

**Executive Summary – Enforcement Matter – Case No. 59569**  
**City of Milford**  
**RN102080934**  
**Docket No. 2020-0957-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

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

**Media:**

MWD

**Small Business:**

No

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

City of Milford WWTF, located west of the Missouri-Kansas-Texas Railroad crossing of Mill Creek, approximately 1.0 mile south of the intersection of Farm-to-Market Road 308 and IH-35, and approximately 0.5 mile northeast of the intersection of Farm-to-Market Road 566 and U.S. States Highway 77, Milford, Ellis County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2021-0886-MWD-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** August 20, 2021

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$20,000

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$20,000

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:** June 4, 2020

**Executive Summary – Enforcement Matter – Case No. 59569**  
**City of Milford**  
**RN102080934**  
**Docket No. 2020-0957-MWD-E**

**Date(s) of NOE(s):** July 3, 2020

***Violation Information***

Failed to comply with permitted effluent limitations for ammonia nitrogen, total suspended solids, carbonaceous biochemical oxygen demand (5-day), daily average flow, and *Escherichia coli* [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013937001, Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**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, within 260 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0013937001, 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 to demonstrate compliance.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Katelyn Tubbs, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-2512; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** Ryan Rutledge, SEP Coordinator, Litigation Division, MC 175, (512) 239-0630

**Respondent:** The Honorable Bruce Perryman, Mayor, City of Milford, P.O. Box 538, Milford, Texas 76670

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

## TCEQ

<b>DATES</b>	<b>Assigned</b>	8-Jul-2020	<b>Screening</b>	15-Jul-2020	<b>EPA Due</b>	
	<b>PCW</b>	25-Jun-2021				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Milford				
<b>Reg. Ent. Ref. No.</b>	RN102080934				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	59569	<b>No. of Violations</b>	2
<b>Docket No.</b>	2020-0957-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Katelyn Tubbs
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$12,500</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>60.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$7,500</b>
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<b>Notes</b>	Enhancement for eight months of self-reported effluent violations and one Order containing a denial of liability.
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<b>Culpability</b>	No	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$7,481	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$54,500	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$20,000</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b> Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	<b>\$20,000</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$20,000</b>
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<b>DEFERRAL</b>	<b>0.0%</b> Reduction Adjustment	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	<b>\$20,000</b>
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**Screening Date** 15-Jul-2020  
**Respondent** City of Milford  
**Case ID No.** 59569  
**Reg. Ent. Reference No.** RN102080934  
**Media** Water Quality  
**Enf. Coordinator** Katelyn Tubbs

**Docket No.** 2020-0957-MWD-E

**PCW**

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

### 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> )	8	40%
	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)** 60%

#### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for eight months of self-reported effluent violations and one Order containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 60%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 60%

**Screening Date** 15-Jul-2020  
**Respondent** City of Milford  
**Case ID No.** 59569  
**Reg. Ent. Reference No.** RN102080934  
**Media** Water Quality  
**Enf. Coordinator** Katelyn Tubbs

**Docket No.** 2020-0957-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), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013937001, Effluent Limitations and Monitoring Requirements No. 1

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

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<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

A simplified model was used to evaluate carbonaceous biochemical oxygen demand (5-day) and ammonia nitrogen to determine whether the discharged amount of pollutants exceeded levels protective of human health or the environment. Total suspended solids and *Escherichia coli* were also considered. Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events  Number of violation days

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

**Violation Base Penalty**

One monthly event is recommended for the month of February 2020.

**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 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 Milford  
**Case ID No.** 59569  
**Reg. Ent. Reference No.** RN102080934  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$54,500	30-Apr-2019	26-Jan-2022	2.75	\$7,481	n/a	\$7,481

#### Notes for DELAYED costs

Actual Other cost to implement "WWTP Improvements" project and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$54,500

**TOTAL**

\$7,481

**Screening Date** 15-Jul-2020  
**Respondent** City of Milford  
**Case ID No.** 59569  
**Reg. Ent. Reference No.** RN102080934  
**Media** Water Quality  
**Enf. Coordinator** Katelyn Tubbs

**Docket No.** 2020-0957-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), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0013937001, Effluent Limitations and Monitoring Requirements No. 1

**Violation Description**

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

**Base Penalty**

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

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

**Matrix Notes**

A simplified model was used to evaluate carbonaceous biochemical oxygen demand (5-day) and ammonia nitrogen to determine whether the discharged amount of pollutants exceeded levels protective of human health or the environment. Total suspended solids and flow were also considered. 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**

**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**

Four quarterly events are recommended for the quarters containing the months of April, June, September, November, and December 2019, and January and March 2020.

**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="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 Milford  
**Case ID No.** 59569  
**Reg. Ent. Reference No.** RN102080934  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

See Economic Benefit No. 1

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0



City of Milford  
Docket No. 2020-0957-MWD-E  
TPDES Permit No. WQ0013937001  
Case No. 59569

Effluent Violation Table

	Carbonaceous Biochemical Oxygen Demand (5-day)			Flow	Ammonia Nitrogen			Total Suspended Solids		<i>Escherichia coli</i>
	Daily Average Conc.	Single Grab Conc.	Daily Average Loading	Daily Avg.	Daily Avg. Conc.	Single Grab Conc.	Daily Avg. Load.	Daily Avg. Conc.	Daily Avg. Load.	Daily Avg. Conc.
Monitoring Period	Limit = 10 mg/L	Limit = 35 mg/L	Limit = 5 lbs/day	Limit = 0.06 MGD	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 1.5 lbs/day	Limit = 15 mg/L	Limit = 7.5 lbs/day	Limit = 126 CFU/100mL
April 2019	c	c	c	0.464	c	c	c	c	c	c
June 2019	c	c	c	0.3477	c	c	c	c	c	c
September 2019	c	c	c	c	9.18	19.2	1.5271	c	c	c
November 2019	c	c	c	0.2275	c	c	c	c	c	c
December 2019	c	c	c	c	c	c	c	22	c	c
January 2020	14	36	c	c	4.8	17.2	2.5038	24	c	c
February 2020	20	c	10.867	c	10.97	16.2	4.8329	39	23.5939	238
March 2020	11	c	5.5588	c	4.81	c	c	c	c	c

Conc. = Concentration  
MGD = million gallons per day  
Avg. = average  
c = compliant

lbs/day = pounds per day  
mg/L = milligrams per liter  
Load. = loading  
CFU/100 mL = colony forming units per 100 milliliters

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# Compliance History Report

Compliance History Report for CN600341317, RN102080934, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN600341317, City of Milford **Classification:** SATISFACTORY **Rating:** 11.09

**Regulated Entity:** RN102080934, CITY OF MILFORD **Classification:** SATISFACTORY **Rating:** 11.09

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

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

**Location:** west of the Missouri-Kansas-Texas Railroad crossing of Mill Creek, approximately 1.0 mile south of the intersection of Farm-to-Market Road 308 and Interstate Highway 35, and approximately 0.5 mile northeast of the intersection of Farm-to-Market Road 566 and United States Highway 77, in Milford, Ellis County, Texas

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**  
**WASTEWATER PERMIT** WQ0013937001 **WASTEWATER EPA ID** TX0020290

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

**Date Compliance History Report Prepared:** September 10, 2020

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 10, 2015 to September 10, 2020

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Katelyn Tubbs **Phone:** (512) 239-2512

## 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: 09/03/2019 ADMINORDER 2018-1205-MWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 30, SubChapter J 30.350(j)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: WQ0013937-001 PERMIT

Description: Failed to employ or contract with one or more licensed wastewater treatment facility operators holding the appropriate level of license to operate a wastewater treatment facility, in violation of 30 TEX. ADMIN. CODE §§ 30.350(d) and (j) and 305.125(1) and TPDES Permit No. WQ0013937001, Other Requirements No. 1. Specifically, the licensed operator was not on-site at least five days per week and process control activities at the Facility were being conducted by an individual that has an expired

Classification: Moderate

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: WQ0013937-001 PERMIT

Description: Failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 319.7(c) and TPDES Permit No. WQ0013937001, Monitoring and Reporting Requirements No. 3(b). Specifically, none of the required monitoring and reporting records were available for review.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	September 18, 2015	(1290331)	Item 18	August 11, 2017	(1443591)
Item 2	October 16, 2015	(1296534)	Item 19	September 18, 2017	(1450216)
Item 3	December 03, 2015	(1301986)	Item 20	October 16, 2017	(1456036)
Item 4	January 07, 2016	(1308916)	Item 21	May 16, 2018	(1493742)
Item 5	March 16, 2016	(1331820)	Item 22	June 02, 2018	(1493743)
Item 6	June 22, 2016	(1352225)	Item 23	June 07, 2018	(1500660)
Item 7	July 21, 2016	(1359199)	Item 24	June 12, 2018	(1500659)
Item 8	September 15, 2016	(1365623)	Item 25	June 18, 2018	(1507776)
Item 9	October 20, 2016	(1378501)	Item 26	October 02, 2018	(1520156)
Item 10	November 15, 2016	(1384459)	Item 27	October 11, 2018	(1533678)
Item 11	December 20, 2016	(1390596)	Item 28	December 05, 2018	(1541513)
Item 12	January 18, 2017	(1397212)	Item 29	February 12, 2019	(1559864)
Item 13	February 16, 2017	(1404096)	Item 30	March 18, 2019	(1559865)
Item 14	March 14, 2017	(1411196)	Item 31	June 19, 2019	(1583397)
Item 15	April 18, 2017	(1417699)	Item 32	September 19, 2019	(1599553)
Item 16	June 15, 2017	(1431291)	Item 33	December 06, 2019	(1619118)
Item 17	July 13, 2017	(1439906)			

**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.

- Date: 09/30/2019 (1613304)

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
- Date: 11/30/2019 (1626470)

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
- Date: 12/31/2019 (1634111)

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
- Date: 01/31/2020 (1640730)

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
- Date: 02/29/2020 (1647250)

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
- Date: 03/31/2020 (1653586)

Self Report? YES Classification: Moderate

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

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

7 Date: 04/30/2020 (1660173)  
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

8 Date: 05/31/2020 (1666677)  
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

## Component Appendices

### Appendix A

#### All NOV's Issued During Component Period 9/10/2015 and 9/10/2020

- 1 Date: 12/31/2015 (1315700) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
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: 01/05/2016 (1300701) Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Permit WQ0013937-001 PERMIT  
Description: Failed to maintain compliance with the permitted effluent limits.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Permit WQ0013937-001 PERMIT  
Description: Failed to ensure flow measurement accuracy.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failed to correctly report effluent concentrations and loadings.
- 3 Date: 01/31/2016 (1325091) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 03/31/2016 (1338983) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 04/30/2016 (1345783) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 6 Date: 08/31/2016 (1372323) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 04/30/2017 (1425288) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
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

- 8 Date: 11/30/2018 (1545297) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 9 Date: 12/31/2018 (1559866) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 10 Date: 03/31/2019 (1571894) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 11 Date: 04/30/2019 (1583396) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
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
- 12 Date: 06/30/2019 (1593209) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
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
- 13 Date: 08/27/2019 (1596374) Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Classification: Moderate
- Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Classification: Moderate
- Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Classification: Moderate
- Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Classification: Moderate

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

14\* Date: 09/30/2019 (1613304) Classification: Moderate

Self Report? YES For Informational Purposes Only

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

15\* Date: 11/30/2019 (1626470) Classification: Moderate

Self Report? YES For Informational Purposes Only

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

16\* Date: 12/31/2019 (1634111) Classification: Moderate

Self Report? YES For Informational Purposes Only

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

17\* Date: 01/31/2020 (1640730) Classification: Moderate

Self Report? YES For Informational Purposes Only

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

18\* Date: 02/29/2020 (1647250) Classification: Moderate

Self Report? YES For Informational Purposes Only

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

19\* Date: 03/31/2020 (1653586) Classification: Moderate

Self Report? YES For Informational Purposes Only

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

20\* Date: 04/30/2020 (1660173) Classification: Moderate

Self Report? YES For Informational Purposes Only

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

21\* Date: 05/31/2020 (1666677) Classification: Moderate

Self Report? YES For Informational Purposes Only

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

\* NOVs applicable for the Compliance History rating period 9/1/2015 to 8/31/2020

## Appendix B

All Investigations Conducted During Component Period September 10, 2015 and September 10, 2020

Item 1*	September 18, 2015**	(1290331) For Informational Purposes Only
Item 2*	October 16, 2015**	(1296534) For Informational Purposes Only
Item 3*	December 03, 2015**	(1301986) For Informational Purposes Only
Item 4	December 29, 2015**	(1300701) For Informational Purposes Only
Item 5*	January 07, 2016**	(1308916) For Informational Purposes Only
Item 6	January 21, 2016**	(1315700) For Informational Purposes Only
Item 7	February 16, 2016**	(1325091) For Informational Purposes Only
Item 8	February 19, 2016**	(1312941) For Informational Purposes Only
Item 9*	March 16, 2016**	(1331820) For Informational Purposes Only
Item 10	April 20, 2016**	(1338983) For Informational Purposes Only
Item 11	May 13, 2016**	(1345783) For Informational Purposes Only
Item 12*	June 22, 2016**	(1352225) For Informational Purposes Only
Item 13*	July 21, 2016**	(1359199) For Informational Purposes Only
Item 14*	September 15, 2016**	(1365623) For Informational Purposes Only
Item 15	September 22, 2016**	(1372323) For Informational Purposes Only
Item 16*	October 20, 2016**	(1378501) For Informational Purposes Only
Item 17*	November 15, 2016**	(1384459) For Informational Purposes Only
Item 18*	December 20, 2016**	(1390596) For Informational Purposes Only
Item 19*	January 18, 2017**	(1397212) For Informational Purposes Only
Item 20*	February 16, 2017**	(1404096) For Informational Purposes Only
Item 21*	March 14, 2017**	(1411196) For Informational Purposes Only



Item 22*	April 18, 2017**	(1417699) For Informational Purposes Only
Item 23	May 10, 2017**	(1425288) For Informational Purposes Only
Item 24*	June 15, 2017**	(1431291) For Informational Purposes Only
Item 25*	July 13, 2017**	(1439906) For Informational Purposes Only
Item 26*	August 11, 2017**	(1443591) For Informational Purposes Only
Item 27*	September 18, 2017**	(1450216) For Informational Purposes Only
Item 28*	October 16, 2017**	(1456036) For Informational Purposes Only
Item 29*	May 16, 2018**	(1493742) For Informational Purposes Only
Item 30*	June 02, 2018**	(1493743) For Informational Purposes Only
Item 31*	June 07, 2018**	(1500660) For Informational Purposes Only
Item 32*	June 12, 2018**	(1500659) For Informational Purposes Only
Item 33*	June 18, 2018**	(1507776) For Informational Purposes Only
Item 34*	October 02, 2018**	(1520156) For Informational Purposes Only
Item 35*	October 11, 2018**	(1533678) For Informational Purposes Only
Item 36*	December 05, 2018**	(1541513) For Informational Purposes Only
Item 37	January 11, 2019**	(1545297) For Informational Purposes Only
Item 38*	February 12, 2019**	(1559864) For Informational Purposes Only
Item 39*	March 18, 2019**	(1559865) For Informational Purposes Only
Item 40	May 16, 2019**	(1571894) For Informational Purposes Only
Item 41*	June 19, 2019**	(1583397) For Informational Purposes Only
Item 42	August 06, 2019**	(1593209) For Informational Purposes Only

Item 43	August 27, 2019**	(1596374) For Informational Purposes Only
Item 44*	September 19, 2019**	(1599553) For Informational Purposes Only
Item 45	November 05, 2019**	(1613304) For Informational Purposes Only
Item 46*	December 06, 2019**	(1619118) For Informational Purposes Only
Item 47	January 06, 2020**	(1626470) For Informational Purposes Only
Item 48	January 08, 2020**	(1634111) For Informational Purposes Only
Item 49	March 04, 2020**	(1640730) For Informational Purposes Only
Item 50	April 16, 2020**	(1647250) For Informational Purposes Only
Item 51	May 14, 2020**	(1660173) For Informational Purposes Only
Item 52	June 23, 2020**	(1666677) For Informational Purposes Only
Item 53	July 03, 2020**	(1645574) For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF MILFORD  
RN102080934**

**§  
§  
§  
§  
§**

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2020-0957-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 Milford (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 west of the Missouri-Kansas-Texas Railroad crossing of Mill Creek, approximately 1.0 mile south of the intersection of Farm-to-Market Road 308 and Interstate Highway 35, and approximately 0.5 mile northeast of the intersection of Farm-to-Market Road 566 and United States Highway 77, in Milford, Ellis County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During a record review conducted on June 4, 2020, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below.

	Carbonaceous Biochemical Oxygen Demand (5-day)			Flow	Ammonia Nitrogen			Total Suspended Solids		<i>Escherichia coli</i>
	Daily Avg. Conc.	Single Grab Conc.	Daily Avg. Load.	Daily Avg.	Daily Avg. Conc.	Single Grab Conc.	Daily Avg. Load.	Daily Avg. Conc.	Daily Avg. Load.	Daily Avg. Conc.
Monitoring Period	Limit = 10 mg/L	Limit = 35 mg/L	Limit = 5 lbs/day	Limit = 0.06 MGD	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 1.5 lbs/day	Limit = 15 mg/L	Limit = 7.5 lbs/day	Limit = 126 CFU/100mL
April 2019	c	c	c	0.464	c	c	c	c	c	c
June 2019	c	c	c	0.3477	c	c	c	c	c	c
September 2019	c	c	c	c	9.18	19.2	1.5271	c	c	c
November 2019	c	c	c	0.2275	c	c	c	c	c	c
December 2019	c	c	c	c	c	c	c	22	c	c
January 2020	14	36	c	c	4.8	17.2	2.5038	24	c	c
February 2020	20	c	10.867	c	10.97	16.2	4.8329	39	23.5939	238
March 2020	11	c	5.5588	c	4.81	c	c	c	c	c

Conc. = Concentration  
MGD = million gallons per day  
Avg. = average  
c = compliant

lbs/day = pounds per day  
mg/L = milligrams per liter  
Load. = loading  
CFU/100 mL = colony forming units per 100 milliliters

## II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013937001, Effluent Limitations and Monitoring Requirements No. 1.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$20,000 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Pursuant to TEX. WATER CODE § 7.067, \$20,000 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. 4, for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Milford, Docket No. 2020-0957-MWD-E" to:

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

2. The Respondent shall implement and complete an SEP as set forth in Conclusion of Law No. 4. The amount of \$20,000 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, within 260 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0013937001, 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 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  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

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. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
11. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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




### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
For the Executive Director

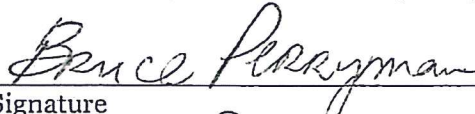
\_\_\_\_\_  
12/01/2021  
\_\_\_\_\_  
Date

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

\_\_\_\_\_  
7-20-2021  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Milford

  
\_\_\_\_\_  
Title

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

**Attachment A**  
**Docket Number: 2020-0957-MWD-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Milford
<b>Penalty Amount:</b>	Twenty Thousand Dollars (\$20,000)
<b>SEP Offset Amount:</b>	Twenty Thousand Dollars (\$20,000)
<b>Type of SEP:</b>	Compliance
<b>Project Name:</b>	<i>WWTP Improvements</i>
<b>Location of SEP:</b>	Ellis County

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

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

**1. Project Description**

A. Project

Respondent shall hire a contractor to purchase and install a new influent lift station, upgrade the water system, and install and program a new variable frequency drive at the Facility.

The influent lift station upgrade will consist of installing pumps, a control panel, piping, floats, and discharge line. The existing lift station piping is rusted, and the control panel has deteriorated to the point that the pumps fail to come on when needed. The upgrade to the influent lift station will allow proper flow to the Facility, thus improving the effluent.

The water system upgrade will consist of installing a ground storage tank, a booster pump, a pressure tank, and all the necessary electrical and piping. The existing water line to the Facility is too small and does not furnish adequate pressure or volume needed for the chlorination or properly cleaning the Facility. The water system upgrade will allow operators to properly clean the Facility and improve the effluent.

The installation of a new variable frequency drive will allow the operators to speed up or slow down the blower as needed to maintain the proper level of dissolved oxygen level in the aeration basins, which will improve the effluent.

Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: influent lift station installation, water system upgrade, and variable frequency drive installation (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 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. 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**

<b>Item</b>	<b>Quantity</b>	<b>Cost</b>	<b>Units</b>	<b>Total</b>
Influent Lift Station	1	\$15,000	Each	\$15,000
Water System	1	\$5,000	Each	\$5,000
Variable Frequency Drive	1	\$3,526.54	Each	\$3,526.54
<b>Total</b>				<b>\$54,500</b>

**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 130 days after the effective date of this Agreed Order.

**3. Records and Reporting**

**A. Progress Report**

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 90 days after the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 130-day timeframe set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

**Reporting Schedule**

<b>Days from Effective Order Date</b>	<b>Information Required</b>
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
130	Notice of SEP completion

**B. Final Report**

Within 130 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
4. Copies of proof of advertisement of invitation for bids, if applicable;
5. A certified statement of SEP completion and document authentication;
6. Detailed map showing specific location of the project site(s);

7. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;
8. 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.