

Executive Summary – Enforcement Matter – Case No. 52092

City of San Augustine

RN103137949

Docket No. 2019-1582-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

A violation of a commission issued enforcement order or court order.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of San Augustine WWTF, located approximately 5,000 feet northeast of the intersection of United States Highway 96 and Farm-to-Market Road 147, San Augustine, San Augustine 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: None

Texas Register Publication Date: March 15, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$83,375

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$83,375

Name of SEP: WWTP Improvements (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): N/A

Complaint Information: N/A

Date(s) of Investigation: July 24, 2019 and October 4, 2019

Date(s) of NOE(s): September 24, 2019

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RN103137949
Docket No. 2019-1582-MWD-E

Violation Information

1. Failed to submit monitoring results at intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010268001, Monitoring and Reporting Requirements No. 1].
2. Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010268001, Monitoring and Reporting Requirements No. 7.c].
3. Failed to comply with specified sample preservation methods [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(a) and TPDES Permit No. WQ0010268001, Monitoring and Reporting Requirements No. 2.a].
4. Failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative for a period of three years [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 319.7(c) and TPDES Permit No. WQ0010268001, Monitoring and Reporting Requirements No. 5].
5. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1].
6. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1].
7. Failed to make a self-contained breathing apparatus available for use by facility personnel and located at a safe distance from the chlorine facilities to ensure accessibility [30 TEX. ADMIN. CODE § 317.6(b)(1)(D)].
8. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1].
9. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1].
10. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1].

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11. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1].

12. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1].

13. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.4(b)(4) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1].

14. Failed to report an unauthorized discharge 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. WQ0010268001, Monitoring and Reporting Requirements No. 7.a].

15. Failed to obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities whenever the flow measurements reach 90% of the permitted daily average flow for three consecutive months and failed to submit progress reports at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and 305.126(a), TPDES Permit No. WQ0010268001, Operational Requirements No. 8.a and Other Requirements No. 5, and TCEQ Agreed Order Docket No. 2016-0449-MWD-E, Ordering Provision Nos. 3.a.i and 3.e].

16. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5), TPDES Permit No. WQ0010268001, Operational Requirements No. 1, and TCEQ Agreed Order Docket No. 2016-0449-MWD-E, Ordering Provision Nos. 3.a.iii and 3.a.v].

17. Failed to comply with permitted effluent limitations for daily average flow, dissolved oxygen, and *Echerichia coli* [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0010268001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, and TCEQ Agreed Order Docket No. 2016-0449-MWD-E, Ordering Provision No. 3.i(2)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

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- a. Initiated engineering and financial planning for expansion and upgrading of the Facility, and an assessment of the system, including labor, equipment, and engineering fees by October 8, 2020;
- b. Ceased storing food in the monitoring samples refrigerator by August 3, 2020;
- c. Cleaned the grease out of the bar screen cleaning area by August 3, 2020;
- d. Removed all vegetation from inside and outside the racetrack and reduced the foam within the racetrack by August 3, 2020;
- e. Purchased a self-contained breathing apparatus and made available for facility personnel by August 3, 2020;
- f. Replaced the staff gauge by August 3, 2020;
- g. Removed the excessive vegetation growing on the north and west perimeter fence and closed the back gate to the Facility by August 3, 2020;
- h. Removed excessive solids from the chlorine contact chamber by August 3, 2020;
- i. Replaced both pumps at the Montgomery Street Lift Station by August 3, 2020; and
- j. Affixed the screening storage container with a well-fitted lid by August 3, 2020.

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:
 - a. Within 30 days:
 - i. Submit the discharge monitoring report for August 2017;
 - ii. Purchase and use a National Institute of Standards and Technology thermometer in the monitoring samples refrigerator;
 - iii. Ensure that monitoring/reporting records are readily available for a period of three years, including but not limited to flow meter calibration certification and reduced pressure backflow assembly test report records;
 - iv. Remove the solids from the drying pad;

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- v. Replace one rotor brush aerator;
 - vi. Repair/replace the audio and visual alarms at the Montgomery Street Lift Station;
 - vii. Clean out the wet well and remove a branch from the barbed wire fence at the Montgomery Street Lift Station;
 - viii. Remove vegetation from the sludge drying beds;
 - ix. Affix the storage containers outside the influent area and the chlorine contact chamber area with well-fitted lids;
 - x. Develop and implement procedures to ensure unauthorized discharge noncompliance reports contain all required information;
 - xi. Update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished, including quarterly progress reports submitted to the Beaumont Regional Office and the Enforcement Division with updates on the progress to initiate engineering and financial planning for expansion of the Facility and/or collection system;
 - xii. Repair/replace the rubber rakes to be flush with the skimmer side walls of Clarifier Nos. 1 and 2; and
 - xiii. Remove and properly dispose of excess solids and grease from the Cash Street Lift Station wet well.
- b. Within 45 days, submit written certification of compliance with a.
 - c. Within 60 days, submit a notice, which may be in the form of an engineering report, to the TCEQ describing any planned physical alterations or additions.
 - d. Within 75 days, submit written certification of compliance with c.
 - e. Within 180 days, submit written certification of compliance that authorization to commence construction of the modifications to the Facility and associated collection system has been obtained.
 - f. Within 360 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010268001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

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Docket No. 2019-1582-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5865; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Adena Crider, SEP Coordinator, Litigation Division, MC 175, (512) 239-0648

Respondent: The Honorable Leroy Hughes, Mayor, City of San Augustine, 301 South Harrison Street, San Augustine, Texas 75972

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|------------|----------------|--|
| DATES | Assigned | 30-Sep-2019 | Screening | 4-Oct-2019 | EPA Due | |
| | PCW | 20-Aug-2020 | | | | |

| | |
|--|-----------------------|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | City of San Augustine |
| Reg. Ent. Ref. No. | RN103137949 |
| Facility/Site Region | 10-Beaumont |
| Major/Minor Source | Minor |

| | | | |
|--|-----------------|------------------------------|-----------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 52092 | No. of Violations | 19 |
| Docket No. | 2019-1582-MWD-E | Order Type | Findings |
| Media Program(s) | Water Quality | Government/Non-Profit | Yes |
| Multi-Media | | Enf. Coordinator | Steven Van Landingham |
| | | EC's Team | Enforcement Team 3 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

| | | |
|---|-------------------|-----------------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$65,250 |
|---|-------------------|-----------------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|-------------------------|--------------------------------|-----------------|
| Compliance History | 30.0% Adjustment | Subtotals 2, 3, & 7 | \$19,575 |
|---------------------------|-------------------------|--------------------------------|-----------------|

Notes: Enhancement for two months of self-reported effluent violations and one agreed order with a denial of liability.

| | | | | |
|--------------------|----|-------------------------|-------------------|------------|
| 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 | -\$1,450 |
|--|-------------------|-----------------|

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

Total EB Amounts: \$9,593
 Estimated Cost of Compliance: \$97,216
 *Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|-----------------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$83,375 |
|-----------------------------|-----------------------|-----------------|

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

| | |
|-----------------------------|-----------------|
| Final Penalty Amount | \$83,375 |
|-----------------------------|-----------------|

| | | |
|-----------------------------------|-------------------------------|-----------------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$83,375 |
|-----------------------------------|-------------------------------|-----------------|

| | | | |
|-----------------|-----------------------|-------------------|------------|
| 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 | \$83,375 |
|------------------------|-----------------|

Screening Date 4-Oct-2019

Docket No. 2019-1582-MWD-E

PCW

Respondent City of San Augustine

Policy Revision 4 (April 2014)

Case ID No. 52092

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103137949

Media Water Quality

Enf. Coordinator Steven Van Lanningham

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>) | 2 | 10% |
| | Other written NOVs | 0 | 0% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 1 | 20% |
| | 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) 30%

>> 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 two months of self-reported effluent violations and one agreed order with a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date 4-Oct-2019 **Docket No.** 2019-1582-MWD-E **PCW**
Respondent City of San Augustine *Policy Revision 4 (April 2014)*
Case ID No. 52092 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN103137949
Media Water Quality
Enf. Coordinator Steven Van Landingham

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010268001, Monitoring and Reporting Requirements No. 1
Violation Description Failed to submit monitoring results at intervals specified in the permit. Specifically, the discharge monitoring report ("DMR") for August 2017 was not submitted by the 20th day of the following month.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 0.0% |
| | Potential | | | | |

>> Programmatic Matrix

| Matrix Notes | Falsification | Harm | | | Percent |
|---|---------------|-------|----------|-------|----------|
| | | Major | Moderate | Minor | |
| | | x | | | 5.0% |
| 100% of the rule requirements were not met. | | | | | |
| Adjustment | | | | | \$23,750 |

Violation Events

Number of Violation Events: 1 744 Number of violation days

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

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
|---------------|--|-----------------------------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | |
| Notes | The Respondent does not meet the good faith criteria for this violation. | |

Violation Subtotal \$1,250

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

Estimated EB Amount \$4 **Violation Final Penalty Total** \$1,625
This violation Final Assessed Penalty (adjusted for limits) \$1,625

Economic Benefit Worksheet

Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Violation No. 1

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

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

Delayed Costs

| | | | | | | | |
|--------------------------|------|-------------|------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | \$25 | 20-Sep-2017 | 9-Mar-2021 | 3.47 | \$4 | n/a | \$4 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated Record Keeping System cost to submit the DMR for August 2017. The Date Required is the DMR due date and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$4

Screening Date 4-Oct-2019
Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2019-1582-MWD-E

PCW

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

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010268001, Monitoring and Reporting Requirements No. 7.c

Violation Description Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance. Specifically, the Respondent exceeded the daily average concentration limit for ammonia nitrogen and the daily maximum concentration single grab limit for Escherichia coli by greater than 40% in January 2017 and did not report the exceedances to the TCEQ.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 0.0% |
| | Potential | | | | |

>> Programmatic Matrix

| | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
| | | x | | | 5.0% |

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 951 Number of violation days

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

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
|---------------|----------------|-----------------------------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | |

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$1,625

This violation Final Assessed Penalty (adjusted for limits) \$1,625

Economic Benefit Worksheet

Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Violation No. Water Quality
 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 | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Avoided Costs

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

| | | | | | | | |
|-------------------------------|------|-------------|------------|------|-----|------|------|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | \$25 | 25-Feb-2017 | 4-Oct-2019 | 2.61 | \$3 | \$25 | \$28 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Estimated avoided cost to notify the TCEQ in writing of a 40% exceedance. The Date Required is the date the noncompliance notification was due and the Final Date is the screening date.

Approx. Cost of Compliance \$25

TOTAL \$28

Screening Date 4-Oct-2019
Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2019-1582-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 319.11(a) and TPDES Permit No. WQ0010268001, Monitoring and Reporting Requirements No. 2.a

Violation Description Failed to comply with specified sample preservation methods. Specifically, food was being stored in the refrigerator that was used for storing the Facility's monitoring samples. In addition, the refrigerator did not have a National Institute of Standards and Technology ("NIST") thermometer.

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="3.0%"/> |
| | Potential | <input type="text"/> | <input type="text"/> | <input checked="" type="checkbox"/> | |

>> Programmatic Matrix

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

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

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

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Violation No. 3

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

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

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|-----|------|------|
| Equipment | \$300 | 24-Jul-2019 | 9-Mar-2021 | 1.63 | \$2 | \$33 | \$35 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$50 | 24-Jul-2019 | 3-Aug-2020 | 1.03 | \$3 | n/a | \$3 |

Notes for DELAYED costs

Estimated Equipment cost to purchase and use a NIST thermometer in the monitoring samples refrigerator. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Estimated cost to cease storing food in the monitoring samples refrigerator. The Date Required is the investigation date and the Final Date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$350

TOTAL \$38

Screening Date 4-Oct-2019
Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2019-1582-MWD-E

PCW

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

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (11)(B) and 319.7(c) and TPDES Permit No. WQ0010268001, Monitoring and Reporting Requirements No. 5

Violation Description Failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative for a period of three years. Specifically, the flow meter calibration certification and reduced pressure backflow assembly ("RPBA") test report records were not maintained at the Facility and were not available for review.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 0.0% |
| | Potential | | | | |

>> Programmatic Matrix

| | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
| | | | | x | 1.0% |

Matrix Notes

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 72 Number of violation days

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

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

| | Before NOE/NOV | NOE/NOV to EDRP/ Settlement Offer |
|---------------|----------------|-----------------------------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | |

Notes

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$41

Violation Final Penalty Total \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

Economic Benefit Worksheet

Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Violation No. 4

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

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

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | \$500 | 24-Jul-2019 | 9-Mar-2021 | 1.63 | \$41 | n/a | \$41 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs
 Estimated Record Keeping System cost to ensure that monitoring/reporting records are readily available for a period of three years, including but not limited to flow meter calibration certification and reduced pressure backflow assembly test report records. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs
 (Empty box for notes)

Approx. Cost of Compliance \$500

TOTAL \$41

Screening Date 4-Oct-2019
Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2019-1582-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 (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1

Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, excessive grease was in the bar screen cleaning area and the drying pad was full of solids.

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="5.0%"/> |
| | Potential | <input type="text"/> | <input checked="" type="text" value="x"/> | <input type="text"/> | |

>> Programmatic Matrix

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

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Two quarterly events are recommended (one event for each treatment unit), from the July 24, 2019 investigation date to the October 4, 2019 screening date.

Good Faith Efforts to Comply

Reduction

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

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 San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Violation No. 5

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

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

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 | \$250 | 24-Jul-2019 | 3-Aug-2020 | 1.03 | \$13 | n/a | \$13 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | \$250 | 24-Jul-2019 | 9-Mar-2021 | 1.63 | \$20 | n/a | \$20 |

Notes for DELAYED costs

Estimated Remediation/Disposal cost to clean the grease out of the bar screen cleaning area. The Date Required is the investigation date and the Final Date is the compliance date.

Estimated Remediation/Disposal cost to remove the solids from the drying pad. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$33

Screening Date 4-Oct-2019
Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2019-1582-MWD-E

PCW

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

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1

Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the oxidation ditch ("racetrack") had excessive vegetation growth, two of the four rotor brush aerators were not operational causing excessive foam build up in the racetrack, and there were plastics and tissue paper around the racetrack.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 5.0% |
| | Potential | | x | | |

>> Programmatic Matrix

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

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 72 Number of violation days

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

Violation Base Penalty \$1,250

One quarterly event is recommended from the July 24, 2019 investigation date to the October 4, 2019 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
|---------------|----------------|-----------------------------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | |

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$239

Violation Final Penalty Total \$1,625

This violation Final Assessed Penalty (adjusted for limits) \$1,625

Economic Benefit Worksheet

Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Violation No. Water Quality
 6

| 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 | \$1,416 | 24-Jul-2019 | 9-Mar-2021 | 1.63 | \$8 | \$154 | \$162 |
| 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 | \$1,500 | 24-Jul-2019 | 3-Aug-2020 | 1.03 | \$77 | n/a | \$77 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated Equipment cost to replace a rotor brush aerator. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Estimated Remediation/Disposal cost to remove all vegetation from inside and outside the racetrack, and reduce the foam within the racetrack. The Date Required is the investigation date and the Final Date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$2,916

TOTAL \$239

Screening Date 4-Oct-2019
Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2019-1582-MWD-E

PCW

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

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 317.6(b)(1)(D)

Violation Description Failed to make a self-contained breathing apparatus ("SCBA") available for use by facility personnel and located at a safe distance from the chlorine facilities to ensure accessibility.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3 72 Number of violation days

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

Violation Base Penalty \$11,250

Three monthly events are recommended from the July 24, 2019 investigation date to the October 4, 2019 screening date.

Good Faith Efforts to Comply

10.0%

Reduction \$1,125

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

| | |
|---------------|---|
| Extraordinary | |
| Ordinary | x |
| N/A | |

Notes The Respondent achieved compliance by August 3, 2020.

Violation Subtotal \$10,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$505

Violation Final Penalty Total \$13,500

This violation Final Assessed Penalty (adjusted for limits) \$13,500

Economic Benefit Worksheet

Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Violation No. Water Quality
 7

| 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 | \$7,000 | 24-Jul-2019 | 3-Aug-2020 | 1.03 | \$24 | \$481 | \$505 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated Equipment cost to purchase a SCBA and make available for facility personnel. The Date Required is the investigation date and the Final Date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$7,000

TOTAL \$505

Screening Date 4-Oct-2019
Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2019-1582-MWD-E

PCW

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

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1

Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the staff gauge could not be interpreted due to excessive staining and fading.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 3.0% |
| | Potential | | | x | |

>> Programmatic Matrix

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

Matrix Notes

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

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1 72 Number of violation days

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

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$75

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

| | | |
|---------------|--|---|
| Extraordinary | | |
| Ordinary | | x |
| N/A | | |

Notes The Respondent achieved compliance by August 3, 2020.

Violation Subtotal \$675

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$900

This violation Final Assessed Penalty (adjusted for limits) \$900

Economic Benefit Worksheet

Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Violation No. Water Quality
 8

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

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

Delayed Costs

| | | | | | | | |
|--------------------------|------|-------------|------------|------|-----|-----|-----|
| Equipment | \$50 | 24-Jul-2019 | 3-Aug-2020 | 1.03 | \$0 | \$3 | \$3 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs Estimated Equipment cost to replace the staff gauge. The Date Required is the investigation date and the Final Date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$3

Screening Date 4-Oct-2019
Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2019-1582-MWD-E

PCW

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

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1

Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, excessive vegetation growing on the north and west perimeter fence prevented the back gate to the Facility from being closed.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 5.0% |
| | Potential | | x | | |

>> Programmatic Matrix

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

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 72 Number of violation days

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

Violation Base Penalty \$1,250

One quarterly event is recommended from the July 24, 2019 investigation date to the October 4, 2019 screening date.

Good Faith Efforts to Comply

10.0%

Reduction \$125

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

| | |
|---------------|---|
| Extraordinary | |
| Ordinary | x |
| N/A | |

Notes The Respondent achieved compliance by August 3, 2020.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

Economic Benefit Worksheet

Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Violation No. Water Quality
 9

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

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

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$100 | 24-Jul-2019 | 3-Aug-2020 | 1.03 | \$5 | n/a | \$5 |

Notes for DELAYED costs
 Estimated cost to remove the excessive vegetation growing on the north and west perimeter fence and close the back gate to the Facility. The Date Required is the investigation date and the Final Date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$5

Screening Date 4-Oct-2019
Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2019-1582-MWD-E

PCW

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

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1

Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the chlorine contact chamber had excessive floating solids.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 5.0% |
| | Potential | | x | | |

>> Programmatic Matrix

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

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 72 Number of violation days

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

Violation Base Penalty \$1,250

One quarterly event is recommended from the July 24, 2019 investigation date to the October 4, 2019 screening date.

Good Faith Efforts to Comply

10.0%

Reduction \$125

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

| | |
|---------------|---|
| Extraordinary | |
| Ordinary | x |
| N/A | |

Notes The Respondent achieved compliance by August 3, 2020.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

Economic Benefit Worksheet

Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Violation No. Water Quality
 10

| 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 | \$250 | 24-Jul-2019 | 3-Aug-2020 | 1.03 | \$13 | n/a | \$13 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated Remediation/Disposal cost to remove excessive solids from the chlorine contact chamber. The Date Required is the investigation date and the Final Date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$250

TOTAL \$13

Screening Date 4-Oct-2019
Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2019-1582-MWD-E

PCW

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

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1

Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Montgomery Street Lift Station pumps were not operational, the water level in the wet well was high and completely full of solids, the audio and visual alarm was not operational, and a branch was toppled over the barbed wire fence.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3 72 Number of violation days

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

Violation Base Penalty \$11,250

Three monthly events are recommended from the July 24, 2019 investigation date to the October 4, 2019 screening date.

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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$527

Violation Final Penalty Total \$14,625

This violation Final Assessed Penalty (adjusted for limits) \$14,625

Economic Benefit Worksheet

Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Violation No. 11

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

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

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|------------|------|------|-------|-------|
| Equipment | \$2,500 | 24-Jul-2019 | 3-Aug-2020 | 1.03 | \$9 | \$172 | \$181 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Equipment | \$2,500 | 24-Jul-2019 | 9-Mar-2021 | 1.63 | \$14 | \$271 | \$285 |
| 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 | \$750 | 24-Jul-2019 | 9-Mar-2021 | 1.63 | \$61 | n/a | \$61 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated Equipment cost to replace both pumps at the Montgomery Street Lift Station. The Date Required is the investigation date and the Final Date is the compliance date.

Estimated Equipment cost to repair/replace the audio and visual alarms at the Montgomery Street Lift Station. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Estimated Remediation/Disposal cost to clean out the wet well and remove a branch from the barbed wire fence at the Montgomery Street Lift Station. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,750

TOTAL \$527

Screening Date 4-Oct-2019
Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2019-1582-MWD-E

PCW

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

Violation Number 12

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1

Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, three of the four sludge drying beds had patches of vegetation growing and one of the sludge drying beds had woody plants growing in it.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 3.0% |
| | Potential | | | x | |

>> Programmatic Matrix

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

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

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1 72 Number of violation days

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

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
|---------------|----------------|-----------------------------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | |

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$163

Violation Final Penalty Total \$975

This violation Final Assessed Penalty (adjusted for limits) \$975

Economic Benefit Worksheet

Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Violation No. Water Quality
 12

| 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 | \$2,000 | 24-Jul-2019 | 9-Mar-2021 | 1.63 | \$163 | n/a | \$163 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated Remediation/Disposal cost to remove vegetation from the sludge drying beds. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$2,000

TOTAL \$163

Screening Date 4-Oct-2019
Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2019-1582-MWD-E

PCW

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

Violation Number 13

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (5) and 317.4(b)(4) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1

Violation Description
 Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the storage container for the screenings did not have a lid and the bag was torn, and the storage containers outside the influent area and the chlorine contact chamber area did not have lids.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 5.0% |
| | Potential | | x | | |

>> Programmatic Matrix

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

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 72 Number of violation days

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

Violation Base Penalty \$1,250

One quarterly event is recommended, calculated from the investigation date (July 24, 2019) to the screening date (October 4, 2019).

Good Faith Efforts to Comply

0.0%

Reduction \$0

| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
|---------------|----------------|-----------------------------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | |

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$38

Violation Final Penalty Total \$1,625

This violation Final Assessed Penalty (adjusted for limits) \$1,625

Economic Benefit Worksheet

Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Violation No. 13

| 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 | \$250 | 24-Jul-2019 | 3-Aug-2020 | 1.03 | \$1 | \$17 | \$18 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Equipment | \$250 | 24-Jul-2019 | 9-Mar-2021 | 1.63 | \$20 | n/a | \$20 |

Notes for DELAYED costs

Estimated Equipment cost to affix the screening storage container with a well-fitted lid. The Date Required is the investigation date and the Final Date is the compliance date.

Estimated cost to affix the storage containers outside the influent area and the chlorine contact chamber area with well-fitted lids. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$38

Screening Date 4-Oct-2019
Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2019-1582-MWD-E

PCW

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

Violation Number 14

Rule Cite(s)
 30 Tex. Admin. Code § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010268001, Monitoring and Reporting Requirements No. 7.a

Violation Description
 Failed to report an unauthorized discharge 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, for unauthorized discharges that occurred prior to the July 24, 2019 investigation the unauthorized discharge noncompliance reports did not contain information regarding the corrective action taken to mitigate effects.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 0.0% |
| | Potential | | | | |

>> Programmatic Matrix

| | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
| | | | | x | 1.0% |

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

Reduction

| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
|---------------|----------------|-----------------------------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | |

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Violation No. Water Quality
 14

| 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 | \$500 | 24-Jul-2019 | 9-Mar-2021 | 1.63 | \$41 | n/a | \$41 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs
 Estimated cost to develop and implement procedures to ensure unauthorized discharge noncompliance reports contain all required information. Date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs
 (This area is currently blank for notes.)

Approx. Cost of Compliance \$500

TOTAL \$41

Screening Date 4-Oct-2019
Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2019-1582-MWD-E

PCW

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

Violation Number 15

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 305.126(a), TPDES Permit No. WQ0010268001, Operational Requirements No. 8 and Other Requirements No. 5, and TCEQ Agreed Order Docket No. 2016-0449-MWD-E, Ordering Provision Nos. 3.a.i and 3.e

Violation Description

Failed to obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities whenever the flow measurements reach 90% of the permitted daily average flow for three consecutive months and failed to submit progress reports at the intervals specified in the permit. Specifically, the Facility reached 90% of the permitted effluent limitation for flow of 0.90 million gallons per day for the months of December 2018, January 2019, and February 2019 and the Respondent did not obtain authorization from the Commission to commence construction of the necessary additional treatment and/or collection units. Also, the Respondent did not submit quarterly progress reports as required per permit.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 5.0% |
| | Potential | | x | | |

>> Programmatic Matrix

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

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 6 464 Number of violation days

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

Violation Base Penalty \$7,500

Six quarterly events are recommended from the June 27, 2018 effective date of TCEQ Agreed Order Docket No. 2016-0449-MWD-E to the October 4, 2019 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

| | Before NOE/NOV | NOE/NOV to EDRP/Settlement Offer |
|---------------|----------------|----------------------------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | |

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,522

Violation Final Penalty Total \$9,750

This violation Final Assessed Penalty (adjusted for limits) \$9,750

Economic Benefit Worksheet

Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Violation No. 15

| 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 | 27-Jun-2018 | 8-Oct-2019 | 1.28 | \$214 | \$4,274 | \$4,488 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | \$250 | 27-Jun-2018 | 9-Mar-2021 | 2.70 | \$34 | n/a | \$34 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated Engineering/Construction cost to initiate engineering and financial planning for expansion and upgrading of the Facility and associated collection system, and an assessment of the system, including labor, equipment, and engineering fees. The Date Required is the effective date of TCEQ Agreed Oder Docket No. 2016-0449-MWD-E and the Final Date is the compliance date.

Estimated Training/Sampling cost to update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished, including quarterly progress reports submitted to the Beaumont Regional Office and the Enforcement Division with updates on the progress to initiate engineering and financial planning for expansion of the Facility and/or collection system. The Date Required is the effective date of TCEQ Agreed Oder Docket No. 2016-0449-MWD-E and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$50,250

TOTAL \$4,522

Screening Date 4-Oct-2019
Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2019-1582-MWD-E

PCW

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

Violation Number 16

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5), TPDES Permit No. WQ0010268001, Operational Requirements No. 1, and TCEQ Agreed Order Docket No. 2016-0449-MWD-E, Ordering Provision No. 3.a.iii

Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the rubber rakes were not flush with the skimmer side wall in Clarifier Nos. 1 and 2.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | x | |

Percent 5.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0.0%

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 6 464 Number of violation days

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

Violation Base Penalty \$7,500

Six quarterly events are recommended from the June 27, 2018 effective date of TCEQ Agreed Order Docket No. 2016-0449-MWD-E to the October 4, 2019 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

| | | |
|---------------|---|--|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | |

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$189

Violation Final Penalty Total \$9,750

This violation Final Assessed Penalty (adjusted for limits) \$9,750

Economic Benefit Worksheet

Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Violation No. 16

| 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 | \$1,000 | 27-Jun-2018 | 9-Mar-2021 | 2.70 | \$9 | \$180 | \$189 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated Engineering cost to repair/replace the rubber rakes to be flush with the skimmer side walls of Clarifier Nos. 1 and 2. The Date Required is the effective date of TCEQ Agreed Oder Docket No. 2016-0449 MWD-E and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$189

Screening Date 4-Oct-2019
Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2019-1582-MWD-E

PCW

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

Violation Number 17

Rule Cite(s)
 30 Tex. Admin. Code § 305.125(1) and (5), TPDES Permit No. WQ0010268001, Operational Requirements No. 1, and TCEQ Agreed Order Docket No. 2016-0449-MWD-E, Ordering Provision No. 3.a.v

Violation Description
 Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the wet well of the Cash Street Lift Station had excessive solids and grease.

Base Penalty \$25,000

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

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 5.0% |
| | Potential | | x | | |

>> **Programmatic Matrix**

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

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 6 464 Number of violation days

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

Violation Base Penalty \$7,500

Six quarterly events are recommended from the June 27, 2018 effective date of TCEQ Agreed Order Docket No. 2016-0449-MWD-E to the October 4, 2019 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
|---------------|----------------|-----------------------------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | |

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$68

Violation Final Penalty Total \$9,750

This violation Final Assessed Penalty (adjusted for limits) \$9,750

Economic Benefit Worksheet

Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Violation No. Water Quality
 17

| 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 | \$500 | 27-Jun-2018 | 9-Mar-2021 | 2.70 | \$68 | n/a | \$68 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated Remediation/Disposal cost to remove and properly dispose of excess solids and grease from the Cash Street Lift Station wet well. The Date Required is the effective date of TCEQ Agreed Oder Docket No. 2016-0449-MWD-E and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$68

Screening Date 4-Oct-2019
Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2019-1582-MWD-E

PCW

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

Violation Number 18

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. WQ0010268001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, and TCEQ Agreed Order Docket No. 2016-0449-MWD-E, Ordering Provision No. 3.i(2)

Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3 181 Number of violation days

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

Violation Base Penalty \$3,750

Three quarterly events are recommended for the period containing the months of November and December 2018, and January, February, May, and June 2019.

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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,137

Violation Final Penalty Total \$4,875

This violation Final Assessed Penalty (adjusted for limits) \$4,875

Economic Benefit Worksheet

Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Violation No. 18

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

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

Delayed Costs

| | | | | | | | |
|--------------------------|----------|-------------|------------|------|---------|-----|---------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$25,000 | 30-Nov-2018 | 3-Jun-2021 | 2.51 | \$3,137 | n/a | \$3,137 |

Notes for DELAYED costs

Estimated other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility and achieve compliance with the permitted effluent limitations. Date required is the initial date of noncompliance and the final date is the estimated date of compliance.

Economic Benefit cost is also captured in Violation No. 15.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$25,000

TOTAL \$3,137

Screening Date 4-Oct-2019
Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Enf. Coordinator Steven Van Landingham

Docket No. 2019-1582-MWD-E

PCW

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

Violation Number 19

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. WQ0010268001, Effluent Limitations and Monitoring Requirements No. 1, and TCEQ Agreed Order Docket No. 2016-0449-MWD-E, Ordering Provision No. 3.i(2)

Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR | 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 which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 31 Number of violation days

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

Violation Base Penalty \$3,750

One monthly event is recommended for March 2019.

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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,875

This violation Final Assessed Penalty (adjusted for limits) \$4,875

Economic Benefit Worksheet

Respondent City of San Augustine
Case ID No. 52092
Reg. Ent. Reference No. RN103137949
Media Water Quality
Violation No. 19

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

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

Delayed Costs

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

Notes for DELAYED costs

Economic Benefit costs are captured in Violation No. 18.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

City of San Augustine
Docket No. 2019-1582-MWD-E
TPDES Permit No. WQ0010268001
Case No. 52092

Effluent Violation Table

| | Flow Daily Average | <i>Escherichia coli</i> Daily Maximum | Dissolved Oxygen Monthly Minimum |
|-------------------|--------------------|---------------------------------------|----------------------------------|
| Monitoring Period | Limit = 0.9 MGD | Limit = 399 CFU/100 mL | Limit = 5 mg/L |
| November 2018 | 1.118133 | c | c |
| December 2018 | 1.216387 | c | c |
| January 2019 | 1.164677 | c | c |
| February 2019 | 0.95564 | c | c |
| March 2019 | c | 2,420 | c |
| May 2019 | 1.1161 | c | 4.6 |
| June 2019 | 0.90587 | c | c |

c = compliant

CFU/100 mL = colony forming units per 100 milliliters

MGD = million gallons per day

mg/L = milligrams per liter

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 CN600630289, RN103137949, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN600630289, City of San Augustine **Classification:** SATISFACTORY **Rating:** 13.29
Regulated Entity: RN103137949, City of San Augustine **Classification:** SATISFACTORY **Rating:** 36.56
Complexity Points: 4 **Repeat Violator:** NO
CH Group: 08 - Sewage Treatment Facilities
Location: approximately 5,000 feet northeast of the intersection of United States Highway 96 and Farm-to-Market Road 147 in San Augustine County, Texas
TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

WASTEWATER PERMIT WQ0010268001 **WASTEWATER EPA ID** TX0022349
WASTEWATER AUTHORIZATION R10268001 **WASTEWATER LICENSING LICENSE** WQ0010268001
USED OIL REGISTRATION C88892

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

Date Compliance History Report Prepared: August 07, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 07, 2015 to August 07, 2020

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

Name: Steven Van Landingham

Phone: (512) 239-5717

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:

- 1 Effective Date: 06/27/2018 ADMINORDER 2016-0449-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(5)
Rqmt Prov: TPDES Permit No. WQ0010268001 PERMIT
Description: Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.126(a)
Rqmt Prov: TPDES Permit No. WQ0010268001 PERMIT
Description: Failed to initiate engineering and financial planning for expansion and/or upgrading of the Facility when the effluent daily average flow measurements reached 75% of the permitted daily average flow limit for at least three consecutive months; and failed to submit progress reports at the intervals specified in the permit
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
Rqmt Prov: TPDES Permit No. WQ0010268001 PERMIT
Description: Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: TPDES Permit No. WQ0010268001 PERMIT
Description: Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained; and failed to take all reasonable steps to prevent or minimize the discharge of sewage sludge into or adjacent to any water in the state.
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: TPDES Permit No. WQ0010268001 PERMIT

Description: Failed to retain monitoring and reporting records at the Facility or make them readily available for review by a TCEQ representative.

Classification: Minor

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

30 TAC Chapter 319, SubChapter A 319.11(a)

Rqmt Prov: TPDES Permit No. WQ0010268001 PERMIT

Description: Failed to comply with specified sample preservation methods.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)(A)

Rqmt Prov: TPDES Permit No. WQ0010268001 PERMIT

Description: Failed to submit written notification to the Beaumont Regional Office and the Enforcement Division within five working days of becoming aware of an unauthorized discharge.

Classification: Major

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

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: TPDES Permit No. WQ0010268001 PERMIT

Description: Failed to comply with permit effluent limitations.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

| | | | | | |
|---------|--------------------|-----------|---------|--------------------|-----------|
| Item 1 | August 25, 2015 | (1283260) | Item 24 | October 14, 2017 | (1456110) |
| Item 2 | September 16, 2015 | (1290400) | Item 25 | November 17, 2017 | (1461585) |
| Item 3 | October 21, 2015 | (1296602) | Item 26 | December 12, 2017 | (1467962) |
| Item 4 | November 23, 2015 | (1302053) | Item 27 | January 20, 2018 | (1474665) |
| Item 5 | December 16, 2015 | (1308983) | Item 28 | February 12, 2018 | (1486889) |
| Item 6 | January 13, 2016 | (1315766) | Item 29 | April 18, 2018 | (1493811) |
| Item 7 | February 18, 2016 | (1325159) | Item 30 | June 18, 2018 | (1507843) |
| Item 8 | March 16, 2016 | (1331892) | Item 31 | July 25, 2018 | (1514160) |
| Item 9 | May 20, 2016 | (1345849) | Item 32 | August 06, 2018 | (1520223) |
| Item 10 | June 15, 2016 | (1352294) | Item 33 | September 18, 2018 | (1527390) |
| Item 11 | September 19, 2016 | (1372389) | Item 34 | October 23, 2018 | (1533745) |
| Item 12 | September 21, 2016 | (1365691) | Item 35 | November 20, 2018 | (1541582) |
| Item 13 | September 23, 2016 | (1365690) | Item 36 | May 16, 2019 | (1583526) |
| Item 14 | October 20, 2016 | (1378567) | Item 37 | August 26, 2019 | (1599621) |
| Item 15 | November 17, 2016 | (1384530) | Item 38 | September 23, 2019 | (1606522) |
| Item 16 | December 27, 2016 | (1390666) | Item 39 | October 22, 2019 | (1613371) |
| Item 17 | January 17, 2017 | (1397279) | Item 40 | November 18, 2019 | (1619186) |
| Item 18 | March 16, 2017 | (1411263) | Item 41 | January 13, 2020 | (1634177) |
| Item 19 | April 20, 2017 | (1417766) | Item 42 | February 11, 2020 | (1640795) |
| Item 20 | May 18, 2017 | (1425355) | Item 43 | March 18, 2020 | (1647315) |
| Item 21 | June 19, 2017 | (1431365) | Item 44 | May 18, 2020 | (1660238) |
| Item 22 | July 20, 2017 | (1439973) | Item 45 | June 22, 2020 | (1666746) |
| Item 23 | September 05, 2017 | (1443660) | | | |

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: 11/30/2019 (1626535)
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: 03/31/2020 (1653653)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

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

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF SAN AUGUSTINE
RN103137949

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2019-1582-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 San Augustine (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 5,000 feet northeast of the intersection of United States Highway 96 and Farm-to-Market Road 147 in San Augustine County, Texas (the "Facility").
2. During an investigation conducted on July 24, 2019, an investigator documented that:
 - a. The discharge monitoring report ("DMR") for August 2017 was not submitted by the 20th day of the following month.
 - b. The Respondent exceeded the daily average concentration limit for ammonia nitrogen and the daily maximum concentration single grab limit for *Escherichia coli* by greater than 40% in January 2017 and did not report the exceedances to the TCEQ.

- c. Food was being stored in the refrigerator that was used for storing the Facility's monitoring samples. In addition, the refrigerator did not have a National Institute of Standards and Technology ("NIST") thermometer.
- d. The flow meter calibration certification and reduced pressure backflow assembly ("RPBA") test report records were not maintained at the Facility and were not available for review.
- e. Excessive grease was in the bar screen cleaning area and the drying pad was full of solids.
- f. The oxidation ditch ("racetrack") had excessive vegetation growth, two of the four rotor brush aerators were not operational causing excessive foam build up in the racetrack, and there were plastics and tissue paper around the racetrack.
- g. The Respondent did not make a self-contained breathing apparatus ("SCBA") available for use by facility personnel and located at a safe distance from the chlorine facilities to ensure accessibility.
- h. The staff gauge could not be interpreted due to excessive staining and fading.
- i. Excessive vegetation growing on the north and west perimeter fence prevented the back gate to the Facility from being closed.
- j. The chlorine contact chamber had excessive floating solids.
- k. The Montgomery Street Lift Station pumps were not operational, the water level in the wet well was high and completely full of solids, the audio and visual alarm was not operational, and a branch was toppled over the barbed wire fence.
- l. Three of the four sludge drying beds had patches of vegetation growing and one of the sludge drying beds had woody plants growing in it.
- m. The storage container for the screenings did not have a lid and the bag was torn, and the storage containers outside the influent area and the chlorine contact chamber area did not have lids.
- n. For unauthorized discharges that occurred prior to the July 24, 2019 investigation the unauthorized discharge noncompliance reports did not contain information regarding the corrective action taken to mitigate effects.
- o. The Facility reached 90% of the permitted effluent limitation for flow of 0.90 million gallons per day for the months of December 2018, January 2019, and February 2019 and the Respondent did not obtain authorization from the Commission to commence construction of the necessary additional treatment and/or collection units.
- p. The Respondent did not submit quarterly progress reports as the permit required.

- q. The rubber rakes were not flush with the skimmer side wall in Clarifier Nos. 1 and 2.
 - r. The wet well of the Cash Street Lift Station had excessive solids and grease.
3. During a record review conducted on October 4, 2019, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:

| Effluent Violation Table | | | |
|--------------------------|--------------------|---------------------------------------|----------------------------------|
| | Flow Daily Average | <i>Escherichia coli</i> Daily Maximum | Dissolved Oxygen Monthly Minimum |
| Monitoring Period | Limit = 0.9 MGD | Limit = 399 CFU/100 mL | Limit = 5.0 mg/L |
| November 2018 | 1.118133 | c | c |
| December 2018 | 1.216387 | c | c |
| January 2019 | 1.164677 | c | c |
| February 2019 | 0.95564 | c | c |
| March 2019 | c | 2,420 | c |
| May 2019 | 1.1161 | c | 4.6 |
| June 2019 | 0.90587 | c | c |

c = compliant
CFU/100 mL = colony forming units per 100 milliliters
MGD = million gallons per day
mg/L = milligrams per liter

4. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
- a. Initiated engineering and financial planning for expansion and upgrading of the Facility, and an assessment of the system, including labor, equipment, and engineering fees by October 8, 2020;
 - b. Ceased storing food in the monitoring samples refrigerator by August 3, 2020;
 - c. Cleaned the grease out of the bar screen cleaning area by August 3, 2020;
 - d. Removed all vegetation from inside and outside the racetrack and reduced the foam within the racetrack by August 3, 2020;
 - e. Purchased a SCBA and made available for facility personnel by August 3, 2020;
 - f. Replaced the staff gauge by August 3, 2020;

- g. Removed the excessive vegetation growing on the north and west perimeter fence and closed the back gate to the Facility by August 3, 2020;
- h. Removed excessive solids from the chlorine contact chamber by August 3, 2020;
- i. Replaced both pumps at the Montgomery Street Lift Station by August 3, 2020; and
- j. Affixed the screening storage container with a well-fitted lid by August 3, 2020.

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.a, the Respondent failed to submit monitoring results at intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010268001, Monitoring and Reporting Requirements No. 1.
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010268001, Monitoring and Reporting Requirements No. 7.c.
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to comply with specified sample preservation methods, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(a) and TPDES Permit No. WQ0010268001, Monitoring and Reporting Requirements No. 2.a.
5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative for a period of three years, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 319.7(c) and TPDES Permit No. WQ0010268001, Monitoring and Reporting Requirements No. 5.
6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1.
7. As evidenced by Finding of Fact No. 2.f, the Respondent failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1.
8. As evidenced by Finding of Fact No. 2.g, the Respondent failed to make a SCBA available for use by facility personnel and located at a safe distance from the chlorine facilities to ensure accessibility, in violation of 30 TEX. ADMIN. CODE § 317.6(b)(1)(D).

9. As evidenced by Finding of Fact No. 2.h, the Respondent failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1.
10. As evidenced by Finding of Fact No. 2.i, the Respondent failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1.
11. As evidenced by Finding of Fact No. 2.j, the Respondent failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1.
12. As evidenced by Finding of Fact No. 2.k, the Respondent failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1.
13. As evidenced by Finding of Fact No. 2.l, the Respondent failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1.
14. As evidenced by Finding of Fact No. 2.m, the Respondent failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.4(b)(4) and TPDES Permit No. WQ0010268001, Operational Requirements No. 1.
15. As evidenced by Finding of Fact No. 2.n, the Respondent failed to report an unauthorized discharge 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. WQ0010268001, Monitoring and Reporting Requirements No. 7.a.
16. As evidenced by Finding of Fact Nos. 2.o and 2.p, the Respondent failed to obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities whenever the flow measurements reach 90% of the permitted daily average flow for three consecutive months and failed to submit progress reports at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 305.126(a), TPDES Permit No. WQ0010268001, Operational Requirements No. 8.a and Other Requirements No. 5, and TCEQ Agreed Order Docket No. 2016-0449-MWD-E, Ordering Provision Nos. 3.a.i and 3.e.
17. As evidenced by Finding of Fact Nos. 2.q and 2.r, the Respondent failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), TPDES

Permit No. WQ0010268001, Operational Requirements No. 1, and TCEQ Agreed Order Docket No. 2016-0449-MWD-E, Ordering Provision Nos. 3.a.iii and 3.a.v.

18. As evidenced by Finding of Fact No. 3, the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0010268001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, and TCEQ Agreed Order Docket No. 2016-0449-MWD-E, Ordering Provision No. 3.i(2).
19. 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.
20. An administrative penalty in the amount of \$83,375 is justified by the facts recited in this Order. Pursuant to TEX. WATER CODE § 7.067, \$83,375 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. 20 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 San Augustine, Docket No. 2019-1582-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 the SEP as set forth in Section II, Conclusion of Law No. 20. The amount of \$83,375 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. Submit the DMR for August 2017;
 - ii. Purchase and use a NIST thermometer in the monitoring samples refrigerator;
 - iii. Ensure that monitoring/reporting records are readily available for a period of three years, including but not limited to flow meter calibration certification and RPBA test report records;
 - iv. Remove the solids from the drying pad;
 - v. Replace one rotor brush aerator;
 - vi. Repair/replace the audio and visual alarms at the Montgomery Street Lift Station;
 - vii. Clean out the wet well and remove a branch from the barbed wire fence at the Montgomery Street Lift Station;
 - viii. Remove vegetation from the sludge drying beds;
 - ix. Affix the storage containers outside the influent area and the chlorine contact chamber area with well-fitted lids;
 - x. Develop and implement procedures to ensure unauthorized discharge noncompliance reports contain all required information;
 - xi. Update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished, including quarterly progress reports submitted to the Beaumont Regional Office and the Enforcement Division with updates on the progress to initiate engineering and financial planning for expansion of the Facility and/or collection system;
 - xii. Repair/replace the rubber rakes to be flush with the skimmer side walls of Clarifier Nos. 1 and 2; and
 - xiii. Remove and properly dispose of excess solids and grease from the Cash Street Lift Station wet well.
- b. Within 45 days after the effective date of this Order, submit written certification of compliance with Ordering Provision Nos. 3.a.i through 3.a.xiii, in accordance with Ordering Provision No. 3.f.
- c. Within 60 days after the effective date of this Order, submit a notice, which may be in the form of an engineering report, to the TCEQ describing any planned physical alterations or additions to the Facility in writing to:

Water Quality Division
Wastewater Permitting Section, MC 148
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Respond completely and adequately, as determined by the TCEQ, to all requests for information within 30 days after the date of such requests or by any other deadline specified in writing.

- d. Within 75 days after the effective date of this Order, submit written certification of compliance with Ordering Provision No. 3.c, in accordance with Ordering Provision No. 3.f.
- e. Within 180 days after the effective date of this Order, submit written certification of compliance that authorization to commence construction of the modifications to the Facility and associated collection system has been obtained, in accordance with Ordering Provision No. 3.f.
- f. Within 360 days after the effective of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010268001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and 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
Beaumont Regional Office
Texas Commission on Environmental Quality

3870 Eastex Freeway
Beaumont, Texas 77703-1830

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 «EntShortName» 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



4/2/2024

For the Executive Director

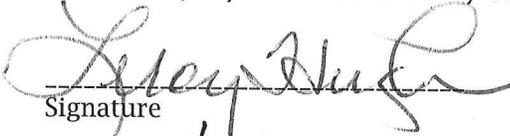
Date

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 Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

2/22/2024

Date

Leroy Hughes

Name (Printed or typed)
Authorized Representative of
City of San Augustine

Mayor

Title

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

Attachment A

Docket Number: 2019-1582-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|---------------------------|--------------------------|
| Respondent: | City of San Augustine |
| Penalty Amount: | \$83,375 |
| SEP Offset Amount: | \$83,375 |
| Type of SEP: | Compliance |
| Project Name: | <i>WWTP Improvements</i> |
| Location of SEP: | San Augustine County |

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order in exchange for Respondent’s performance of a Supplemental Environmental Project (“SEP”).

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.

1. Project Description

A. Project

Respondent hired a contractor to purchase and install two aerators at the Facility. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for the installation of two floating brush aerators (the “Project”). Respondent hired qualified contractors to perform the Project. The SEP was performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent used the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Expenses. No portion of the SEP Offset Amount was spent on administrative costs, including operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent had no prior commitment to perform this Project and that the SEP was 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 improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent 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. Expenses

Respondent spent at least the SEP Offset Amount to complete the project described in Section 1.A, above, and complied with all other provisions of this SEP. Respondent understood that it may have costs more than the SEP Offset Amount to complete the Project.

Expenses

| Item | Total |
|-----------------------------|--------------------|
| Two Floating Brush Aerators | \$83,528.00 |
| Crane for Installation | \$4,221.74 |
| Labor | \$535.00 |
| Total | \$88,284.74 |

2. Records

As of August 11, 2023, Respondent provided TCEQ the following documentation as proof of completion of the proposed SEP:

1. An itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 2.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 2.1., above;
4. A certified statement of SEP completion and document authentication;
5. A detailed map showing the specific location of the Project site(s); and
6. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project.

3. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff and shall allow immediate (i.e., within 24 hours) access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

4. 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 and 3 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 the SEP Coordinator at the address provided below:

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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