

Executive Summary – Enforcement Matter – Case No. 58116

City of Jacksonville

RN101613180

Docket No. 2019-1569-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Jacksonville Double Creek Plant, 232 County Road 1411, Cherokee County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: February 10, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$56,575

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$56,575

Name of SEP: Lift Station Installation (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): May 22, 2019

Complaint Information: Alleged an unauthorized discharge.

Date(s) of Investigation: May 30, 2019

Date(s) of NOE(s): July 26, 2019

Executive Summary – Enforcement Matter – Case No. 58116
City of Jacksonville
RN101613180
Docket No. 2019-1569-MWD-E

Violation Information

1. Failed to prevent unauthorized discharges of untreated wastewater into or adjacent to any water in the state [30 TEX. ADMIN. CODE § 305.125(1) and (4), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010693003, Permit Conditions No. 2.g].

2. Failed to report unauthorized discharges orally to the Regional Office within 24 hours of becoming aware of the noncompliance, and in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A), and TPDES Permit No. WQ0010693003, Monitoring and Reporting Requirements No. 7.b.i].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. Ceased, cleaned, and disinfected the unauthorized discharges that occurred on May 10, 2019, May 17, 2019, May 19, 2019, and May 30, 2019;

b. On May 18, 2019, submitted a written notification for the unauthorized discharge that occurred on May 10, 2019;

c. On May 19, 2020 and May 30, 2019, the manhole lids located on East Rusk Street and adjacent to Ragsdale Creek were bolted; and

d. By December 6, 2019, ceased the unauthorized discharge of untreated wastewater that occurred at an impoundment located on an unnamed tributary of Ragsdale Creek, which resulted in a fish kill, removed a blockage from an 18-inch sewer main line, contained the discharge in the impoundment by pumping contaminated water back into the collection system to reduce the water level below the impoundment's overflow structure and capping drain lines, removed and properly disposed of the dead fish, disinfected the affected areas, installed water cannons to recirculate the water and provide aeration to the impoundment, monitored the water quality, and provided public notice.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

2. The Order will also require the Respondent to:

Executive Summary – Enforcement Matter – Case No. 58116

City of Jacksonville

RN101613180

Docket No. 2019-1569-MWD-E

a. Within 30 days:

i. Develop and implement procedures and conduct employee training to report any unauthorized discharge to the Regional Office within 24 hours of becoming aware, and in writing to the TCEQ within five working days of becoming aware; and

ii. Submit noncompliance notifications to the TCEQ of the unauthorized discharges that occurred on May 17, 2019 and May 30, 2019.

b. Within 45 days, submit written certification of compliance with a.

c. Within 60 days, conduct an engineering evaluation of the collection system to determine the cause of and necessary corrective actions designed to prevent or minimize the unauthorized discharge of untreated wastewater from the collection system. The evaluation shall be prepared by a Texas registered professional engineer and shall include a plan and schedule for the completion of necessary corrective actions within 270 days; and

d. Within 285 days, submit written certification to demonstrate compliance with c.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mark Gamble, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2587; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

Respondent: The Honorable Randy Gorham, Mayor, City of Jacksonville, 315 South Ragsdale Street, Jacksonville, Texas 75766-4917

James Hubbard, City Manager, City of Jacksonville, 315 South Ragsdale Street, Jacksonville, Texas 75766-4917

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|------------|----------------|--|
| DATES | Assigned | 29-Jul-2019 | Screening | 8-Aug-2019 | EPA Due | |
| | PCW | 26-Oct-2020 | | | | |

RESPONDENT/FACILITY INFORMATION

| | | | |
|-----------------------------|----------------------|---------------------------|-------|
| Respondent | City of Jacksonville | | |
| Reg. Ent. Ref. No. | RN101613180 | | |
| Facility/Site Region | 5-Tyler | Major/Minor Source | Minor |

CASE INFORMATION

| | | | |
|--|-----------------|------------------------------|--------------------|
| Enf./Case ID No. | 58116 | No. of Violations | 2 |
| Docket No. | 2019-1569-MWD-E | Order Type | Findings |
| Media Program(s) | Water Quality | Government/Non-Profit | Yes |
| Multi-Media | | Enf. Coordinator | Mark Gamble |
| | | EC's Team | Enforcement Team 1 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

| | | |
|---|-------------------|-----------------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$32,500 |
|---|-------------------|-----------------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|-------------------------|--------------------------------|----------------|
| Compliance History | 27.0% Adjustment | Subtotals 2, 3, & 7 | \$8,775 |
|---------------------------|-------------------------|--------------------------------|----------------|

| | |
|--------------|--|
| Notes | Enhancement for five months of self-reported effluent violations and one NOV with dissimilar violations. |
|--------------|--|

| | | | | |
|--------------------|----|-------------------------|-------------------|------------|
| Culpability | No | 0.0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|-------------------------|-------------------|------------|

| | |
|--------------|--|
| Notes | The Respondent does not meet the culpability criteria. |
|--------------|--|

| | | |
|--|-------------------|------------|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|--|-------------------|------------|

| | | | |
|-------------------------|--------------------------|-------------------|------------|
| Economic Benefit | 0.0% Enhancement* | Subtotal 6 | \$0 |
|-------------------------|--------------------------|-------------------|------------|

| | | |
|------------------------------|-----------|-----------------------------------|
| Total EB Amounts | \$10,126 | *Capped at the Total EB \$ Amount |
| Estimated Cost of Compliance | \$191,125 | |

| | | |
|-----------------------------|-----------------------|-----------------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$41,275 |
|-----------------------------|-----------------------|-----------------|

| | | |
|---|------------------------|------------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% Adjustment | \$0 |
|---|------------------------|------------|

Reduces or enhances the Final Subtotal by the indicated percentage.

| | |
|--------------|--|
| Notes | |
|--------------|--|

| | |
|-----------------------------|-----------------|
| Final Penalty Amount | \$41,275 |
|-----------------------------|-----------------|

| | | |
|-----------------------------------|-------------------------------|-----------------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$41,275 |
|-----------------------------------|-------------------------------|-----------------|

| | | |
|-----------------|----------------------------------|------------|
| DEFERRAL | 0.0% Reduction Adjustment | \$0 |
|-----------------|----------------------------------|------------|

Reduces the Final Assessed Penalty by the indicated percentage.

| | |
|--------------|---|
| Notes | No deferral is recommended for Findings Orders. |
|--------------|---|

| | |
|------------------------|-----------------|
| PAYABLE PENALTY | \$41,275 |
|------------------------|-----------------|

Screening Date 8-Aug-2019**Docket No.** 2019-1569-MWD-E**PCW****Respondent** City of Jacksonville

Policy Revision 4 (April 2014)

Case ID No. 58116

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101613180**Media** Water Quality**Enf. Coordinator** Mark Gamble**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>) | 5 | 25% |
| | Other written NOVs | 1 | 2% |
| 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) 27%**>> 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 five months of self-reported effluent violations and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 27%**>> Final Compliance History Adjustment****Final Adjustment Percentage *capped at 100%** 27%

Screening Date 8-Aug-2019

Docket No. 2019-1569-MWD-E

PCW

Respondent City of Jacksonville

Policy Revision 4 (April 2014)

Case ID No. 58116

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101613180

Media Water Quality

Enf. Coordinator Mark Gamble

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (4), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010693003, Permit Conditions No. 2.g.

Violation Description Failed to prevent unauthorized discharges of untreated wastewater into or adjacent to any water in the state, as shown in the attached unauthorized discharge table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | | 0.0% |

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 7 7 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | X |

Violation Base Penalty \$26,250

Seven single events are recommended for each discharge that occurred.

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 \$10,090

Violation Final Penalty Total \$33,338

This violation Final Assessed Penalty (adjusted for limits) \$33,338

Economic Benefit Worksheet

Respondent City of Jacksonville
Case ID No. 58116
Reg. Ent. Reference No. RN101613180
Media Water Quality
Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|-----------|-------------|-------------|------|-------|---------|---------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | \$50,000 | 10-May-2019 | 15-Feb-2022 | 2.77 | \$462 | \$9,242 | \$9,704 |
| 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 | \$140,750 | 10-May-2019 | 30-May-2019 | 0.05 | \$386 | n/a | \$386 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated engineering/construction cost to conduct an engineering evaluation of the collection system to determine the cause of and necessary corrective actions designed to prevent or minimize the unauthorized discharge of untreated wastewater from the collection system. Date required is the first day of noncompliance. Final date is the estimated date of compliance.

Remediation/Disposal cost is the actual cost to cease, clean, and disinfect the unauthorized discharges that occurred on May 10, 2019, May 17, 2019, May 19, 2019, and May 30, 2019, and to bolt the manhole lids located on East Rusk Street and the other manhole adjacent to Ragsdale Creek. Date required is the first date of noncompliance. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$190,750

TOTAL

\$10,090

Screening Date 8-Aug-2019
Respondent City of Jacksonville
Case ID No. 58116
Reg. Ent. Reference No. RN101613180
Media Water Quality
Enf. Coordinator Mark Gamble

Docket No. 2019-1569-MWD-E

PCW

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

Violation Number
Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (9)(A), and TPDES Permit No. WQ0010693003, Monitoring and Reporting Requirements No. 7.b.i

Violation Description

Failed to report unauthorized discharges orally to the Regional Office within 24 hours of becoming aware of the noncompliance, and in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, the Respondent did not report four unauthorized discharges from the collection system to the Tyler Regional Office and the notification for the unauthorized discharge that occurred on May 10, 2019 was not submitted timely.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| Matrix Notes | Falsification | Harm | | | Percent |
|--------------|---------------|-------------------------------------|--------------------------|--------------------------|-----------------------------------|
| | | Major | Moderate | Minor | |
| | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text" value="5.0%"/> |

More than 70% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Five single events are recommended.

Good Faith Efforts to Comply

Reduction

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

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Jacksonville
Case ID No. 58116
Reg. Ent. Reference No. RN101613180
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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

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 | 17-May-2019 | 20-Jun-2021 | 2.10 | \$26 | n/a | \$26 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | \$25 | 14-May-2019 | 18-May-2019 | 0.01 | \$0 | n/a | \$0 |
| Other (as needed) | \$100 | 24-May-2019 | 20-Jun-2021 | 2.08 | \$10 | n/a | \$10 |

Notes for DELAYED costs

Estimated training/sampling cost to develop and implement procedures and conduct employee training to report an unauthorized discharge to the Regional Office within 24 hours of becoming aware, and in writing to the TCEQ within five working days of becoming aware. Date Required is the investigation date. Final Date is the estimated date of compliance.

Estimated other cost to notify the TCEQ of an unauthorized discharge that occurred on May 10, 2019 (\$25). Date Required is the date the noncompliance notification was due. Final Date is the date of compliance.

Estimated other cost to notify the TCEQ of the unauthorized discharges that occurred on May 17, 2019 and May 30, 2019 (\$25 each unauthorized discharge). Date Required is the date the noncompliance notification was due. 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

\$375

TOTAL

\$36



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| DATES | Assigned | 13-Jan-2020 | Screening | 16-Jan-2020 | EPA Due | |
| | PCW | 23-Oct-2020 | | | | |

| | |
|--|----------------------|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | City of Jacksonville |
| Reg. Ent. Ref. No. | RN101613180 |
| Facility/Site Region | 5-Tyler |
| Major/Minor Source | Minor |

| | | | |
|--|-----------------|------------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 58116 | No. of Violations | 1 |
| Docket No. | 2019-1569-MWD-E | Order Type | Findings |
| Media Program(s) | Water Quality | Government/Non-Profit | Yes |
| Multi-Media | | Enf. Coordinator | Mark Gamble |
| | | EC's Team | Enforcement Team 1 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

| | | |
|---|-------------------|-----------------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$15,000 |
|---|-------------------|-----------------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|-------------------------|--------------------------------|----------------|
| Compliance History | 27.0% Adjustment | Subtotals 2, 3, & 7 | \$4,050 |
|---------------------------|-------------------------|--------------------------------|----------------|

| | |
|--------------|--|
| Notes | Enhancement for five months of self-reported effluent violations and one NOV with dissimilar violations. |
|--------------|--|

| | | | | |
|--------------------|----|-------------------------|-------------------|------------|
| Culpability | No | 0.0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|-------------------------|-------------------|------------|

| | |
|--------------|--|
| Notes | The Respondent does not meet the culpability criteria. |
|--------------|--|

| | | |
|--|-------------------|-----------------|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | -\$3,750 |
|--|-------------------|-----------------|

| | | | |
|-------------------------|--------------------------|-------------------|------------|
| Economic Benefit | 0.0% Enhancement* | Subtotal 6 | \$0 |
|-------------------------|--------------------------|-------------------|------------|

| | | |
|------------------------------|----------|-----------------------------------|
| Total EB Amounts | \$595 | *Capped at the Total EB \$ Amount |
| Estimated Cost of Compliance | \$80,390 | |

| | | |
|-----------------------------|-----------------------|-----------------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$15,300 |
|-----------------------------|-----------------------|-----------------|

| | | |
|---|------------------------|------------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% Adjustment | \$0 |
|---|------------------------|------------|

Reduces or enhances the Final Subtotal by the indicated percentage.

| | |
|--------------|--|
| Notes | |
|--------------|--|

| | |
|-----------------------------|-----------------|
| Final Penalty Amount | \$15,300 |
|-----------------------------|-----------------|

| | | |
|-----------------------------------|-------------------------------|-----------------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$15,300 |
|-----------------------------------|-------------------------------|-----------------|

| | | |
|-----------------|----------------------------------|------------|
| DEFERRAL | 0.0% Reduction Adjustment | \$0 |
|-----------------|----------------------------------|------------|

Reduces the Final Assessed Penalty by the indicated percentage.

| | |
|--------------|---|
| Notes | No deferral is recommended for Findings Orders. |
|--------------|---|

| | |
|------------------------|-----------------|
| PAYABLE PENALTY | \$15,300 |
|------------------------|-----------------|

Screening Date 16-Jan-2020

Docket No. 2019-1569-MWD-E

PCW

Respondent City of Jacksonville

Policy Revision 4 (April 2014)

Case ID No. 58116

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101613180

Media Water Quality

Enf. Coordinator Mark Gamble

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>) | 5 | 25% |
| | Other written NOVs | 1 | 2% |
| 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) 27%

>> 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 five months of self-reported effluent violations and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 27%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 27%

Screening Date 16-Jan-2020
Respondent City of Jacksonville
Case ID No. 58116
Reg. Ent. Reference No. RN101613180
Media Water Quality
Enf. Coordinator Mark Gamble

Docket No. 2019-1569-MWD-E

PCW

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

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (4), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010693003, Permit Conditions No. 2.g

Violation Description Failed to prevent an unauthorized discharge of untreated wastewater into or adjacent to any water in the state. Specifically, on October 13, 2019, approximately 100,000 gallons of untreated wastewater discharged from a manhole located approximately 1.6 miles southeast of the intersection of Texas State Highway 204 and Texas State Highway Loop 456 and discharged into an impoundment located on an unnamed tributary of Ragsdale Creek, killing approximately 500 fish.

Base Penalty

>> Environmental, Property and Human Health Matrix

| Release | Harm | | | Percent |
|-----------|-------------------------------------|--------------------------|--------------------------|------------------------------------|
| | Major | Moderate | Minor | |
| Actual | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text" value="30.0%"/> |
| Potential | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

>> Programmatic Matrix

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

Matrix Notes 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

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Two monthly events are recommended, calculated from the date of the unauthorized discharge (October 13, 2019) to the date of compliance (December 6, 2019).

Good Faith Efforts to Comply

Reduction

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

Notes The Respondent achieved compliance by December 6, 2019.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Jacksonville
Case ID No. 58116
Reg. Ent. Reference No. RN101613180
Media Water Quality
Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|----------|-------------|------------|------|-------|-----|-------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | \$80,390 | 13-Oct-2019 | 6-Dec-2019 | 0.15 | \$595 | n/a | \$595 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Remediation/Disposal cost are the actual cost to cease the unauthorized discharge of untreated wastewater that occurred at an impoundment located on an unnamed tributary of Ragsdale Creek, which resulted in a fish kill, removing a blockage from an 18-inch sewer main line, containing the discharge in the impoundment by pumping contaminated water back into the collection system to reduce the water level below the impoundment's overflow structure and capping drain lines, remove and properly dispose of the dead fish, disinfect the affected areas, install water cannons to recirculate the water and provide aeration to the impoundment, monitor the water quality, and provide public notice. Date required is the date of the discharge. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$80,390

TOTAL \$595

City of Jacksonville
 TPDES Permit No. WQ0010693003
 Docket No. 2019-1569-MWD-E

| Unauthorized Discharge Table | | | |
|------------------------------|-----------------------------|---|---|
| Date | Amount Discharged (gallons) | Description | Corrective Action |
| May 10, 2019 | >100,000 | Inflow and Infiltration caused an overflow from a manhole located on South Boulton Street. | Hired a professional engineering firm to evaluate the collection system. The affected area was cleaned and disinfected with High Test Hypochlorite ("HTH"). |
| May 17, 2019 | 100,000 | Inflow and Infiltration caused an overflow from two manholes on Medi Vac Road. | The affected area was disinfected with HTH. |
| May 17, 2019 | 100,000 | Inflow and Infiltration caused an overflow from a manhole on the southeast corner of Fuller Street at South Bolton. | The affected area was disinfected with HTH. |
| May 17, 2019 | 50,000 | Inflow and Infiltration caused an overflow from two service line cleanouts located at the Creekside Village Apartments onto a driveway then onto South Bolton Street. | The affected area was disinfected with HTH. |
| May 19, 2019 | >100,000 | Inflow and Infiltration caused an overflow at the Lake Shore Lift Station and into an adjacent creek. | Sampling was conducted along the creek near Sunnydale and in Lake Jacksonville and the affected area was disinfected with HTH. |
| May 19, 2019 | > 100,000 | Inflow and Infiltration caused an overflow from the collection system located on East Rusk Street. | Bolted the manhole lid and the affected area was disinfected with HTH. |
| May 30, 2019 | 100,000 | Inflow and Infiltration caused an overflow from a manhole adjacent to Ragsdale Creek. | Bolted the manhole lid and the affected area was disinfected with HTH. |

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 CN600613608, RN101613180, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN600613608, City of Jacksonville **Classification:** SATISFACTORY **Rating:** 1.16

Regulated Entity: RN101613180, City of Jacksonville Double Creek Plant **Classification:** SATISFACTORY **Rating:** 3.00

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

CH Group: 08 - Sewage Treatment Facilities

Location: 232 County Road 1411, in Cherokee County, Texas

TCEQ Region: REGION 05 - TYLER

ID Number(s): WASTEWATER PERMIT WQ0010693003 WASTEWATER EPA ID TX0100587

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

Date Compliance History Report Prepared: October 15, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 15, 2015 to October 15, 2020

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

Name: Mark Gamble **Phone:** (512) 239-2587

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 | October 22, 2015 | (1297887) | Item 17 | December 20, 2016 | (1391961) |
| Item 2 | November 30, 2015 | (1303337) | Item 18 | February 17, 2017 | (1405474) |
| Item 3 | February 17, 2016 | (1326443) | Item 19 | March 16, 2017 | (1412553) |
| Item 4 | February 26, 2016 | (1326444) | Item 20 | April 17, 2017 | (1419052) |
| Item 5 | April 20, 2016 | (1340343) | Item 21 | May 12, 2017 | (1426702) |
| Item 6 | May 13, 2016 | (1347158) | Item 22 | June 14, 2017 | (1432698) |
| Item 7 | June 14, 2016 | (1353573) | Item 23 | July 14, 2017 | (1441259) |
| Item 8 | June 17, 2016 | (1336612) | Item 24 | August 23, 2017 | (1444938) |
| Item 9 | July 21, 2016 | (1360551) | Item 25 | September 18, 2017 | (1451521) |
| Item 11 | August 18, 2016 | (1366992) | Item 26 | October 18, 2017 | (1457400) |
| Item 13 | September 20, 2016 | (1373718) | Item 27 | November 14, 2017 | (1462841) |
| Item 14 | October 18, 2016 | (1379862) | Item 28 | December 14, 2017 | (1469260) |
| Item 15 | October 27, 2016 | (1398568) | Item 29 | January 08, 2018 | (1475954) |
| Item 16 | November 22, 2016 | (1385804) | Item 30 | February 16, 2018 | (1488142) |

| | | | | | |
|---------|--------------------|-----------|---------|--------------------|-----------|
| Item 31 | March 15, 2018 | (1491809) | Item 40 | December 12, 2018 | (1546605) |
| Item 32 | April 16, 2018 | (1495098) | Item 42 | February 17, 2020 | (1642049) |
| Item 33 | May 16, 2018 | (1502019) | Item 43 | March 18, 2020 | (1648563) |
| Item 34 | June 07, 2018 | (1509134) | Item 44 | April 15, 2020 | (1674954) |
| Item 35 | August 23, 2018 | (1521496) | Item 47 | June 01, 2020 | (1646708) |
| Item 37 | September 14, 2018 | (1528683) | Item 48 | June 16, 2020 | (1668008) |
| Item 38 | October 17, 2018 | (1535009) | Item 49 | July 07, 2020 | (1644998) |
| Item 39 | November 15, 2018 | (1542863) | Item 50 | September 11, 2020 | (1681724) |

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: 10/31/2019 (1620454)
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: 11/30/2019 (1627805)
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: 12/31/2019 (1635432)
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: 03/31/2020 (1654914)
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: 04/30/2020 (1661477)
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: 07/29/2020 (1672029)
Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(viii)
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(viii)(A)
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(viii)(B)
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(viii)(C)
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(viii)(D)
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(viii)(E)
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(viii)(F)
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(viii)(G)
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(viii)(H)
Description: The Control Authority failed to document that all of the significant noncompliance criteria were evaluated on a rolling quarter basis for the 2018-2019 pretreatment year. This was partially resolved on August 18, 2020. The Control Authority submitted SNC evaluation sheets for each of the permitted SIUs.
Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 403, SubChapter N, PT 403 403.12(g)(2)
40 CFR Chapter 403, SubChapter N, PT 403 403.12(l)
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(iv)
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(5)(ii)
Description: The Control Authority failed to follow its Enforcement Response Plan.
Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(v)
Description: The Control Authority failed to sample and inspect significant industrial users at least once during the 2018-2019 pretreatment year.

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 JACKSONVILLE
RN101613180

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2019-1569-MWD-E

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

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located at 232 County Road 1411 in Cherokee County, Texas with an associated wastewater collection system (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 17, 2019 through May 30, 2019, an investigator documented that the Respondent:
 - a. Did not prevent unauthorized discharges of untreated wastewater into or adjacent to any water in the state, as shown in the unauthorized discharge table below:

| Date | Amount Discharged (gallons) | Description | Corrective Action |
|--------------|-----------------------------|---|---|
| May 10, 2019 | >100,000 | Inflow and Infiltration caused an overflow from a manhole located on South Boulton Street. | Hired a professional engineering firm to evaluate the collection system. The affected area was cleaned and disinfected with high test hypochlorite ("HTH"). |
| May 17, 2019 | 100,000 | Inflow and Infiltration caused an overflow from two manholes on Medi Vac Road. | The affected area was disinfected with HTH. |
| May 17, 2019 | 100,000 | Inflow and Infiltration caused an overflow from a manhole on the southeast corner of Fuller Street at South Bolton. | The affected area was disinfected with HTH. |
| May 17, 2019 | 50,000 | Inflow and Infiltration caused an overflow from two service line cleanouts located at the Creekside Village Apartments onto a driveway then onto South Bolton Street. | The affected area was disinfected with HTH. |
| May 19, 2019 | 100,000 | Inflow and Infiltration caused an overflow at the Lake Shore Lift Station and into an adjacent creek. | Sampling was conducted along the creek near Sunnydale and in Lake Jacksonville and the affected area was disinfected with HTH. |
| May 19, 2019 | >100,000 | Inflow and Infiltration caused an overflow from the collection system located on East Rusk Street. | Bolted the manhole lid and the affected area was disinfected with HTH. |
| May 30, 2019 | >100,000 | Inflow and Infiltration caused an overflow from a manhole adjacent to Ragsdale Creek. | Bolted the manhole lid and the affected area was disinfected with HTH. |

- b. Did not report four unauthorized discharges from the collection system to the Tyler Regional Office and the notification for the unauthorized discharge that occurred on May 10, 2019 was not submitted timely.

3. During an investigation conducted on October 18, 2019 through October 31, 2019, an investigator documented that on October 13, 2019, approximately 100,000 gallons of untreated wastewater discharged from a manhole located approximately 1.6 miles southeast of the intersection of Texas State Highway 204 and Texas State Highway Loop 456 and discharged into an impoundment located on an unnamed tributary of Ragsdale Creek, killing approximately 500 fish.
4. The Executive Director recognizes that the Respondent:
 - a. Ceased, cleaned, and disinfected the unauthorized discharges that occurred on May 10, 2019, May 17, 2019, May 19, 2019, and May 30, 2019;
 - b. On May 18, 2019, submitted a written notification for the unauthorized discharge that occurred on May 10, 2019;
 - c. On May 19, 2020 and May 30, 2019, the manhole lids located on East Rusk Street and adjacent to Ragsdale Creek were bolted; and
 - d. By December 6, 2019, ceased the unauthorized discharge of untreated wastewater that occurred at an impoundment located on an unnamed tributary of Ragsdale Creek, which resulted in a fish kill, removed a blockage from an 18-inch sewer main line, contained the discharge in the impoundment by pumping contaminated water back into the collection system to reduce the water level below the impoundment's overflow structure and capping drain lines, removed and properly disposed of the dead fish, disinfected the affected areas, installed water cannons to recirculate the water and provide aeration to the impoundment, monitored the water quality, and provided public notice.

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 Nos. 2.a and 3, the Respondent failed to prevent unauthorized discharges of untreated wastewater into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (4), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010693003, Permit Conditions No. 2.g.
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to report unauthorized discharges orally to the Regional Office within 24 hours of becoming aware of the noncompliance, and in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A), and TPDES Permit No. WQ0010693003, Monitoring and Reporting Requirements No. 7.b.i.
4. 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.

5. An administrative penalty in the amount of \$56,575 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Pursuant to TEX. WATER CODE § 7.067, \$56,575 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A" - incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 5 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 Jacksonville, Docket No. 2019-1569-MWD-E" to:

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

2. The Respondent shall implement and complete an SEP as set forth in Conclusion of Law No. 5. The amount of \$56,575 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Develop and implement procedures and conduct employee training to report any unauthorized discharge to the Regional Office within 24 hours of becoming aware, and in writing to the TCEQ within five working days of becoming aware; and

- ii. Submit noncompliance notifications to the TCEQ of the unauthorized discharges that occurred on May 17, 2019 and May 30, 2019.
- b. Within 45 days after the effective date of this Order, submit written certification of compliance with Ordering Provision Nos. 3.a.i and 3.a.ii, in accordance with Ordering Provision No. 3.d below.
- c. Within 60 days after the effective date of this Order, conduct an engineering evaluation of the collection system to determine the cause of and necessary corrective actions designed to prevent or minimize the unauthorized discharge of untreated wastewater from the collection system. The evaluation shall be prepared by a Texas registered professional engineer and shall include a plan and schedule for the completion of necessary corrective actions within 270 days after the effective date of this Order.
- d. Within 285 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. 3.c. 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:

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

with a copy to:

Water Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

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

5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
11. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

3/10/2023

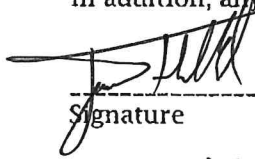
Date

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

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG 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 OAG of any of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

9 JAN 2023

Date

James Hubbard

Name (Printed or typed)
Authorized Representative of
City of Jacksonville

City Manager

Title

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

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

Attachment A

Docket Number: 2019-1569-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|---------------------------|---|
| Respondent: | City of Jacksonville |
| Penalty Amount: | Fifty-Six Thousand Five Hundred Seventy-Five Dollars (\$56,575) |
| SEP Offset Amount: | Fifty-Six Thousand Five Hundred Seventy-Five Dollars (\$56,575) |
| Type of SEP: | Compliance |
| Project Name: | <i>Lift Station Installation</i> |
| Location of SEP: | Cherokee County |

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to perform a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility (the “Facility”) which are described in this Agreed Order. This Agreed Order cites violations at Respondent’s Facility.

1. Project Description

A. Project

Respondent shall hire a contractor to purchase and install a new wastewater lift station located along Sunnysdale Street east of South Bolton Street in Jacksonville. The lift station will primarily provide sewer service to an apartment complex and a local commercial customer. Due to the overloaded conditions occurring in the City’s sewer collection system during periods of heavy rainfall, the apartment complex experiences backups in its sewer system. Installation of the lift station will reduce unauthorized discharges from the Facility. The lift station installation will consist of a wet well, wastewater pumps, associated piping, electrical controls, and installation of a manual transfer switch for backup power capabilities during periods of power outages. An automatic telephone dialer will also be installed to alert City staff that a power outage or a pump problem has occurred. The contractor will also install an all-weather access driveway to the lift station and install intruder resistant fencing around the lift station. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for lift station installation, access driveway, and fencing (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement, including publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP.

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

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by preventing wastewater discharges being released into the environment during the collection process.

Wastewater discharges can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. Additional risks include occurrences of low dissolved oxygen, fish kills, algal bloom, and bacterial contamination in waterways.

C. Minimum Expenditure

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

Estimated Cost Schedule

| Item | Quantity | Cost | Units | Total |
|---|-----------------|-------------|--------------|-----------------|
| Wet Well and Pumps | 1 | \$50,000 | Lump Sum | \$50,000 |
| Electrical Wiring/Control Equipment | 1 | \$10,000 | Lump Sum | \$10,000 |
| Piping and Valves | 1 | \$10,000 | Lump Sum | \$10,000 |
| Site Improvements-Access Driveway and Fencing at Lift Station | 1 | \$5,000 | Lump Sum | \$5,000 |
| Total | | | | \$75,000 |

2. Performance Schedule

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

3. Records and Reporting

A. Progress Report

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

Reporting Schedule

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

B. Final Report

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

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

C. Address

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

Texas Commission on Environmental Quality

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

4. Additional Information and Access

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

5. Failure to Fully Perform

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

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

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

6. Publicity

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

7. Recognition

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

8. Other SEPs by TCEQ or Other Agencies

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