semiannual		
annual		
single event	X	

Two single events are recommended, one for each ASR.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14 Violation Final Penalty Total \$3,482

This violation Final Assessed Penalty (adjusted for limits) \$3,482

Economic Benefit Worksheet

Respondent City of La Joya
Case ID No. 41134
Reg. Ent. Reference No. RN101920361
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$50	30-Sep-2014	13-Apr-2020	5.54	\$14	n/a	\$14

Notes for DELAYED costs

Estimated cost to submit ASRs (\$25 for each missing report x 2). Date required is the date the first annual sludge report was due and the final date is the estimated compliance date. Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that all self-reporting requirements are properly accomplished, including the timely submittal of signed and certified annual sludge reports is captured in the Economic Benefit Worksheet for Violation No. 5.

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 \$50

TOTAL \$14

Screening Date 23-Aug-2018

Docket No. 2019-0545-MWD-E

PCW

Respondent City of La Joya

Policy Revision 4 (April 2014)

Case ID No. 41134

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101920361

Media Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0012675001, Operational Requirements No. 1

Violation Description

Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Respondent did not maintain an appropriate quantity of solids inventory in facultative ponds 1 and 2. Sludge was observed to be approximately a foot or less from the surface of the ponds.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2 140 Number of violation days

daily		Violation Base Penalty \$2,500
weekly		
monthly		
quarterly	X	
semiannual		
annual		
single event		

Two quarterly events are recommended, calculated from the initial investigation date (April 5, 2018) to the screening date (August 23, 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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$470 Violation Final Penalty Total \$3,482

This violation Final Assessed Penalty (adjusted for limits) \$3,482

Economic Benefit Worksheet

Respondent City of La Joya
Case ID No. 41134
Reg. Ent. Reference No. RN101920361
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	\$1,000	5-Apr-2018	13-Apr-2020	2.02	\$101	n/a	\$101
Remediation/Disposal	\$3,500	5-Apr-2018	13-May-2020	2.11	\$369	n/a	\$369
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Training/Sampling cost to develop and implement a solids management plan at the Facility. Date required is the initial investigation date and the final date is the estimated date of compliance. Estimated Remediation/Disposal cost to remove and properly dispose of the excess sludge from facultative ponds 1 and 2. Date required is the initial investigation date and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$4,500

TOTAL \$470

Screening Date 23-Aug-2018

Docket No. 2019-0545-MWD-E

PCW

Respondent City of La Joya

Policy Revision 4 (April 2014)

Case ID No. 41134

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101920361

Media Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0012675001, Other Requirements No. 10

Violation Description

Failed to comply with all permit conditions. Specifically, the April 1, 2018 quarterly progress report to address compliance with effluent limitations for biochemical oxygen demand (5-day), total suspended solids and E. coli was not submitted to the TCEQ as required.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
100% of the rule requirements were not met.					

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 144 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,250

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$1,741

This violation Final Assessed Penalty (adjusted for limits) \$1,741

Economic Benefit Worksheet

Respondent City of La Joya
Case ID No. 41134
Reg. Ent. Reference No. RN101920361
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)	\$25	1-Apr-2018	13-Apr-2020	2.04	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to submit the April 1, 2018 quarterly progress report to address compliance with effluent limitations for biochemical oxygen demand (5-day), total suspended solids and *E. coli*. Date required is the date the report was due and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$3

Screening Date 23-Aug-2018
Respondent City of La Joya
Case ID No. 41134
Reg. Ent. Reference No. RN101920361
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2019-0545-MWD-E

PCW

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

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0012675001, Operational Requirements No. 1

Violation Description Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the aerator in the final storage pond was not operational and extensive algal growth was present resulting in bright green wastewater in the pond.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2 140 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

Two quarterly events are recommended, calculated from the initial investigation date (April 5, 2018) to the screening date (August 23, 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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$737

Violation Final Penalty Total \$3,482

This violation Final Assessed Penalty (adjusted for limits) \$3,482

Economic Benefit Worksheet

Respondent City of La Joya
Case ID No. 41134
Reg. Ent. Reference No. RN101920361
Media Water Quality
Violation No. 11

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	\$5,000	5-Apr-2018	13-May-2020	2.11	\$35	\$702	\$737
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair or replace the aerator in the final storage pond and ensure that no algal growths are present in the pond. Date required is the initial investigation date and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$737

Screening Date 23-Aug-2018
Respondent City of La Joya
Case ID No. 41134
Reg. Ent. Reference No. RN101920361
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2019-0545-MWD-E

PCW

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

V12 12

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code §305.125(1) and (5), and TPDES Permit No. WQ0012675001, Permit Conditions No. 2.g

Violation Description
 Failed to prevent the unauthorized discharge of untreated wastewater from the wastewater collection system into or adjacent to any water in the state. Specifically, a leaking wastewater pump located at Lift Station No. 1 resulted in the unauthorized discharge of untreated wastewater onto the ground.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events: 2 140 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

Two quarterly events are recommended calculated from the initial investigation date (April 5, 2018) to the screening date (August 23, 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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$405 **Violation Final Penalty Total** \$3,482

This violation Final Assessed Penalty (adjusted for limits) \$3,482

Economic Benefit Worksheet

Respondent City of La Joya
Case ID No. 41134
Reg. Ent. Reference No. RN101920361
Media Water Quality
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$2,500	5-Apr-2018	13-Apr-2020	2.02	\$17	\$337	\$354
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$500	5-Apr-2018	13-Apr-2020	2.02	\$51	n/a	\$51
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Equipment cost to repair or replace the leaking wastewater pump located at Lift Station No. 1. Date required is the initial investigation date and the final date is the estimated date of compliance.
 Estimated Remediation/Disposal cost to clean and disinfect the affected area and properly dispose of the untreated wastewater from Lift Station No. 1. Date required is the initial investigation date and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$3,000

TOTAL \$405

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 CN600704639, RN101920361, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN600704639, City of La Joya **Classification:** SATISFACTORY **Rating:** 6.19
Regulated Entity: RN101920361, CITY OF LA JOYA **Classification:** SATISFACTORY **Rating:** 3.10
Complexity Points: 9 **Repeat Violator:** NO
CH Group: 08 - Sewage Treatment Facilities
Location: Approximately 1.5 miles south-southwest of the intersection of United States Highway 83 and Farm-to-Market Road 2521 in Hidalgo County, Texas 78560
TCEQ Region: REGION 15 - HARLINGEN

ID Number(s):

WASTEWATER PERMIT WQ0012675001 **WASTEWATER EPA ID** TX0127337
WASTEWATER AUTHORIZATION R12675001

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

Date Compliance History Report Prepared: October 14, 2019

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 14, 2014 to October 14, 2019

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

Name: Alejandro Laje **Phone:** (512) 239-2547

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	February 26, 2016	(1327082)
Item 2	March 23, 2016	(1333876)
Item 5	January 18, 2018	(1502687)
Item 6	January 15, 2019	(1565882)

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: 10/31/2018 (1543519)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 11/30/2018 (1547224)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 01/31/2019 (1601512)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 02/28/2019 (1601513)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 03/31/2019 (1573876)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 6 Date: 04/30/2019 (1587340)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 05/28/2019 (1554447)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 317 317.4(c)
Operational Reqs. No. 5 PERMIT
Description: Failure to provide a means for measuring flow. Specifically, an effluent flow was present; however, the effluent electronic totalizing flow meter was reading "0.000".
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 317 317.4(a)(8)
Description: Failure to provide adequate backflow prevention assemblies at the lift stations. Specifically, Lift Station Numbers 1 and 3 failed the backflow prevention assembly tests conducted on April 1, 2019.
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
Operational Reqs. No. 1 PERMIT
Permit Conditions No. 2(g) PERMIT
Description: Failure to prevent the unauthorized discharge of untreated wastewater from the collection system into or adjacent to water in the state. Specifically, a leaking wastewater pump located at Lift Station Number 2 resulted in the unauthorized discharge of an unknown amount of untreated wastewater onto the ground.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.3(e)(5)
Description: Failure to provide all lift stations with an audiovisual alarm system (red flashing light and horn). Specifically, Lift Station Number 5 was not equipped with an operable visual alarm.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.3(a)
Description: Failure to enclose a lift station in an intruder-resistant manner with controlled

access. Specifically, the intruder-resistant fencing at Lift Station Number 5 required repair as the three strands of barbed wire along the top of the fencing were rusted and broken, horizontal posts were bent and rusted, and chain-link fencing needed replacement.

8	Date: 06/30/2019 (1595246) Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	
9	Date: 07/31/2019 (1601514) Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	
10	Date: 09/12/2019 (1602630) Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE	

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 LA JOYA;
RN101920361

§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2019-0545-MWD-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of La Joya ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent 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 approximately 1.5 miles south-southwest of the intersection of United States Highway 83 and Farm-to-Market Road 2521 in Hidalgo County (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation commenced on April 5, 2018, an investigator documented that Respondent:
 - a. Failed to comply with the permitted effluent limitations, as shown in Attachment "A";
 - b. Failed to comply with the permitted effluent limitations, as shown in Attachment "A";
 - c. Failed to comply with the permitted effluent limitations, as shown in Attachment "A";
 - d. Failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative. Specifically, the operator manual, Discharge Monitoring Reports ("DMRs") for the monitoring periods ending September 30, 2016 through December 31, 2017, annual sludge reports for the monitoring periods ending July 31, 2016 and July 31, 2017 and plant maintenance records were not available for review;
 - e. Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted limitation by more than 40% within five working days of becoming

aware of the noncompliance for the monitoring periods ending March 31, 2016, May 31, 2016, June 30, 2016, August 31, 2016, September 30, 2016, February 28, 2017, April 30, 2017, May 31, 2017, July 31, 2017, August 31, 2017, September 30, 2017, and October 31, 2017;

- f. Failed to timely submit effluent monitoring results at the intervals specified in the permit. Specifically, Respondent did not submit the DMRs for the monthly monitoring periods of January 2016, February 2016, March 2016, May 2016, June 2016, July 2016, August 2016, September 2016, October 2016, November 2016, December 2016, January 2017, February 2017, March 2017, April 2017, May 2017, June 2017, July 2017, August 2017, September 2017, October 2017, November 2017, January 2018, and February 2018, by the 20th day of the following month;
 - g. Failed to timely submit annual sludge reports (“ASRs”) at the intervals specified in the permit. Specifically, Respondent did not submit the ASRs for the monitoring periods ending July 31, 2016 and July 31, 2017 by September 30th of each year;
 - h. Failed to submit ASRs at the intervals specified in the permit. Specifically, Respondent did not submit the ASRs for the monitoring periods ending July 31, 2014 and July 31, 2015 by September 30th of each year;
 - i. Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, Respondent did not maintain an appropriate quantity of solids inventory in facultative ponds 1 and 2. Sludge was observed to be approximately a foot or less from the surface of the ponds;
 - j. Failed to comply with all permit conditions. Specifically, the April 1, 2018 quarterly progress report to address compliance with effluent limitations for biochemical oxygen demand (5-day), total suspended solids and *E. coli* was not submitted to the TCEQ as required;
 - k. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the aerator in the final storage pond was not operational and extensive algal growth was present resulting in bright green wastewater in the pond; and
 - l. Failed to prevent the unauthorized discharge of untreated wastewater from the wastewater collection system into or adjacent to any water in the state. Specifically, a leaking wastewater pump located at Lift Station No. 1 resulted in the unauthorized discharge of untreated wastewater onto the ground.
3. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility:
- a. Submitted the DMRs for the monthly monitoring periods of January 2016, February 2016, March 2016, May 2016, June 2016, July 2016, August 2016, September 2016, October 2016, November 2016, December 2016, January 2017, February 2017, March 2017, April 2017, May 2017, June 2017, July 2017, August 2017, September 2017, October 2017, November 2017, January 2018, and February 2018, by April 5, 2018; and
 - b. Submitted the ASRs for the monitoring periods ending July 31, 2016 and July 31, 2017, on January 10, 2018.

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 comply with the permitted effluent limitations, as shown in Attachment "A," in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012675001, Interim and Interim I Effluent Limitations and Monitoring Requirements Nos. 1 and 3, and TCEQ Agreed Order Docket No. 2011-0244-MWD-E, Ordering Provision No. 3.c.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to comply with the permitted effluent limitations, as shown in Attachment "A," in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0012675001, Interim and Interim I Effluent Limitations and Monitoring Requirements No. 1, and TCEQ Agreed Order Docket No. 2011-0244-MWD-E, Ordering Provision No. 3.c.
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to comply with the permitted effluent limitations, as shown in Attachment "A," in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0012675001, Interim and Interim I Effluent Limitations and Monitoring Requirements Nos. 1 and 3, and TCEQ Agreed Order Docket No. 2011-0244-MWD-E, Ordering Provision No. 3.c.
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 319.7(c) and TCEQ Permit No. WQ0012675001, Monitoring and Reporting Requirements No. 3.b.
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted limitation by more than 40% within five working days of becoming aware of the noncompliance for the monitoring periods, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0012675001, Monitoring and Reporting Requirements No. 7.c.
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to timely submit effluent monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0012675001, Monitoring and Reporting Requirements No. 1.
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to timely submit ASRs at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0012675001, Sludge Provisions.
9. As evidenced by Finding of Fact No. 2.h., Respondent failed to submit ASRs at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0012675001, Sludge Provisions.
10. As evidenced by Finding of Fact No. 2.i., Respondent failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0012675001, Operational Requirements No. 1.
11. As evidenced by Finding of Fact No. 2.j., Respondent failed to comply with all permit conditions, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0012675001, Other Requirements No. 10.
12. As evidenced by Finding of Fact No. 2.k., Respondent failed to ensure that the Facility and all of its system 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. WQ0012675001, Operational Requirements No. 1.
13. As evidenced by Finding of Fact No. 2.l., Respondent failed to prevent the unauthorized discharge of untreated wastewater from the wastewater collection system 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 TPDES Permit No. WQ0012675001, Permit Conditions No. 2.g.

14. 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.
15. An administrative penalty in the amount of two hundred eighteen thousand eight hundred twelve dollars (\$218,812.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Revenue Operations Section of TCEQ's Financial Administration Division reviewed the financial documentation submitted by Respondent and determined that Respondent is unable to pay all or part of the penalty and qualifies for a deferral of all or part of the penalty under TEX. WATER CODE § 7.034. Therefore, two hundred eighteen thousand eight hundred twelve dollars (\$218,812.00) of the penalty is deferred contingent upon Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions contained in this Order.

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. 15 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 La Joya, Docket No. 2019-0545-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 undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Update operational procedures and conduct employee training to ensure that all required records are maintained and made readily available for review by a TCEQ representative, including the operator manual and maintenance records and all self-reporting requirements are properly accomplished, including the timely submittal of signed and certified ASRs, quarterly progress reports, complete and accurate DMRs, and noncompliance notifications;
 - ii. Submit the ASRs for the monitoring periods ending July 31, 2014 and July 31, 2015;
 - iii. Submit the April 1, 2018 quarterly progress report to address compliance with effluent limitations for biochemical oxygen demand (5-day), total suspended solids and *E. coli*;
 - iv. Develop and implement a solids management plan at the Facility;

- v. Repair or replace the leaking wastewater pump located at Lift Station No. 1; and
- vi. Clean and disinfect the affected area and properly dispose of the untreated wastewater from Lift Station No. 1.
- b. Within 45 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 2.h, to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.vi.
- c. Within 60 days after the effective date of this Order, repair or replace the aerator in the final storage pond and ensure that no algal growths are present in the pond.
- d. Within 75 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 2.h, to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0012675001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The written certification shall be submitted in accordance with Ordering Provision No. 2.h.
- f. Within 180 days after the effective date of this Order, remove and properly dispose of the excess sludge from facultative ponds 1 and 2.
- g. Within 195 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.h. to demonstrate compliance with Ordering Provision No. 2.f.
- h. The certifications 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
Harlingen Regional Office
Texas Commission on Environmental Quality
1804 West Jefferson Avenue
Harlingen, Texas 78550-5247

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

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. This Order 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.
11. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director

3/27/23
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 - Isidro Casanova, Mayor

1/10/2023
Date

City of La Joya
P.O. Box H
La Joya, Texas 78560

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

Attachment A
Effluent Violation Table

Month-Year	Biochemical Oxygen Demand (5-day)			<i>Escherichia coli</i>		Flow	pH		Total Suspended Solids	
	Daily Average Conc.	Daily Average Loading	Single Grab Conc.	Daily Average Conc.	Single Grab Conc.	Daily Average	Monthly Minimum	Monthly Maximum	Daily Average Conc.	Daily Average Loading
	Limit = 30 mg/l	Limit = 88 lbs/d	Limit = 100 mg/l	Limit = 126 CFU	Limit = 399* CFU	Limit = 0.35 MGD	Limit = 6 SU	Limit = 9 SU	Limit = 90 mg/l	Limit = 263 lbs/d
Aug-2013	51	c	c	320	517	c	c	c	168	c
Sep-2013	56	c	c	c	c	c	c	9.1	148	c
Oct-2013	59	153	c	787	1,414	c	c	c	127	304
Nov-2013	54	256	c	c	c	0.569	c	c	108	517
Dec-2013	39	206	c	3,757	7,241	0.796	c	c	c	c
Jan-2014	63	c	c	156	c	c	c	c	c	c
Feb-2014	49	c	c	c	c	c	c	c	c	c
Mar-2014	44	c	c	c	c	c	c	c	c	c
Apr-2014	35	c	c	c	c	c	c	c	99	c
May-2014	35	c	c	c	c	c	c	c	120	c
Jun-2014	38	c	c	c	c	c	c	9.1	141	291
Jul-2014	36	110.1	c	1,404	3,255	c	c	c	126	368
Aug-2014	41	140.8	c	c	c	403	c	c	130	441
Sep-2014	36	139	c	656.5	1,012	454	NR	NR	136	515
Oct-2014	32	125.8	c	c	c	0.463	c	9.2	111	429
Dec-2014	c	c	c	c	c	0.49	c	NR	122	500
Jan-2015	35	163.3	c	1,270.3	2,419.6	0.552	c	c	134	621
Feb-2015	c	125.6	c	c	c	0.625	c	9.4	c	281
Mar-2015	32	175.2	c	999.4	1,986	0.71	c	c	c	421
Apr-2015	33	227.9	c	446	866	0.821	c	c	110	757
	Biochemical Oxygen Demand (5-day)			<i>Escherichia coli</i>		Flow	pH		Total Suspended Solids	

Month-Year	Daily Average Conc.	Daily Average Loading	Single Grab Conc.	Daily Average Conc.	Single Grab Conc.	Daily Average	Monthly Minimum	Monthly Maximum	Daily Average Conc.	Daily Average Loading
	Limit = 30 mg/l	Limit = 88 lbs/d	Limit = 100 mg/l	Limit = 126 CFU	Limit = 399* CFU	Limit = 0.35 MGD	Limit = 6 SU	Limit = 9 SU	Limit = 90 mg/l	Limit = 263 lbs/d
May-2015	41	314	c	c	c	0.916	c	9.8	162	1247
Jun-2015	39	111	c	c	c	c	c	9.3	146	428
Jul-2015	43	c	c	c	c	c	c	9.2	158	c
Aug-2015	42	c	c	181	c	c	c	9.3	143	c
Sep-2015	41	c	c	c	c	c	c	9.3	143	c
Oct-2015	39	c	c	c	c	c	c	c	c	c
Nov-2015	c	c	c	291.5	c	c	c	c	c	c
Dec-2015	c	c	c	429.5	686.7	c	c	c	c	c
Mar-2016	c	c	c	202.3	c	c	c	c	c	c
Apr-2016	41.2	c	c	c	c	c	c	c	94.2	c
May-2016	38.7	c	c	319	c	c	c	c	118.7	c
Jun-2016	40	c	c	258	c	c	c	c	150	285.5
Jul-2016	35	c	c	c	c	c	c	c	116	c
Aug-2016	33	c	c	c	c	c	c	c	161	c
Sep-2016	37	c	c	298.3	c	c	c	c	154	c
Oct-2016	c	c	c	c	c	c	c	c	97	c
Nov-2016	c	c	c	c	c	c	c	c	96	c
Jan-2017	34	c	c	c	c	c	c	c	c	c
Feb-2017	46	c	c	c	c	c	c	88	c	c
Mar-2017	38	c	c	c	c	c	c	c	108	c
Apr-2017	56	c	106	162	c	c	c	c	121	c
May-2017	40	c	c	c	c	c	c	c	147	c
June-2017	c	c	c	c	c	c	c	c	113	c
Jul-2017	36	c	c	331.6	648.6	c	c	c	128	c
Aug-2017	44	292	c	c	c	c	c	c	128	1,435
	Biochemical Oxygen Demand (5-day)			<i>Escherichia coli</i>		Flow	pH		Total Suspended Solids	

Month-Year	Daily Average Conc.	Daily Average Loading	Single Grab Conc.	Daily Average Conc.	Single Grab Conc.	Daily Average	Monthly Minimum	Monthly Maximum	Daily Average Conc.	Daily Average Loading
	Limit = 30 mg/l	Limit = 88 lbs/d	Limit = 100 mg/l	Limit = 126 CFU	Limit = 399* CFU	Limit = 0.35 MGD	Limit = 6 SU	Limit = 9 SU	Limit = 90 mg/l	Limit = 263 lbs/d
Sep-2017	36	c	c	c	c	c	c	87	116	c
Oct-2017	c	c	c	1,334.3	2,419.6	c	c	c	c	c
Jan-2018	c	c	c	172.9	c	c	c	c	c	c
Feb-2018	70	c	190	296.8	517.2	c	c	c	116	c
Mar-2018	c	c	c	344.9	686.7	c	c	c	c	c

Conc. = Concentration
 mg/l = milligrams per liter
 lbs/d = pounds per day

CFU = colony forming units
 MGD = million gallons per day
 SU = standard units

c = compliant
 * = 394 (prior to Jan 2014)
 NR = not received