# Executive Summary – Enforcement Matter – Case No. 57948 City of Bartlett RN100835487 Docket No. 2019-0955-MWD-E

## **Order Type:**

Findings Agreed Order

# **Findings Order Justification:**

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

Media:

WQ

#### **Small Business:**

No

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

City of Bartlett WWTP, located approximately 0.5 mile northeast of the intersection of State Highway 95 and Farm-to-Market Road 487, Bell County

## **Type of Operation:**

Wastewater treatment facility with an associated collection system

# **Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

**Interested Third-Parties: None** 

**Texas Register Publication Date:** June 25, 2021

**Comments Received: No** 

# **Penalty Information**

**Total Penalty Assessed:** \$1,937

**Total Paid to General Revenue:** \$1,937 **Total Due to General Revenue:** \$0

Payment Plan: N/A

# **Compliance History Classifications:**

Person/CN - Satisfactory Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A Applicable Penalty Policy: April 2014

# Investigation Information

**Complaint Date(s):** April 25, 2019 and May 16, 2019

**Complaint Information**: Allegation of unauthorized discharge and no licensed

operators at the WWT facility

**Date(s) of Investigation:** May 3, 2019 through May 20, 2019

**Date(s) of NOE(s):** June 28, 2019

# Executive Summary – Enforcement Matter – Case No. 57948 City of Bartlett RN100835487 Docket No. 2019-0955-MWD-E

#### **Violation Information**

Failed to prevent an unauthorized discharge of untreated 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 Texas Pollutant Discharge Elimination System Permit No. WQ0010880001, Permit Conditions No. 2.g].

# Corrective Actions/Technical Requirements

### **Corrective Action(s) Completed:**

The Respondent ceased the discharge and disinfected the affected area by May 20, 2019.

# **Technical Requirements:**

The Order will require the Respondent to:

- a. Within 60 days, conduct an engineering evaluation of the main line and manhole to prevent future discharges along Northwest Front Street and implement the recommended corrective actions; and
- b. Within 75 days, submit written certification to demonstrate compliance with a.

#### **Contact Information**

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Katelyn Tubbs, Enforcement Division,

Enforcement Team 3, MC 219, (512) 239-2512; Michael Parrish, Enforcement Division,

MC 219, (512) 239-2548

**Respondent:** The Honorable Chad Mees, Mayor, City of Bartlett, P.O. Drawer H,

Bartlett, Texas 76511-0907

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

# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

**PAYABLE PENALTY** 

PCW Revision March 26, 2014

\$1,937

TCEQ_									
DATES	Assigned	24-Jun-2019	-		7				
	PCW	22-Jul-2019	Screening	3-Jul-2019	EPA Due				
RESPO		TY INFORMATI	ON						1
Das		City of Bartlett							4
	j. Ent. Ref. No. ty/Site Region				Major/N	Minor Source	Minor		
raciiii	ly/ Site Region	3-Waco			Major / P	anioi Source	MILIOI		
CASE II	NFORMATION								
	f./Case ID No.	57948			No.	of Violations	1		1
	•	2019-0955-MWI	)-E			Order Type	Findings		<b>†</b>
Med	ia Program(s)	Water Quality			Governmen	t/Non-Profit			†
	Multi-Media				Enf.	Coordinator	Katelyn Tubbs	6	1
	•	_				EC's Team	Enforcement 7	Геат 3	
Adn	nin. Penalty \$ L	imit Minimum	\$0	Maximum	\$25,000				
				•	ition Secti	on			
TOTAL	<b>BASE PENA</b>	LTY (Sum of	violation	base penal	ties)		Subtotal 1		\$1,250
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cauces t	/ 1.55555564 1 6	maic, by the marcate	a percentage.				]		
	Notes	No o	deferral is reco	ommended for	Findings Orders	s.			
	notes no delenant resemble as a remaining of a set of								

Screening Date 3-Jul-2019
Respondent City of Bartlett

Case ID No. 57948 Reg. Ent. Reference No. RN100835487

Media Water Quality

Enf. Coordinator Katelyn Tubbs

>>	Co	mnliance Hist	Compliance History Worksheet ory 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 (number of NOVs meeting criteria)	3	15%		
			Other written NOVs	0	0%		
			Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%		
		Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%		
		and Consent Decrees	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 (number of counts)	0	0%		
		Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%		
		Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%		
			Environmental management systems in place for one year or more	No	0%		
		Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%		
		2 3.1.2.	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 Per	centage (Sub	total 2) 55%	$\exists$	
>>	Re	peat Violator	(Subtotal 3)				
		No	Adjustment Per	centage (Sub	total 3) 0%	$\exists$	
>>	Co	mpliance Hist	ory Person Classification (Subtotal 7)				
	Satisfactory Performer  Adjustment Percentage (Subtotal 7) 0%						
>>	Co	mpliance Hist	ory Summary				
	Compliance History Notes  Enhancement for one month of self-reported effluent violations, two NOVs with same/similar violations, and two orders containing a denial of liability.						
	Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 55%					$\neg$	
>> I	Fina	l Compliance	History Adjustment		, ,		
			Final Adjustment Percenta	age *capped	at <b>100%</b> 55%		

Violation Events    Number of Violation Events   1		ening Date		Docket	<b>No.</b> 2019-0955-MWD-E	PCW
Reg. Ent. Reference No. IN100835487 Media Water Quality Enf. Coordinator Ketelyn Tubbs  Violation Number  Rule Cite(s)  Failed to prevent an unauthorized discharge of untreated wastewater into or adjacent to any water in the state. Specifically, an investigator observed the discharge of untreated wastewater from a manuhorized discharge of untreated wastewater into an adjacent to any water in the state. Specifically, an investigator observed the discharge of untreated wastewater from a manuhorized from the state. Specifically, an investigator observed the discharge of untreated wastewater from a manuhorized from the state. Specifically, an investigator observed the discharge of untreated wastewater from a manuhorized from the state. Specifically, an investigator observed the discharge of untreated wastewater into or adjacent to any water in the state. Specifically, an investigator observed the discharge location for state of untreated wastewater into or adjacent from a manuhorized from the state. Specifically, an investigator observed the discharge location for state of untreated wastewater into or adjacent from a manuhorized from the date the discharge location.  Percent 5,0%  Perce						Policy Revision 4 (April 2014)
Media   Water Quality						PCW Revision March 26, 2014
Violation Number 1  Violation Number 1  Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System Permit No. WQ0010880001, Permit Conditions No. 2, g  Failed to prevent an unauthorized discharge of untreated wasteriate into or adjacent to any water in the state. Specifically, an investigator observed the discharge of untreated wasteriater into adjacent to any water in the state. Specifically, an investigator observed the discharge of untreated wasteriater into adjacent to any water in the state. Specifically, an investigator observed the discharge of untreated wasteriater from a manhole located near 403 Northwest Front Street.  **Percent**  **	Reg. Ent. Rei					
Violation Number   Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and Texas Follutant Discharge Elimination System Permit No. WQ0010880001, Permit Conditions No. 2, 23	Enf C		- '			
Tex. Water Code § 26.12(a)(1), 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System Permit No. W00010880001, Permit Conditions No. 2.9  Falled to prevent an unauthorized discharge of untreated wastered to or adjacent to any water in the state. Specifically, an investigator observed the discharge of untreated wastewater from a manhole located near 403 Northwest Front Street.  Base Penalty  \$25,000  >> Environmental, Property and Human Health Matrix    Percent						
Pollutant Discharge Elimination System Permit No. WQ0010880001, Permit Conditions No. 2, 3 and 1 and 1 and 2			Tex Water Code 8 26	121(a)(1) 30 Tex Adi	min_Code 8 305 125(1) and Te	exas
Failed to prevent an unauthorized discharge of untreated wastewater into or adjacent to any water in the state. Specifically, an investigator observed the discharge of untreated wastewater from a manhole located near 403 Northwest Front Street.    Base Penalty   \$25,000		Rule Cite(s)				
Violation Description  adjacent to any water in the state. Specifically, an investigator observed the discharge of untreated wastewater from a manhole located near 403 Northwest Front Street.  Base Penalty \$25,000  >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Percent 5.0%  >> Programmatic Matrix Felsification 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				Conditions No.	2.g	
Violation Description  adjacent to any water in the state. Specifically, an investigator observed the discharge of untreated wastewater from a manhole located near 403 Northwest Front Street.  Base Penalty \$25,000  >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Percent 5.0%  >> Programmatic Matrix Felsification 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						
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Sase Penalty   \$25,000	Violatio	n Description		•		
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>> Environmental, Property and Human Health Matrix   Harm   Release   Major   Moderate   Minor   Actual   Percent   5.0%						
>> Environmental, Property and Human Health Matrix   Harm   Release   Major   Moderate   Minor   Actual   Percent   5.0%					Page De	#25 000
Number of Violation Events   Number of Violation Events   State   St					Dase Pe	#IIaity \$25,000
Release Major Moderate Minor Actual X Potential X Potential X Percent 5.0%  >>Programmatic Matrix Falsification Major Moderate Minor Percent 0.0%  Matrix 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 1 61 Number of violation days  daily weekly monthly quarterly x semiannual annual single event  One quarterly event is recommended from the date the discharge began (May 3, 2019) to the screening date (July 3, 2019).  Good Faith Efforts to Comply 0.0%  Before NOLINOV NOE/NOV to EDPRE/Settlement Offer Extraordinary Ordinary X NA Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal 51,250  Economic Benefit (EB) for this violation \$3,3019  Statutory Limit Test  Estimated EB Amount \$825 Violation Final Penalty Total 51,938	>> Environme	ntal, Propei				
Actual Percent 5.0%    Percent   Per		Release		· <del>-</del>		
>>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 1 61 Number of violation days  daily weekly monthly quarterly x semiannual annual single event 1 (annual annual	OR					
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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 1 61 Number of violation days  daily weekly monthly quarterly x semiannual single event  One quarterly event is recommended from the date the discharge began (May 3, 2019) to the screening date (July 3, 2019).  Good Faith Efforts to Comply 0.0% Before NDE/NOV NDE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary Ordina	_					
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Notes result of the violation.  Adjustment \$23,750  \$1,250  Violation Events  Number of Violation Events 1 61 Number of violation days  daily weekly monthly quarterly x semiannual single event  \$1,250  One quarterly event is recommended from the date the discharge began (May 3, 2019) to the screening date (July 3, 2019).  Good Faith Efforts to Comply 0.0% Before 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 \$825 Violation Final Penalty Total \$1,938					0.070	
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Monthly quarterly semiannual annual single event  One quarterly event is recommended from the date the discharge began (May 3, 2019) to the screening date (July 3, 2019).  Good Faith Efforts to Comply  Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$1,250  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$1,938						
Quarterly semiannual annual single event  One quarterly event is recommended from the date the discharge began (May 3, 2019) to the screening date (July 3, 2019).  Good Faith Efforts to Comply  O.0%  Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$1,250  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$1,938						
One quarterly event is recommended from the date the discharge began (May 3, 2019) to the screening date (July 3, 2019).  Good Faith Efforts to Comply  O.0%  Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer  Extraordinary  Ordinary  N/A  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal  \$1,250  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount  \$1,938					Violation Base Pe	enalty \$1,250
One quarterly event is recommended from the date the discharge began (May 3, 2019) to the screening date (July 3, 2019).  Good Faith Efforts to Comply  O.0%  Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer  Extraordinary  Ordinary  N/A  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal  \$1,250  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount  \$1,938			semiannual			
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Ordinary  N/A  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 \$825  Violation Final Penalty Total \$1,938			Before NOE	NOV NOE/NOV to EDPRP/S	Settlement Offer	
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 \$825  Violation Final Penalty Total \$1,938						
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Estimated EB Amount \$825 Violation Final Penalty Total \$1,938						
	<b>Economic Bene</b>	efit (EB) for	this violation		Statutory Limit Te	st
This violation Final Assessed Penalty (adjusted for limits) \$1.938		Estimate	ed EB Amount	\$825	<b>Violation Final Penalty</b>	<b>Total</b> \$1,938
			This	violation Final Asses	sed Penalty (adjusted for li	mits) \$1.938

	E	conomic	<b>Benefit</b>	Wo	rksheet		
Respondent	City of Bartlett	t					
Case ID No.	57948						
Reg. Ent. Reference No.	RN100835487						
	Water Quality					Percent Interest	Years of
Violation No.	1					r credit zincerest	Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description							
Delayed Costs				_			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	+10.000	2.14	2.1.1.2020	0.00	\$0	\$0	\$0
Engineering/Construction	\$10,000	3-May-2019	3-Jul-2020	1.17	\$39	\$780	\$819
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0 \$0	n/a n/a	\$0 \$0
Training/Sampling Remediation/Disposal				0.00	\$0 \$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	3-May-2019	20-May-2019		\$6	n/a	\$6
Notes for DELAYED costs	The engineering/construction cost is the estimated cost to conduct an engineering evaluation of the main line and manhole to prevent future discharges along Northwest Front Street and implement the recommended corrective actions. Date required is the date the discharge began. Final date is the estimated date of compliance.  The other cost is the estimated cost to cease the discharge and disinfect the affected area. Date required is the date the discharge began. Final date is the compliance date.						
Avoided Costs	ANNUA	ALIZE avoided c	osts before e			one-time avoide	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 #0	\$0 #0
Supplies/Equipment					\$0 \$0	\$0 \$0	\$0
Financial Assurance ONE-TIME avoided costs				0.00	\$0	7.7	\$0 #0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Notes for AVOIDED costs				<u>   0.00</u>	<u> </u>	<b>3</b> 0	\$0
Approx. Cost of Compliance		\$12,500			TOTAL		\$825

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 CN600514202, RN100835487, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

Customer, Respondent, or CN600514202, City of Bartlett Classification: SATISFACTORY Rating: 42.86

Owner/Operator:

Regulated Entity: RN100835487, CITY OF BARTLETT WWTP Classification: SATISFACTORY Rating: 41.95

Complexity Points: 7 Repeat Violator: NO

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

Location: Approximately 0.5 mile northeast of the intersection of State Highway 95 and Farm-to-Market Road 487 in Bell

County, Texas

TCEQ Region: REGION 09 - WACO

ID Number(s):

AIR NEW SOURCE PERMITS ACCOUNT NUMBER BF0221T AIR NEW SOURCE PERMITS AFS NUM 4802700664

WASTEWATER EPA ID TX0027006 WASTEWATER PERMIT WQ0010880001

AIR EMISSIONS INVENTORY ACCOUNT NUMBER BF0221T

Compliance History Period: September 01, 2013 to August 31, 2018 Rating Year: 2018 Rating Date: 09/01/2018

YES

**Date Compliance History Report Prepared:** July 03, 2019

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 03, 2014 to July 03, 2019

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

Name: Herbert Darling Phone: (512) 239-2520

#### Site and Owner/Operator History:

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

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:

Effective Date: 08/16/2016 ADMINORDER 2016-0066-MWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: Failure to submit the annual sludge report.

Classification: Minor

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

30 TAC Chapter 305, SubChapter F 305.125(11)(C)

30 TAC Chapter 319, SubChapter A 319.7(a)

Rqmt Prov: Monitor and Report Reqs., No. 3(c) PERMIT

Description: Failure to maintain records of monitoring activities.

Classification: Moderate

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

Rqmt Prov: Other Requirements, No. 6 PERMIT

Description: Failure to maintain records of sludge accumulation and water depth measurements and calculations in the settling

ponds.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Rqmt Prov: Monitor and Report Regs., No. 7(c) PERMIT

Description: Failure to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the Waco Regional Office and the Enforcement Division within five working days of becoming

aware of the noncompliance.

2 Effective Date: 01/31/2018 ADMINORDER 2017-0190-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Rqmt Prov: Monitoring/Reporting Reqs., No.4 PERMIT

Description: Failed to indicate an increased frequency of sampling on the self-reported DMR.

Classification: Major

Citation: 30 TAC Chapter 30, SubChapter J 30.350(d)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Operational Requirements No. 9 PERMIT

Other requirements No.1 PERMIT

Description: Failed to employ or contract with one or more licensed wastewater treatment facility operators.

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.128(a) 30 TAC Chapter 319, SubChapter A 319.8(1)

Rqmt Prov: Monitoring/Reporting Requirements No. 10 PERMIT

Description: Failed to provide an authorized signature on all reports requested by permits.

Classification: Minor

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

30 TAC Chapter 305, SubChapter F 305.125(11)(B)

Rqmt Prov: Monitoring/Reporting Reqs, No.3(b) PERMIT

Description: Failure to make all monitoring and reporting records readily available to TCEQ personnel.

Classification: Minor

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

30 TAC Chapter 305, SubChapter F 305.125(11)(B)

30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: Monitoring/Reporting Reqs., No.3(b) PERMIT

Sludge Provisions PERMIT

Description: Failed to maintain records of monitoring activities and sludge documents at the Facility and make them readily

available for review by a TCEQ representative.

Classification: Moderate

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

Rqmt Prov: Other Requirements No.7 PERMIT

Description: Failed to submit a quarterly progress report to the TCEQ Waco Regional Office and the Enforcement Division in

accordance with the progress report dates established in the permit.

Classification: Moderate

Citation: 30 TAC Chapter 317 317.7(i)

Description: Failure to provide potable water to the plant site.

Classification: Minor

Citation: 30 TAC Chapter 317 317.7(e)

Description: Failure to provide the required plant protection. Specifically, hazard signs stating "Danger--Open Tanks--No

Trespassing" were not secured to the fence at the Facility entrance.

Classification: Minor

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

30 TAC Chapter 305, SubChapter F 305.125(17) 30 TAC Chapter 319, SubChapter A 319.7(d)

Rqmt Prov: Monitoring and Reporting Regs., No.1 PERMIT

Description: Failed to submit DMRs at the intervals specified in the permit.

#### B. Criminal convictions:

N/A

#### C. Chronic excessive emissions events:

N/A

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

 Item 1
 July 15, 2015
 (1265768)

 Item 2
 July 29, 2015
 (1277318)

.

Item 3	December 17, 2015	(1309225)
Item 4	January 21, 2016	(1316015)
Item 5	February 25, 2016	(1325396)
Item 6	April 20, 2016	(1339290)
Item 7	December 22, 2016	(1382565)
Item 8	February 12, 2018	(1487121)
Item 9	March 15, 2018	(1490794)
Item 10	April 09, 2018	(1494044)
Item 12	May 17, 2018	(1500988)
Item 13	June 04, 2018	(1486373)
Item 14	June 11, 2018	(1493334)
Item 15	June 14, 2018	(1508078)
Item 16	July 06, 2018	(1499134)
Item 17	July 16, 2018	(1514411)
Item 18	August 14, 2018	(1520462)
Item 19	September 18, 2018	(1527633)
Item 20	October 09, 2018	(1533993)
Item 22	November 13, 2018	(1541825)
Item 23	December 06, 2018	(1545597)
Item 24	January 31, 2019	(1500440)
Item 25	February 14, 2019	(1560791)
Item 26	March 07, 2019	(1560792)
Item 27	April 08, 2019	(1572196)

#### E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 11/29/2018 (1526948)

Self Report? NO Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Description: Failure to prevent the unauthorized discharge of wastewater into or adjacent to water in

the state.

2 Date: 12/31/2018 (1560793)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

3 Date: 04/22/2019 (1539642)

Self Report? NO Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1)

Permit Conditions 2(g) PERMIT

Description: Failure by the City of Bartlett to prevent an unauthorized discharge of wastewater into

or adjacent to water in the state.

Specifically, on January 18, 2019 a complaint was investigated, and an unauthorized discharge was noted at the manhole located in the center of Northeast Front street

where it curves to the west.

Self Report? NO Classification: Minor

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

30 TAC Chapter 305, SubChapter F 305.125(9) (A) Monitoring and Reporting Requirements 7a PERMIT

Description: Failure by the City of Bartlett to submit a five-day report to the TCEQ Regional Office

and Enforcement Division (MC224) for any noncompliance which may endanger human

health or safety, or the environment.

Specifically, on January 18, 2019, the City of Bartlett became aware of an unauthorized discharge at Northeast Front Street, where it curves to the west, and no noncompliance

notification was submitted to the Waco Regional Office.

#### F. Environmental audits:

G.	Type of environmental management systems (EMSs): $_{\mbox{\scriptsize N/A}}$
Н.	Voluntary on-site compliance assessment dates: N/A
I.	Participation in a voluntary pollution reduction program: $\ensuremath{N/A}$
J.	Early compliance:
	es Outside of Texas: N/A

#### **Component Appendices**

#### Appendix A

#### All NOVs Issued During Component Period 7/3/2014 and 7/3/2019

07/31/2014 1 Date: (1199206)2D TWC Chapter 26, SubChapter A 26.121(a) Self Report? Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter 2 08/31/2014 (1206190)Date: Classification: Self Report? Moderate For Informational 2D TWC Chapter 26, SubChapter A 26.121(a) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter 3 09/30/2014 Date: (1212604)Self Report? For Informational PClassification: Moderate 2D TWC Chapter 26, SubChapter A 26.121(a) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter Description: 10/31/2014 (1218853)4 Date: For Informational Pulassification: Self Report? 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: 11/30/2014 (1224640)For Informational PClassification: Self Report? YFS Moderate 2D TWC Chapter 26, SubChapter A 26.121(a) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter Description: 6 Date: 12/31/2014 (1231279)2D TWC Chapter 26, SubChapter A 26.121(a) Self Report? YES Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter 7 Date: 01/31/2015 (1242664)Classification: Self Report? Moderate For Informational 2D TWC Chapter 26, SubChapter A 26.121(a) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter Description: 8 Date: 02/28/2015 (1249014)For Informational Pclassification: Self Report? YES Moderate 2D TWC Chapter 26, SubChapter A 26.121(a) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter 03/31/2015 (1255902)Date: Self Report? Classification: Moderate For Informational Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter Description: 04/30/2015 (1262620)10 Date: For Informational Pclassification: Self Report? YES 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

11 05/31/2015 (1269782)Date:

> Self Report? YFS Classification: Moderate For Informational

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

07/07/2015 12 (1254306)Date:

> For Informational PClassification: 30 TAC Chapter 305, SubChapter F 305.125(1) Self Report? NO Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: Failure to submit the annual sludge report.

Informational PClassification: Self Report? Moderate

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

Other Requirements, No. 7. PERMIT

Failure to submit quarterly progress reports. Description:

Classification: Self Report?

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

30 TAC Chapter 305, SubChapter F 305.125(11)(C) 30 TAC Chapter 319, SubChapter A 319.7(a) Monitor and Report Reqs., No. 3(c) PERMIT

Description: Failure to maintain records of monitoring activities.

Classification: 30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements No. ( DED: 12.1 Self Report? Moderate

Citation:

Other Requirements, No. 6 PERMIT

Description: Failure to maintain records of sludge accumulation and water depth measurements and

calculations in the settling ponds.

Informational PClassification: Moderate Self Report?

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

Monitor and Report Regs., No. 7(c) PERMIT

Description: Failure to provide notification of any effluent violation which deviates from the

> permitted effluent limitation by more than 40% in writing to the Waco Regional Office and the Enforcement Division within five working days of becoming aware of the

noncompliance.

13 Date: 07/31/2015 (1296844)

> Self Report? YES Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

14 Date: 10/31/2015 (1302292)

> Self Report? Classification: Moderate For Informational

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

12/14/2015 15 Date:

> Self Report? NO or Informational PClassification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a)(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(4)

Permit Conditions, No.2(g) PERMIT

Description: Failure to prevent an unauthorized discharge into or adjacent to any water in the state.

Classification: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305. Self Report? Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(9) Monitoring and Reporting Reg., No.7(a) PERMIT

TWC Chapter 26 26.039

Description: Failure to provide notification of any noncompliance which may endanger human health

or safety, or the environment.

16 Date: 02/29/2016 (1332135)

or Informational Pclassification: Self Report? YES Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

04/30/2016 (1346095)17 Date:

> Moderate Self Report? Classification:

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

05/31/2016 (1352530)18 Date:

> Classification: Self Report? Moderate Informational

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

19 06/30/2016 Date: (1359498)

> Classification: Moderate Self Report? YES For Informational

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

20 07/01/2016 (1342401)Date:

> For Informational Pclassification: Self Report? NO Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1)

Permit Conditions No.2(g) PERMIT

Description: Failure to prevent the unauthorized discharge of wastewater.

Classification: 30 TAC Chapter 319, SubChapter C 319.302(c) Self Report? Moderate

Citation:

Failure to notify the appropriate local government officials and the local media of an Description:

unauthorized discharge.

21 Date: 07/31/2016 (1365939)

> Self Report? YES Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

22 Date: 08/31/2016 (1372631)

> Self Report? YES Classification: Moderate For Informational P

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

09/30/2016 (1378804)23 Date:

> Classification: Moderate Self Report? YES ES For Informational F 2D TWC Chapter 26, SubChapter A 26.121(a)

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

10/31/2016 (1404411)24 Date:

> Classification: Self Report? Moderate For Informational

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

25 11/30/2016 (1404412)Date:

> Self Report? Classification: Moderate For Informationa

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

26 Date: 12/31/2016 (1397515)

> Self Report? Classification: Moderate For Informationa

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

27 Date: 01/06/2017 (1382260)Informational Pclassification: Self Report? NO 2D TWC Chapter 26, SubChapter A 26.121(a)(1) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Permit Conditions No.2(g) PERMIT Description: Failure to prevent the unauthorized discharge of wastewater into or adjacent to waters in the state. 28 Date: 01/31/2017 (1404410)Classification: Self Report? YFS Moderate For Informational 2D TWC Chapter 26, SubChapter A 26.121(a) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter 29 02/28/2017 (1411503)Date: Self Report? Classification: Moderate For Informational 2D TWC Chapter 26, SubChapter A 26.121(a) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter 30 03/31/2017 (1418000)Date: For Informational PClassification: Self Report? YES Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter Description: 31 04/30/2017 (1425592)Date: Self Report? Classification: Moderate ES For Informational F 2D TWC Chapter 26, SubChapter A 26.121(a) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter 32 Date: 05/31/2017 (1431623)Self Report? Moderate Classification: For Informational 2D TWC Chapter 26, SubChapter A 26.121(a) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter Description: 33 Date: 06/30/2017 (1440212)Classification: Self Report? Moderate 2D TWC Chapter 26, SubChapter A 26.121(a) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter (1443894)34 Date: 07/31/2017 Self Report? 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 35 Date: 08/31/2017 (1450502)Self Report? Classification: Moderate 2D TWC Chapter 26, SubChapter A 26.121(a) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter Description: 36 Date: 09/30/2017 (1456354)Classification: Self Report? Moderate 2D TWC Chapter 26, SubChapter A 26.121(a) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter Description: 37\* Date: 10/31/2017 (1461818)Classification: Self Report? Moderate For Informational 2D TWC Chapter 26, SubChapter A 26.121(a) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter

Description:

38\* Date: 11/30/2017 (1468203)

> Self Report? YES Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

(1474904) 39\* Date: 12/31/2017

> Self Report? YES Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

40\* Date: 06/22/2018 (1486495)

> Self Report? NO Classification: For Informational

2D TWC Chapter 26, SubChapter A 26.121(a)(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TPDES PERMIT

Description: Failure to prevent the unauthorized discharge of wastewater into or adjacent to water in

the state.

11/29/2018 (1526948)41 Date:

> For Informational P<sup>Classification</sup>: Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a)(1) Citation:

Failure to prevent the unauthorized discharge of wastewater into or adjacent to water in Description:

the state.

(1560793)42 Date: 12/31/2018

> Self Report? YES Classification: Moderate For Informational

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

43 Date: 04/22/2019 (1539642)

> Classification: Self Report? Minor 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Permit Conditions 2(g) PERMIT

Failure by the City of Bartlett to prevent an unauthorized discharge of wastewater into Description:

or adjacent to water in the state.

Specifically, on January 18, 2019 a complaint was investigated, and an unauthorized discharge was noted at the manhole located in the center of Northeast Front street

where it curves to the west.

Informational PClassification: Self Report?

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

30 TAC Chapter 305, SubChapter F 305.125(9)(A) Monitoring and Reporting Requirements 7a PERMIT

Description: Failure by the City of Bartlett to submit a five-day report to the TCEQ Regional Office

and Enforcement Division (MC224) for any noncompliance which may endanger human

health or safety, or the environment.

Specifically, on January 18, 2019, the City of Bartlett became aware of an unauthorized discharge at Northeast Front Street, where it curves to the west, and no noncompliance

notification was submitted to the Waco Regional Office.

<sup>\*</sup> NOVs applicable for the Compliance History rating period 9/1/2013 to 8/31/2018

Item 1	August 04, 2014**	Ear(1193869)mational Durn	osos Only
Item 2	September 09, 2014**	For <sup>(1</sup> 193869)mational Purp For <sup>(1</sup> 199206)mational Purp	oses Only
Item 3	September 24, 2014**	For <sup>(1206190)</sup> mational Purp	oses Only
Item 4	November 17, 2014**	For <sup>(1212604)</sup> mational Purp	oses Only
Item 5	December 08, 2014**	For <sup>(1218853)</sup> mational Purp	oses Only
Item 6	December 22, 2014**	For (1224640) mational Purp	oses Only
Item 7	January 27, 2015**	For (1231279) mational Purp	oses Only
Item 8	February 18, 2015**	For <sup>(1242664)</sup> mational Purp	oses Only
Item 9	March 17, 2015**	For (1249014) mational Purp	oses Only
Item 10	May 04, 2015**	For <sup>(1255)902)</sup> mational Purp	oses Only
Item 11	May 29, 2015**	For <sup>(1262620)</sup> mational Purp	oses Only
Item 12	June 30, 2015**	For <sup>(1269782)</sup> mational Purp	oses Only
Item 13*	July 15, 2015**	For <sup>(1265768)</sup> mational Purp	oses Only
Item 14*	July 29, 2015**	For (1277318) mational Purp	oses Only
Item 15	August 14, 2015**	For <sup>(1272911)</sup> mational Purp	oses Only
Item 16	September 28, 2015**	For <sup>(1280706)</sup> mational Purp	oses Only
Item 17	October 30, 2015**	For <sup>(1296844)</sup> mational Purp	oses Only
Item 18	November 05, 2015**	For <sup>(1288698)</sup> mational Purp	oses Only
Item 19	November 25, 2015**	For <sup>(1302292)</sup> mational Purp	oses Only
Item 20*	December 17, 2015**	For <sup>(1309225)</sup> mational Purp	oses Only
Item 21	December 21, 2015**	For <sup>(1299944)</sup> mational Purp	oses Only
Item 22*	January 21, 2016**	For (1316015) mational Purp	
Item 23	January 25, 2016**	For <sup>(1305920)</sup> mational Purp	
Item 24	January 29, 2016**	For (1307509) mational Purp	oses Only
Item 25*	February 25, 2016**	For (1325396) mational Purp	oses Only
Item 26	March 16, 2016**	For <sup>(1</sup> 832135) mational Purp	oses Only
Item 27*	April 20, 2016**	For <sup>(1339290)</sup> mational Purp	oses Only
Item 28	May 26, 2016**	For <sup>(1346095)</sup> mational Purp	oses Only
Item 29	June 17, 2016**	For <sup>(1352530)</sup> mational Purp	oses Only
Item 30	July 08, 2016**	For <sup>(1342401)</sup> mational Purp	oses Only
Item 31	July 21, 2016**	For <sup>(1359498)</sup> mational Purp	oses Only
Item 32	August 09, 2016**	For <sup>(1365939)</sup> mational Purp	oses Only
Item 33	September 01, 2016**	For <sup>(1372631)</sup> mational Purp	oses Only
Item 34	October 07, 2016**	For (1378804) mational Purp	oses Only
Item 35*	December 22, 2016**	For (1382565) mational Purp	oses Only
Item 36	February 09, 2017**	For (1393730) mational Purp	oses Only
Item 37	February 17, 2017**	For <sup>(1397515)</sup> mational Purp	oses Only
Item 38	March 21, 2017**	For (1411503) mational Purp	oses Only
Item 39	March 20, 2017**	For (1401565) mational Purp	oses Only
Item 40	March 30, 2017**	For (1404441) mational Purp	oses Only

Item 41	April 19, 2017**	For <sup>(1418000)</sup> mational	Purposes Only
Item 42	May 19, 2017**	For <sup>(1425592)</sup> mational	Purposes Only
Item 43	June 19, 2017**	For <sup>(1431623)</sup> mational	Purposes Only
Item 44	August 24, 2017**	For <sup>(1443894)</sup> mational	Purposes Only
Item 45	August 29, 2017**	For <sup>(1440212)</sup> mational	Purposes Only
Item 46	September 18, 2017**	For <sup>(1450502)</sup> mational	Purposes Only
Item 47	October 10, 2017**	For <sup>(1456354)</sup> mational	Purposes Only
Item 48	November 07, 2017**	For <sup>(1461818)</sup> mational	
Item 49	December 12, 2017**	For <sup>(1468203)</sup> mational	
Item 50	January 18, 2018**	For <sup>(1474904)</sup> mational	Purposes Only
Item 51*	February 12, 2018**	For <sup>(1487121)</sup> mational	Purposes Only
Item 52*	March 15, 2018**	For <sup>(1490794)</sup> mational	Purposes Only
Item 53*	April 09, 2018**	For <sup>(1494044)</sup> mational	Purposes Only
Item 54*	May 17, 2018**	For <sup>(1500988)</sup> mational	Purposes Only
Item 55*	June 04, 2018**	For <sup>(1486373)</sup> mational	Purposes Only
Item 56*	June 11, 2018**	For <sup>(1493334)</sup> mational	Purposes Only
Item 57*	June 14, 2018**	For <sup>(1508078)</sup> mational	Purposes Only
Item 58*	July 06, 2018**	For <sup>(1499134)</sup> mational	Purposes Only
Item 59*	July 16, 2018**	For <sup>(1514411)</sup> mational	Purposes Only
Item 60*	August 14, 2018**	For <sup>(1520462)</sup> mational	Purposes Only
Item 61*	September 18, 2018	For <sup>(1527633)</sup> mational	Purposes Only
Item 62*	October 09, 2018	For <sup>(1533993)</sup> mational	Purposes Only
Item 63*	November 13, 2018	For <sup>(1541825)</sup> mational	Purposes Only
Item 64*	December 06, 2018	For <sup>(1545597)</sup> mational	Purposes Only
Item 65	January 10, 2019	— (1560703)	Purposes Only
Item 66*	January 31, 2019	For <sup>(1500440)</sup> mational	
Item 67*	February 14, 2019	For <sup>(1560791)</sup> mational	Purposes Only
Item 68*	March 07, 2019	For <sup>(1560792)</sup> mational	Purposes Only
Item 69*	April 08, 2019	For <sup>(1572196)</sup> mational	Purposes Only
Item 70	May 02, 2019	For <sup>(1557643)</sup> mational	Purposes Only
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<sup>\*</sup> No violations documented during this investigation

<sup>\*\*</sup>Investigation applicable for the Compliance History Rating period between 09/01/2013 and 08/31/2018.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF BARTLETT	§	
RN100835487	§	ENVIRONMENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2019-0955-MWD-E

On	, the Texas Commission on Environmental Quality ("the
Commission" or "TC	EQ") considered this agreement of the parties, resolving an enforcement
action regarding the	City of Bartlett (the "Respondent") under the authority of TEX. WATER
CODE chs. 7 and 26.	The Executive Director of the TCEQ, through the Enforcement Division,
and the Respondent	presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

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

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

#### I. FINDINGS OF FACT

- 1. The Respondent owns and operates a wastewater treatment facility located approximately 0.5 mile northeast of the intersection of State Highway 95 and Farm-to-Market Road 487 with an associated collection system in Bell County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in Tex. WATER CODE § 26.001(5).
- 2. During an investigation conducted on May 3, 2019 through May 20, 2019, an investigator observed the discharge of untreated wastewater from a manhole located near 403 Northwest Front Street.
- 3. The Executive Director recognizes that the Respondent ceased the discharge and disinfected the affected area by May 20, 2019.

#### II. CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
- 2. As evidenced by Finding of Fact No. 2, the Respondent failed to prevent an unauthorized discharge of untreated 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 Texas Pollutant Discharge Elimination System Permit No. WQ0010880001, Permit Conditions No. 2.g.
- 3. Pursuant to Tex. Water Code § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
- 4. An administrative penalty in the amount of \$1,937 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 Respondent paid the \$1,937 penalty.

#### III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Bartlett, Docket No. 2019-0955-MWD-E" to:

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

- 2. The Respondent shall undertake the following technical requirements:
  - a. Within 60 days after the effective date of this Order, conduct an engineering evaluation of the main line and manhole to prevent future discharges along Northwest Front Street and implement the recommended corrective actions.
  - b. Within 75 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts,

and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

- 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 the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the

City of Bartlett DOCKET NO. 2019-0955-MWD-E Page 4

Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.

- 7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
- 8. 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.
- 9. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Order may be executed in separate and multiple counterparts, which together shall 10. 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.

City of Bartlett DOCKET NO. 2019-0955-MWD-E Page 5

# **SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date
Cunt	12/30/2021
For the Executive Director	Date
the attached Order, and I do agree to the te	and the attached Order. I am authorized to agree to erms and conditions specified therein. I further payment for the penalty amount, is materially relying
I also understand that failure to comply wi and/or failure to timely pay the penalty am	th the Ordering Provisions, if any, in this Order nount, may result in:
<ul><li>additional penalties, and/or attorney</li><li>Increased penalties in any future enfo</li></ul>	ations submitted; General's Office for contempt, injunctive relief, fees, or to a collection agency; orcement actions; eneral's Office of any future enforcement actions;
In addition, any falsification of any compli-	ance documents may result in criminal prosecution.
Signature Chad Mees - Mayor	9 15 7021 Date
Name (Printed or typed) Authorized Representative of City of Bartlett	Title
$\square$ If mailing address has changed, please	e check this box and provide the new address below: