

Executive Summary – Enforcement Matter – Case No. 59502

City of Seadrift

RN101920627

Docket No. 2020-0890-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Seadrift WWTF, 101 South Orange Street, City of Seadrift, Calhoun 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: August 13, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$54,865

Amount Deferred for Expedited Settlement: \$10,973

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$43,892

Name of SEP: WWTP Outfall 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: February 11, 2020

Date(s) of NOE(s): May 29, 2020

Executive Summary – Enforcement Matter – Case No. 59502
City of Seadrift
RN101920627
Docket No. 2020-0890-MWD-E

Violation Information

1. Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment. Specifically, an accumulation of sludge was observed in the receiving ditch and around the outfall discharge pipe [30 TEX. ADMIN. CODE § 305.125(1) and (4), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010822001, Permit Conditions No. 2.d].
2. Failed to conduct sample collection according to the recommended sampling and testing methods. Specifically, the Facility was not collecting bacteria samples directly into the appropriate sample container [30 TEX. ADMIN. CODE § 319.11(a) and (b)].
3. 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 did not provide noncompliance notifications for the exceedances during the monthly monitoring periods of February 2019 and September 2019 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010822001, Monitoring and Reporting Requirements No. 7.c].
4. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the clarifier center ring contained an accumulation of floating scum; floating solids and sludge were observed at the clarifier weirs; an uneven flow was observed over the clarifier weirs; and the handrails and grating at the aeration basin and clarifier were heavily corroded. Additionally, dissolved oxygen concentrations of 0.70 milligrams per liter ("mg/L") in the aeration basin and 0.25 mg/L in the re-aeration basin did not meet the recommended minimum concentration of 2.0 mg/L; and the 30 minute settleable solids concentration of 98% in the aeration basin did not meet the recommended concentration of between 10% and 50% [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010822001, Operational Requirements No. 1].
5. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, audio alarms were not installed at the 2nd/Bay, Grape/Pine and Orange/Dallas lift stations; the Harbor/Pine and Harbor/Main lift stations were not secured by a fence; the wet wells at the Harbor/Main and Grape/Pine lift stations were 80% covered with solids; and the Orange/Dallas and Grape/Pine lift stations were not secured from unauthorized access [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010822001, Operational Requirements No. 1].

Executive Summary – Enforcement Matter – Case No. 59502
City of Seadrift
RN101920627
Docket No. 2020-0890-MWD-E

6. Failed to have automatic flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less often than annually. Specifically, calibration records indicated that the totalizer flow meter was not calibrated between February 2, 2018 and February 7, 2020 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010822001, Monitoring and Reporting Requirements No. 5].
7. Failed to comply with recommended sampling and testing methods. Specifically, the low-range standards used for chlorine equipment calibration were expired and the Facility was not keeping calibration records for the equipment used for total chlorine residual analysis [30 TEX. ADMIN. CODE § 319.11(c)].
8. Failed to maintain records for each measurement or sample taken. Specifically, the time of analysis for dissolved oxygen, pH, and total chlorine residual were not being properly recorded for each individual parameter [30 TEX. ADMIN. CODE § 319.7(a)].
9. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the ventilation fans in the chlorination and dechlorination rooms were not operational [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010822001, Operational Requirements No. 1].
10. Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the State. Specifically, on October 1, 2018 and October 16, 2018, two unauthorized discharges totaling 150 gallons of sewage occurred from the 3rd/Dallas lift station [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010822001, Permit Conditions No. 2(g)].
11. Failed to assure the quality of all measurements through the use of blanks, standards, duplicates, and spikes. Specifically, duplicate analysis was not being performed on a 10% basis each day that dissolved oxygen samples are analyzed [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.6 and TPDES Permit No. WQ0010822001, Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On October 16, 2018, located and sealed infiltration to the collection system, replaced the manhole cover near the 3rd/Dallas lift station, removed and properly disposed of the sewage, and disinfected the affected area;
- b. On February 7, 2020, calibrated the totalizer flow meter;

Executive Summary – Enforcement Matter – Case No. 59502
City of Seadrift
RN101920627
Docket No. 2020-0890-MWD-E

- c. On February 18, 2020, purchased and utilized new low-range standards for chlorine equipment calibration and maintained calibration records for total chlorine residual;
- d. On February 19, 2020, repaired/replaced the ventilation fans in the chlorination and dechlorination rooms;
- e. On February 27, 2020, installed an audio alarm at the Orange/Dallas lift station, secured the Harbor/Pine and Harbor/Main lift stations with fencing, cleaned the wet wells at the Harbor/Main and Grape/Pine lift stations, and secured the Orange/Dallas and Grape/Pine lift stations from unauthorized access; and
- f. On February 27, 2020, updated the Facility's operational guidance and conducted employee training to ensure that the time of analysis for dissolved oxygen, pH, and total chlorine residual is properly recorded for each individual parameter; and duplicates are being used to provide the minimum quality assurance requirements for the analysis of dissolved oxygen.

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. Determine the cause of the discharges of sludge and make necessary repairs / adjustments to minimize or prevent any discharge of sludge into the receiving stream;
 - ii. Remove and properly dispose of the sludge from the receiving stream;
 - iii. Update operational procedures and conduct employee training to ensure that bacteria samples are collected directly into the appropriate sample container, and noncompliance notifications for any effluent violation which deviates from the permitted effluent limitation by more than 40% is provided within five working days of becoming aware of noncompliance;
 - iv. Remove the accumulation of floating scum, floating solids and sludge in the clarifier and maintain an even flow over the clarifier weirs; and
 - v. Install operational audio alarms at the 2nd/Bay and Grape/Pine lift stations;
 - b. Within 45 days, submit written certification to demonstrate compliance with a.

Executive Summary – Enforcement Matter – Case No. 59502
City of Seadrift
RN101920627
Docket No. 2020-0890-MWD-E

c. Within 60 days:

i. Repair/replace the heavily corroded handrails and grating at the aeration basin and clarifier; and

ii. Ensure that the 30-minute settleable solids concentration in the aeration basin is maintained at the recommended concentration of between 10% and 50%; and the dissolved oxygen concentrations in the aeration basin and the re-aeration basin meet recommended minimum concentration of 2.0 mg/L.

d. Within 75 days, submit written certification to demonstrate compliance with c.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Alejandro Laje, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-2547; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Betty Sanders, SEP Coordinator, Litigation Division, MC 173, (512) 239-3992

Respondent: The Honorable Elmer DeForest, Mayor, City of Seadrift, P.O. Box 159, Seadrift, Texas 77983

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	1-Jun-2020	Screening	29-Jun-2020	EPA Due	
	PCW	14-Oct-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Seadrift
Reg. Ent. Ref. No.	RN101920627
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	59502	No. of Violations	12
Docket No.	2020-0890-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Alejandro Laje
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$55,500
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	10.0%	Adjustment	Subtotals 2, 3, & 7	\$5,550
---------------------------	-------	------------	--------------------------------	---------

Notes	Enhancement for two months of self-reported effluent violations.
--------------	--

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

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$6,185
--	-------------------	----------

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

Total EB Amounts	\$1,505	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$26,751	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$54,865
-----------------------------	-----------------------	----------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
--------------	--

Final Penalty Amount	\$54,865
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$54,865
-----------------------------------	-------------------------------	----------

DEFERRAL	20.0%	Reduction	Adjustment	-\$10,973
-----------------	-------	-----------	------------	-----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
--------------	--

PAYABLE PENALTY	\$43,892
------------------------	----------

Screening Date 29-Jun-2020

Docket No. 2020-0890-MWD-E

PCW

Respondent City of Seadrift

Policy Revision 4 (April 2014)

Case ID No. 59502

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101920627

Media Water Quality

Enf. Coordinator Alejandro Laje

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	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>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 10%

>> **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.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 10%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 10%

Screening Date 29-Jun-2020 **Docket No.** 2020-0890-MWD-E **PCW**
Respondent City of Seadrift *Policy Revision 4 (April 2014)*
Case ID No. 59502 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101920627
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (4), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010822001, Permit Conditions No. 2.d
Violation Description Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment. Specifically, an accumulation of sludge was observed in the receiving ditch and around the outfall discharge pipe.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%
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: 2 139 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two quarterly events are recommended, calculated from the investigation date (February 11, 2020) to the screening date (June 29, 2020).

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 \$302 **Violation Final Penalty Total** \$8,250
This violation Final Assessed Penalty (adjusted for limits) \$8,250

Economic Benefit Worksheet

Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$2,500	11-Feb-2020	27-Apr-2021	1.21	\$151	n/a	\$151
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	11-Feb-2020	27-Apr-2021	1.21	\$151	n/a	\$151

Notes for DELAYED costs

Estimated Other cost to determine the cause of the discharges of sludge and make necessary repairs/adjustments to the Facility to minimize or prevent any discharge of sludge into the receiving stream. Date required is the investigation date and the final date is the estimated date of compliance.

Estimated cost to remove and properly dispose of the sludge from the receiving stream. 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 \$5,000

TOTAL \$302

Screening Date 29-Jun-2020
Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2020-0890-MWD-E

PCW

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

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 319.11(a) and (b)

Violation Description Failed to conduct sample collection according to the recommended sampling and testing methods. Specifically, the Facility was not collecting bacteria samples directly into the appropriate sample container.

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 1 139 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 \$15

Violation Final Penalty Total \$825

This violation Final Assessed Penalty (adjusted for limits) \$825

Economic Benefit Worksheet

Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	11-Feb-2020	27-Apr-2021	1.21	\$15	n/a	\$15
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update operational procedures and conduct employee training to ensure that bacteria samples are collected directly into the appropriate sample container, and noncompliance notifications for any effluent violation which deviates from the permitted effluent limitation by more than 40% is provided within five working days of becoming aware of noncompliance. 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

\$250

TOTAL

\$15

Screening Date 29-Jun-2020
Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2020-0890-MWD-E

PCW

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

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010822001, 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 did not provide noncompliance notifications for the exceedances during the monthly monitoring periods of February 2019 and September 2019.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
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 2 460 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$2,500

Two single events are recommended, one event for each notice missed.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$53

Violation Final Penalty Total \$2,750

This violation Final Assessed Penalty (adjusted for limits) \$2,750

Economic Benefit Worksheet

Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update operational procedures and conduct employee training to ensure that noncompliance notifications for any effluent violation which deviates from the permitted effluent limitation by more than 40% is provided within five working days of becoming aware of noncompliance is captured in the Economic Benefit Worksheet for Violation No. 2.

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	\$51	25-Oct-2019	29-Jun-2020	0.68	\$2	\$51	\$53
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to submit a noncompliance notification for the effluent exceedances that occurred during the monthly monitoring periods of February 2019 and September 2019 (\$25/noncompliance notification x 2 monthly monitoring periods, including the accrued costs & interest of prior periods plus the Item Cost of the current period). Date required is the date the last noncompliance notification was due and the final date is the screening date.

Approx. Cost of Compliance

\$51

TOTAL

\$53

Screening Date 29-Jun-2020
Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2020-0890-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 (5) and TPDES Permit No. WQ0010822001, Operational Requirements No. 1

Violation Description

Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the clarifier center ring contained an accumulation of floating scum; floating solids and sludge were observed at the clarifier weirs; an uneven flow was observed over the clarifier weirs; and the handrails and grating at the aeration basin and clarifier were heavily corroded. Additionally, dissolved oxygen concentrations of 0.70 milligrams per liter ("mg/L") in the aeration basin and 0.25 mg/L in the re-aeration basin did not meet the recommended minimum concentration of 2.0 mg/L; and the 30 minute settleable solids concentration of 98% in the aeration basin did not meet the recommended concentration of between 10% and 50%.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
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 4 139 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

Four quarterly events are recommended, two quarterly events for each treatment unit, calculated from the investigation date (February 11, 2020) to the screening date (June 29, 2020).

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 \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$762

Violation Final Penalty Total \$5,500

This violation Final Assessed Penalty (adjusted for limits) \$5,500

Economic Benefit Worksheet

Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
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	\$5,000	11-Feb-2020	27-May-2021	1.29	\$22	\$430	\$452
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	\$3,000	11-Feb-2020	27-Apr-2021	1.21	\$181	n/a	\$181
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	11-Feb-2020	27-May-2021	1.29	\$129	n/a	\$129

Notes for DELAYED costs

Estimated Remediation/Disposal cost to remove the accumulation of floating scum, floating solids and sludge in the clarifier; maintain an even flow over the clarifier weirs. Date required is the investigation date and the final date is the estimated date of compliance.

Estimated Buildings cost to repair/replace the heavily corroded handrails and grating at the aeration basin and clarifier. Date required is the investigation date and the final date is the estimated date of compliance.

Estimated Other cost to ensure that the 30-minute settleable solids concentration in the aeration basin is maintained at the recommended concentration of between 10% and 50%; and the dissolved oxygen concentrations in the aeration basin and the re-aeration basin meet recommended minimum concentration of 2.0 mg/L. 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

\$10,000

TOTAL

\$762

Screening Date 29-Jun-2020
Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2020-0890-MWD-E

PCW

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

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010822001, Operational Requirements No. 1

Violation Description Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, audio alarms were not installed at the 2nd/Bay and Grape/Pine lift stations.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
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 4 139 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Four quarterly events are recommended, two quarterly events for each lift station, calculated from the investigation date (February 11, 2020) to the screening date (June 29, 2020).

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	X	

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$85

Violation Final Penalty Total \$16,500

This violation Final Assessed Penalty (adjusted for limits) \$16,500

Economic Benefit Worksheet

Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
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	\$1,000	11-Feb-2020	27-Apr-2021	1.21	\$4	\$81	\$85
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install operational audio alarms at the 2nd/Bay and Grape/Pine lift stations. 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

\$1,000

TOTAL

\$85

Screening Date 29-Jun-2020
Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2020-0890-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. WQ0010822001, Operational Requirements No. 1

Violation Description

Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, an audio alarm was not installed at the Orange/Dallas lift station; the Harbor/Pine and Harbor/Main lift stations were not secured by a fence; the wet wells at the Harbor/Main and Grape/Pine lift stations were 80% covered with solids; and the Orange/Dallas and Grape/Pine lift stations were not secured from unauthorized access.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
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 4 16 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Four monthly events are recommended, one monthly event for each lift station, calculated from the investigation date (February 11, 2020) to the compliance date (February 27, 2020).

Good Faith Efforts to Comply

25.0%

Reduction \$3,750

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

Extraordinary		
Ordinary	X	
N/A		

Notes

The Respondent achieved compliance by February 27, 2020.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$12,750

This violation Final Assessed Penalty (adjusted for limits) \$12,750

Economic Benefit Worksheet

Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$2,500	11-Feb-2020	27-Feb-2020	0.04	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to install an audio alarm at the Orange/Dallas lift station; secure the Harbor/Pine and Harbor/Main lift stations with fencing; clean the wet wells at the Harbor/Main and Grape/Pine lift stations; and secure the Orange/Dallas and Grape/Pine lift stations from unauthorized access. Date required is the investigation date and the final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$5

Screening Date 29-Jun-2020
Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2020-0890-MWD-E

PCW

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

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010822001, Monitoring and Reporting Requirements No. 5

Violation Description Failed to have automatic flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less often than annually. Specifically, calibration records indicated that the totalizer flow meter was not calibrated between February 2, 2018 and February 7, 2020.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential		X			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2 370 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty \$2,500

Two annual events are recommended, calculated from the date the annual calibration was due (February 2, 2019) to the date of compliance (February 7, 2020).

Good Faith Efforts to Comply

25.0%

Reduction \$625

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

Notes

The Respondent achieved compliance on February 7, 2020.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$263

Violation Final Penalty Total \$2,125

This violation Final Assessed Penalty (adjusted for limits) \$2,125

Economic Benefit Worksheet

Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
Media Water Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

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	\$250	2-Feb-2019	7-Feb-2020	1.01	\$13	\$250	\$263
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to annually calibrate the flow measuring device. Date required is the date the annual calibration was due and the final date is the date of compliance.

Approx. Cost of Compliance

\$250

TOTAL

\$263

Screening Date 29-Jun-2020
Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2020-0890-MWD-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Good Faith Efforts to Comply

Reduction

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

Notes

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 Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
Media Water Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	11-Feb-2020	18-Feb-2020	0.02	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to purchase and utilize new low-range standards for chlorine equipment calibration and maintain calibration records for total chlorine residual. Date required is the investigation date and the final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$0

Screening Date 29-Jun-2020
Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2020-0890-MWD-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description Failed to maintain records for each measurement or sample taken. Specifically, the time of analysis for dissolved oxygen, pH, and total chlorine residual were not being properly recorded for each individual parameter.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

Good Faith Efforts to Comply

Reduction

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

Notes The Respondent achieved compliance on February 27, 2020.

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 Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
Media Water Quality
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	11-Feb-2020	27-Feb-2020	0.04	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that the time of analysis for dissolved oxygen, pH, and total chlorine residual is properly recorded for each individual parameter; and duplicates are being used to provide the minimum quality assurance requirements for the analysis of dissolved oxygen. Date required is the investigation date and the final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$250

TOTAL \$1

Screening Date 29-Jun-2020
Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2020-0890-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. WQ0010822001, Operational Requirements No. 1

Violation Description Failed to ensure the Facility and all of it's systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the ventilation fans in the chlorination and dechlorination rooms were not operational.

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 1 8 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One monthly event is recommended, calculated from the investigation date (February 11, 2020) to the compliance date (February 19, 2020).

Good Faith Efforts to Comply

25.0%

Reduction \$937

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

Extraordinary	
Ordinary	X
N/A	

Notes The Respondent achieved compliance on February 19, 2020.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$3,188

This violation Final Assessed Penalty (adjusted for limits) \$3,188

Economic Benefit Worksheet

Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
Media Water Quality
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$200	11-Feb-2020	19-Feb-2020	0.02	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair/replace the ventilation fans in the chlorination and dechlorination rooms. Date required is the investigation date and the final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$0

Screening Date 29-Jun-2020
Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2020-0890-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), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010822001, Permit Conditions No. 2(g)

Violation Description

Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the State. Specifically, on October 1, 2018 and October 16, 2018, two unauthorized discharges totaling 150 gallons of sewage occurred from the 3rd/Dallas lift station.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 15 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 date of the initial unauthorized discharge (October 1, 2018) to the date of compliance (October 16, 2018).

Good Faith Efforts to Comply

25.0%

Reduction \$312

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

Extraordinary	
Ordinary	X
N/A	

Notes

The Respondent achieved compliance on October 16, 2018.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$19

Violation Final Penalty Total \$1,063

This violation Final Assessed Penalty (adjusted for limits) \$1,063

Economic Benefit Worksheet

Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	1-Oct-2018	16-Oct-2018	0.04	\$1	\$14	\$15
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	1-Oct-2018	16-Oct-2018	0.04	\$4	n/a	\$4
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to locate and seal infiltration to the collection system and replace the manhole cover near the 3rd/Dallas lift station. Date required is the date of the initial unauthorized discharge and the final date is the date of compliance.

Estimated cost to remove and properly dispose of the sewage, and disinfect the affected area. Date required is the date of the initial unauthorized discharge and the final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$7,000

TOTAL

\$19

Screening Date 29-Jun-2020
Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2020-0890-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 319.6 and TPDES Permit No. WQ0010822001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to assure the quality of all measurements through the use of blanks, standards, duplicates, and spikes. Specifically, duplicate analysis was not being performed on a 10% basis each day that dissolved oxygen samples are analyzed.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
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 16 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

25.0%

Reduction \$187

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

Extraordinary		
Ordinary	X	
N/A		

Notes

The Respondent achieved compliance on February 27, 2020.

Violation Subtotal \$563

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$638

This violation Final Assessed Penalty (adjusted for limits) \$638

Economic Benefit Worksheet

Respondent City of Seadrift
Case ID No. 59502
Reg. Ent. Reference No. RN101920627
Media Water Quality
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Estimated cost to update operational guidance and conduct employee training to ensure that duplicates are being used to provide the minimum quality assurance requirements for the analysis of dissolved oxygen is captured in the Economic Benefit Worksheet for Violation No. 9.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN600342810, RN101920627, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN600342810, City of Seadrift **Classification:** SATISFACTORY **Rating:** 3.16

Regulated Entity: RN101920627, CITY OF SEADRIFT **Classification:** SATISFACTORY **Rating:** 0.62

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

CH Group: 08 - Sewage Treatment Facilities

Location: 101 South Orange Street, in the City of Seadrift, Calhoun County, Texas 77983

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

WASTEWATER PERMIT WQ0010822001

WASTEWATER EPA ID TX0026671

WASTEWATER LICENSING LICENSE WQ0010822001

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

Date Compliance History Report Prepared: December 29, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 29, 2015 to December 29, 2020

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

Name: Alejandro Laje

Phone: (512) 239-2547

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	February 04, 2016	(1316001)
Item 2	March 04, 2016	(1325383)
Item 3	March 23, 2016	(1332122)
Item 4	May 25, 2016	(1346083)
Item 5	June 28, 2016	(1352515)
Item 6	July 27, 2016	(1359486)
Item 7	August 25, 2016	(1365926)
Item 8	September 28, 2016	(1372617)
Item 9	November 01, 2016	(1378791)
Item 10	December 01, 2016	(1384756)
Item 11	January 04, 2017	(1390887)
Item 12	March 23, 2017	(1404397)
Item 13	April 04, 2017	(1411490)

Item 14	April 19, 2017	(1417987)
Item 15	May 11, 2017	(1425578)
Item 16	June 16, 2017	(1431610)
Item 17	July 18, 2017	(1440200)
Item 18	August 14, 2017	(1443883)
Item 19	September 28, 2017	(1450489)
Item 20	October 20, 2017	(1456338)
Item 21	November 17, 2017	(1461806)
Item 22	November 22, 2017	(1520449)
Item 23	December 18, 2017	(1468191)
Item 24	January 22, 2018	(1474891)
Item 25	March 16, 2018	(1490781)
Item 26	May 01, 2018	(1494032)
Item 27	May 17, 2018	(1500973)
Item 28	June 14, 2018	(1508065)
Item 29	July 16, 2018	(1514398)
Item 30	August 20, 2018	(1527620)
Item 31	October 09, 2018	(1533980)
Item 32	October 15, 2018	(1599851)
Item 33	November 25, 2018	(1541812)
Item 34	December 18, 2018	(1545584)
Item 35	January 15, 2019	(1560751)
Item 36	February 11, 2019	(1560749)
Item 37	April 17, 2019	(1572183)
Item 38	May 21, 2019	(1583972)
Item 39	June 17, 2019	(1583973)
Item 40	July 29, 2019	(1593520)
Item 41	September 11, 2019	(1606752)
Item 42	November 20, 2019	(1619409)
Item 43	December 17, 2019	(1626762)
Item 44	January 10, 2020	(1634403)
Item 45	February 12, 2020	(1641019)
Item 46	March 08, 2020	(1647537)
Item 47	April 16, 2020	(1653879)
Item 48	June 15, 2020	(1666973)
Item 49	July 20, 2020	(1673922)
Item 50	September 29, 2020	(1687271)
Item 51	October 08, 2020	(1687270)
Item 52	October 11, 2020	(1693611)

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: 04/30/2020 (1660460)
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: 07/31/2020 (1680702)
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

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 SEADRIFT
RN101920627**

**§
§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2020-0890-MWD-E**

I. JURISDICTION AND STIPULATIONS

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 Seadrift (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 together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 101 South Orange Street in the City of Seadrift, Calhoun County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$54,865 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$10,973 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$43,892 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.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. 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.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. On October 16, 2018, located and sealed infiltration to the collection system, replaced the manhole cover near the 3rd/Dallas lift station, removed and properly disposed of the sewage, and disinfected the affected area;
 - b. On February 7, 2020, calibrated the totalizer flow meter;
 - c. On February 18, 2020, purchased and utilized new low-range standards for chlorine equipment calibration and maintained calibration records for total chlorine residual;
 - d. On February 19, 2020, repaired/replaced the ventilation fans in the chlorination and dechlorination rooms;
 - e. On February 27, 2020, installed an audio alarm at the Orange/Dallas lift station, secured the Harbor/Pine and Harbor/Main lift stations with fencing, cleaned the wet wells at the Harbor/Main and Grape/Pine lift stations, and secured the Orange/Dallas and Grape/Pine lift stations from unauthorized access; and
 - f. On February 27, 2020, updated the Facility's operational guidance and conducted employee training to ensure that the time of analysis for dissolved oxygen, pH, and total chlorine residual is properly recorded for each individual parameter; and duplicates are being used to provide the minimum quality assurance requirements for the analysis of dissolved oxygen.

II. ALLEGATIONS

During an investigation conducted on February 11, 2020, an investigator documented that the Respondent:

1. Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (4), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010822001, Permit Conditions No. 2.d. Specifically, an accumulation of sludge was observed in the receiving ditch and around the outfall discharge pipe.
2. Failed to conduct sample collection according to the recommended sampling and testing methods, in violation of 30 TEX. ADMIN. CODE § 319.11(a) and (b). Specifically, the Facility was not collecting bacteria samples directly into the appropriate sample container.
3. 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 TPDES Permit No. WQ0010822001, Monitoring and Reporting Requirements No. 7.c. Specifically, the Respondent did not provide noncompliance notifications for the exceedances during the monthly monitoring periods of February 2019 and September 2019.
4. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010822001, Operational Requirements No. 1. Specifically, the clarifier center ring contained an accumulation of floating scum; floating solids and sludge were observed at the clarifier weirs; an uneven flow was observed over the clarifier weirs; and the handrails and grating at the aeration basin and clarifier were heavily corroded. Additionally, dissolved oxygen concentrations of 0.70 milligrams per liter ("mg/L") in the aeration basin and 0.25 mg/L in the re-aeration basin did not meet the recommended minimum concentration of 2.0 mg/L; and the 30 minute settleable solids concentration of 98% in the aeration basin did not meet the recommended concentration of between 10% and 50%.
5. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010822001, Operational Requirements No. 1. Specifically, audio alarms were not installed at the 2nd/Bay, Grape/Pine and Orange/Dallas lift stations; the Harbor/Pine and Harbor/Main lift stations were not secured by a fence; the wet wells at the Harbor/Main and Grape/Pine lift stations were 80% covered with solids; and the Orange/Dallas and Grape/Pine lift stations were not secured from unauthorized access.
6. Failed to have automatic flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less often than annually, in violation of 30

TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010822001, Monitoring and Reporting Requirements No. 5. Specifically, calibration records indicated that the totalizer flow meter was not calibrated between February 2, 2018 and February 7, 2020.

7. Failed to comply with recommended sampling and testing methods, in violation of 30 TEX. ADMIN. CODE § 319.11(c). Specifically, the low-range standards used for chlorine equipment calibration were expired and the Facility was not keeping calibration records for the equipment used for total chlorine residual analysis.
8. Failed to maintain records for each measurement or sample taken, in violation of 30 TEX. ADMIN. CODE § 319.7(a). Specifically, the time of analysis for dissolved oxygen, pH, and total chlorine residual were not being properly recorded for each individual parameter.
9. 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. WQ0010822001, Operational Requirements No. 1. Specifically, the ventilation fans in the chlorination and dechlorination rooms were not operational.
10. Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the State, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010822001, Permit Conditions No. 2(g). Specifically, on October 1, 2018 and October 16, 2018, two unauthorized discharges totaling 150 gallons of sewage occurred from the 3rd/Dallas lift station.
11. Failed to assure the quality of all measurements through the use of blanks, standards, duplicates, and spikes, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.6 and TPDES Permit No. WQ0010822001, Monitoring and Reporting Requirements No. 1. Specifically, duplicate analysis was not being performed on a 10% basis each day that dissolved oxygen samples are analyzed.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Seadrift, Docket No. 2020-0890-MWD-E" to:

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

2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph No. 4 . The amount of \$43,892 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. Determine the cause of the discharges of sludge and make necessary repairs/adjustments to the Facility to minimize or prevent any discharge of sludge into the receiving stream;
 - ii. Remove and properly dispose of the sludge from the receiving stream;
 - iii. Update operational procedures and conduct employee training to ensure that bacteria samples are collected directly into the appropriate sample container, and noncompliance notifications for any effluent violation which deviates from the permitted effluent limitation by more than 40% is provided within five working days of becoming aware of noncompliance;
 - iv. Remove the accumulation of floating scum, floating solids and sludge in the clarifier and maintain an even flow over the clarifier weirs; and
 - v. Install operational audio alarms at the 2nd/Bay and Grape/Pine lift stations;
 - b. Within 45 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 3.d below, to demonstrate compliance with Ordering Provision Nos. 3.a.i through 3.a.v.
 - c. Within 60 days after the effective date of this Order:
 - i. Repair/replace the heavily corroded handrails and grating at the aeration basin and clarifier; and
 - ii. Ensure that the 30-minute settleable solids concentration in the aeration basin is maintained at the recommended concentration of between 10% and 50%; and the dissolved oxygen concentrations in the aeration basin and the re-aeration basin meet recommended minimum concentration of 2.0 mg/L

- d. Within 75 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.c.i and 3.c.ii. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5839

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 Order Compliance Team at the address listed above.

8. 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.
9. 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.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

12/30/2021

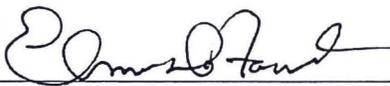
Date

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

November 3, 2021

Date

Elmer DeForest

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

Mayor

Title

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

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

Attachment A

Docket Number: 2020-0890-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Seadrift
Penalty Amount:	Forty-Three Thousand Eight Hundred Ninety-Two Dollars (\$43,892)
SEP Offset Amount:	Forty-Three Thousand Eight Hundred Ninety-Two Dollars (\$43,892)
Type of SEP:	Compliance
Project Name:	<i>WWTP Outfall Improvements</i>
Location of SEP:	Calhoun County

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

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

1. Project Description

A. Project

Respondent shall hire a contractor to replace an existing outdated outfall at the Facility. The existing outfall is a dug ditch and is subject to erosion and unwanted vegetation growth which makes it hard to maintain and clean properly. The new outfall will be in the same outfall ditch currently used but will be bulkheaded on the sides with vinyl sheet bulkheading and cement in the bottom for about 60 to 100 feet. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for outfall replacement (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement, including publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not

limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by allowing easy access to monitor the receiving stream and reducing erosion at the outfall.

C. Minimum Expenditure

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

Estimated Cost Schedule

Item	Quantity	Cost	Total
Outfall Replacement	1	\$50,000	\$50,000
Total			\$50,000

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 75 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 75 days Respondent shall submit a Final Report to the TCEQ containing detailed information on all actions completed on the Project.

Reporting Schedule

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
75	Notice of SEP completion

B. Final Report

Within 75 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

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

C. Address

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

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

4. Additional Information and Access

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

5. Failure to Fully Perform

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

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

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

6. Publicity

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

7. Recognition

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

8. Other SEPs by TCEQ or Other Agencies

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