

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 17, 2022

To: Persons on the Attached Mailing List (by email and/or fax only)

Re: Executive Director's Request for Remand regarding an Agreed Order concerning the City of Beeville; TCEQ Docket No. 2020-1272-MWD-E.

The above-referenced matter is currently scheduled to be considered by the Texas Commission on Environmental Quality at its October 19, 2022, public meeting. However, on October 14, 2022, the Executive Director submitted a request to remand this matter because the Respondent requested consideration of a Supplemental Environmental Project. Pursuant to 30 TAC §10.4, this matter is hereby remanded to the Executive Director.

If you have any questions about this matter, please contact Greg Merrell, Assistant General Counsel, at Greg.Merrell@tceq.texas.gov.

Respectfully,

A handwritten signature in cursive script that reads "Mary Smith".

Mary Smith
General Counsel

Mailing List

Mailing List
City of Beeville
TCEQ Docket No. 2020-1272-MWD-E

The Honorable Brian Watson
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TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel

Thru: *MBC* Melissa Cordell, Interim Deputy Director
Enforcement Division

From: *MP* Michael Parrish, Team Leader
Special Functions Team

Date: October 14, 2022

Subject: **Request for Remand**
October 19, 2022 Commission Agenda
Item No. 11 – City of Beeville
Docket No. 2020-1272-MWD-E

The Executive Director respectfully requests that the above-referenced item be remanded to staff, the Respondent has requested consideration of a Supplemental Environmental Project.

Respondent Contact:

The Honorable Francisco Dominguez, Mayor
City of Beeville
400 North Washington Street
Beeville, Texas 78102

John Benson, City Manager
City of Beeville
400 North Washington Street
Beeville, Texas 78102

Please do not hesitate to call Michael Parrish at (512) 239-2548 if you have any questions regarding this matter.

cc: Garrett Arthur, Public Interest Counsel
Melissa Schmidt, Public Interest Counsel
Gill Valls, Office of General Counsel
Katherine McKenzie, Agenda Coordinator, Litigation Division
Alejandro Laje, Water Section, Enforcement Division
Melissa Cordell, Interim Deputy Director, Enforcement Division
Kristy Deaver, Manager, Water Section, Enforcement Division
Rebecca Margain-Nunez, Executive Assistant, Enforcement Division

Executive Summary – Enforcement Matter – Case No. 59408
City of Beeville
RN101614089
Docket No. 2020-1272-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Moore Street, located at 801 Highway 181 Bypass, adjacent to Poesta Creek, east of U.S. Highway 181 Bypass, north of State Highway 202, south-southeast of Beeville, Bee County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2021-1036-MWD-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 19, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$132,853

Amount Deferred for Expedited Settlement: \$26,570

Total Paid to General Revenue: \$106,283

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

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 20, 2020

Date(s) of NOE(s): May 13, 2020

Executive Summary – Enforcement Matter – Case No. 59408
City of Beeville
RN101614089
Docket No. 2020-1272-MWD-E

Violation Information

1. Failed to properly record monitoring activities during effluent sampling. Specifically, the minimum detection limit for Chlorpyrifos and Guthion sample results were recorded in place of a zero on the October 2019 through December 2019 discharge monitoring reports ("DMRs"). Additionally, the DMRs did not include the statement found in the permit required to be added as a separate attachment or as a statement in the comments section of the monthly DMRs when a reported value should be zero based on the minimum analytical level ("MAL") provision [30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010124002, Other Requirements No. 9].
2. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the grit removal system was inoperative, several rotors/aerators in the sludge digester were not working and causing dead spots throughout all but one section of the outer ring of the digester, the sludge pre-thickener was inoperative, and excessive solids (sludge, grease, and trash) were noted in the chlorine contact chamber [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010124002, Operational Requirements No. 1].
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 period of February 2019 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010124002, Monitoring and Reporting Requirements No. 7.c].
4. Failed to provide an audiovisual alarm system for all lift stations. Specifically, the McConnell Lift Station did not include an audio alarm [30 TEX. ADMIN. CODE § 317.3(e)(5)].
5. Failed to install adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention. Specifically, the on-site generator was inoperable [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010124002, Operational Requirements No. 4].
6. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, two of the five pumps of the on-site lift station were inoperative, a rotor was down in both aeration basins, an operational rotor was missing pedals at Aeration Basin No. 1, and the post thickener contained excessive vegetation and debris. Furthermore sludge, grease, and trash were discharging from the clarifiers, an uneven flow was observed over the clarifier's effluent weirs, one drying bed was not maintained, the staff gauge was illegible, and the

Executive Summary – Enforcement Matter – Case No. 59408
City of Beeville
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McConnell Lift Station wet well contained an excessive amount of grease and solids [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010124002, Operational Requirements No. 1].

7. Failed to timely submit a complete annual sludge report ("ASR") to the TCEQ by September 30th each year. Specifically, the 2019 ASR was submitted to the TCEQ on October 18, 2019 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010124002, Sludge Provisions, Section II.F].

8. Failed to prevent the discharge of sewage into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010124002, Permit Conditions No. 2.g].

9. Failed to properly analyze effluent samples according to the permit. Specifically, the daily average concentration of *Escherichia coli* was being calculated using the arithmetic mean [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010124002, Definitions and Standard Permit Conditions No. 2.e].

10. Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the DMRs for the monitoring periods ending July 31, 2019, November 30, 2019, and December 31, 2019 were submitted on September 18, 2019, January 8, 2020, January 21, 2020 respectively [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(d) and TPDES Permit No. WQ0010124002, Monitoring and Reporting Requirements No. 1].

11. 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, settled solids in the form of grease and sludge were observed in the receiving stream at least 40 yards downstream of the outfall. The settled sludge was 6 inches or more in depth where accessible, and flying insects were also observed on the water's surface. Sludge sample results indicated stream degradation through elevated levels of Ammonia as Nitrogen (44.9 milligrams per liter ("mg/L")), Ortho Phosphate-P (17.8 mg/L), Total Phosphorus (19.4 mg/L), and Total Kjeldahl Nitrogen (46.5 mg/L) [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), and TPDES Permit No. WQ0010124002, Permit Conditions No. 2.d].

12. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, screenings were stored in containers without tight fitting lids at the mechanical bar screen, clarifiers, chlorine contact chambers, and the Chase Field Lift Station. Additionally, screenings were observed discharged to the ground at the mechanical bar screen and the McConnell Lift Station [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010124002, Operational Requirements No. 1].

Executive Summary – Enforcement Matter – Case No. 59408
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13. Failed to provide the required plant protection. Specifically, the facility gate was damaged near the belt press potentially allowing unauthorized access [30 TEX. ADMIN. CODE § 317.7(e)].

14. Failed to make a self-contained breathing apparatus ("SCBA") available to facility personnel at the chlorination facility [30 TEX. ADMIN. CODE § 317.6(b)(1)(D)].

15. Failed to properly preserve effluent samples. Specifically, the thermometer utilized in the compositor was not a National Institute of Standards and Technology ("NIST") traceable thermometer that had been calibrated in the previous twelve months as required [30 TEX. ADMIN. CODE § 319.11(b)].

16. Failed to prevent the discharge of solids into the receiving stream. Specifically, floating solids (sludge, sewage debris including trash, and grease in the form of grease balls) were observed throughout the Facility and in the receiving stream [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE §§ 305.125(1) and 307.4(b)(2) and (b)(3), and TPDES Permit No. WQ0010124002, Permit Conditions No. 2.d].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. On March 2, 2020, repaired the gate near the belt press to prevent unauthorized access; purchased a SCBA; removed the sewage debris, trash, greaseballs, and sludge near the outfall from the receiving stream and properly dispose of it at the Facility;

b. On April 3, 2020, purchased and began utilizing a NIST traceable thermometer that had been calibrated in the previous twelve months;

c. On April 6, 2020, removed the sludge from the receiving stream and properly disposed of it at the Facility;

d. On April 20, 2020, reinstalled the old return activated sludge pumps and adjusted the wasting timers;

e. By April 20, 2020, ceased all of the discharges of sewage;

f. On April 22, 2020, conducted employee training and updated operational guidance to ensure monitoring results are submitted at intervals specified in the permit;

Executive Summary – Enforcement Matter – Case No. 59408
City of Beeville
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g. On April 23, 2020, removed the grease and solids from the McConnell Lift Station wet well, removed the excessive vegetation/debris from the post thickener, and replaced the staff gauge; conducted employee training and updated operational guidance to ensure ASRs are timely submitted, and the *Escherichia coli* daily average concentration is calculated in accordance with permit requirements; and submitted a corrected DMR for the monitoring period ending February 28, 2019; and

h. On April 24, 2020, provided containers with tight fitting lids to store screenings at the mechanical bar screen, clarifiers, chlorine contact chambers, and the Chase Field Lift Station; and removed and properly disposed of the screenings that were discharged to the ground at the mechanical bar screen and the McConnell Lift Station.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Conduct employee training and update operational guidance to ensure that the minimum detection limit for Chlorpyrifos and Guthion sample results are recorded as zero and the statement found in the permit required to be added is included as a separate attachment or as a statement in the comments section of the monthly DMRs when a reported value should be zero based on the MAL provision;

ii. Submit revised DMRs for October through December 2019 with the minimum detection limit for Chlorpyrifos and Guthion sample results reported as zero and the statement required in the permit included; and

iii. Remove excessive solids from the chlorine contact chamber.

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

c. Within 60 days:

i. Repair or replace the grit removal system, rotors/aerators in the sludge digester, and sludge pre-thickener;

ii. Install an audiovisual alarm system in the McConnell Lift Station;

iii. Repair or replace the on-site generator;

iv. Repair or replace the pumps in the on-site lift station;

Executive Summary – Enforcement Matter – Case No. 59408
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- v. Repair the rotors in the aeration basins;
 - vi. Replace the missing rotor pedals at Aeration Basin No. 1;
 - vii. Maintain all drying beds; and
 - viii. Repair the clarifier's effluent weirs to ensure an even flow and prevent grease, sludge, and trash from discharging from the clarifiers.
- 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 1, MC 219, (512) 239-2547; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable Francisco Dominguez, Mayor, City of Beeville, 400 North Washington Street, Beeville, Texas 78102

John Benson, City Manager, City of Beeville, 400 North Washington Street, Beeville, Texas 78102

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	18-May-2020			
	PCW	27-Jan-2021	Screening	28-May-2020	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Beeville
Reg. Ent. Ref. No.	RN101614089
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	59408	No. of Violations	16
Docket No.	2020-1272-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	\$99,000
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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.

Compliance History	40.0% Adjustment	Subtotals 2, 3, & 7	\$39,600
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Notes: Enhancement for three months of self-reported effluent violations and one order without denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$14,372
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$5,544
Estimated Cost of Compliance	\$53,125

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$124,228
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$124,228
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$124,228
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DEFERRAL	20.0% Reduction	Adjustment	-\$24,845
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$99,383
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Screening Date 28-May-2020

Docket No. 2020-1272-MWD-E

PCW

Respondent City of Beeville

Policy Revision 4 (April 2014)

Case ID No. 59408

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101614089

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>)	3	15%
	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	1	25%
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) 40%

>> **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 three months of self-reported effluent violations and one order without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 40%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 40%

Screening Date 28-May-2020 **Docket No.** 2020-1272-MWD-E **PCW**
Respondent City of Beeville *Policy Revision 4 (April 2014)*
Case ID No. 59408 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101614089
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010124002, Other Requirements No. 9

Violation Description

Failed to properly record monitoring activities during effluent sampling. Specifically, the minimum detection limit for Chlorpyrifos and Guthion sample results were recorded in place of a zero on the October 2019 through December 2019 discharge monitoring reports ("DMRs"). Additionally, the DMRs did not include the statement found in the permit required to be added as a separate attachment or as a statement in the comments section of the monthly DMRs when a reported value should be zero based on the minimum analytical level ("MAL") provision.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="1.0%"/>

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

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

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 59408
Reg. Ent. Reference No. RN101614089
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	\$250	20-Feb-2020	28-Apr-2022	2.19	\$27	n/a	\$27
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	20-Nov-2019	28-Apr-2022	2.44	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to conduct employee training and update operational guidance to ensure the minimum detection limit for Chlorpyrifos and Guthion sample results are recorded as zero and the statement found in the permit required to be added is included as a separate attachment or as a statement in the comments section of the monthly DMRs when a reported value should be zero based on the MAL provision. Date required is the investigation date and the final date is the estimated date of compliance.

Estimated cost to submit revised DMRs for October through December 2019 with the minimum detection limit for Chlorpyrifos and Guthion sample results reported as zero and the statement required in the permit included. Date required is date October 2019 DMR was due and final date is 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 \$275

TOTAL \$30

Screening Date 28-May-2020 **Docket No.** 2020-1272-MWD-E **PCW**
Respondent City of Beeville *Policy Revision 4 (April 2014)*
Case ID No. 59408 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101614089
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010124002, Operational Requirements No. 1
Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the grit removal system was inoperative, several rotors/aerators in the sludge digester were not working and causing dead spots throughout all but one section of the outer ring of the digester, the sludge pre-thickener was inoperative, and excessive solids (sludge, grease, and trash) were noted in the chlorine contact chamber.
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 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 \$21,250
 \$3,750

Violation Events

Number of Violation Events: 2 98 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 20, 2020) to the screening date (May 28, 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 \$1,546 **Violation Final Penalty Total** \$10,500
This violation Final Assessed Penalty (adjusted for limits) \$10,500

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 59408
Reg. Ent. Reference No. RN101614089
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	\$5,000	12-Apr-2018	28-May-2022	4.13	\$69	\$1,376	\$1,445
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$500	12-Apr-2018	28-Apr-2022	4.05	\$101	n/a	\$101
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Equipment cost to repair or replace the grit removal system, rotors/aerators in the sludge digester, and sludge pre-thickener. Date required is the date the violation was initially documented and the final date is the estimated date of compliance.

Estimated Remediation/Disposal cost to remove excessive solids from the chlorine contact chamber. Date required is the date the violation was initially documented 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 \$5,500

TOTAL \$1,546

Screening Date 28-May-2020 **Docket No.** 2020-1272-MWD-E **PCW**
Respondent City of Beeville *Policy Revision 4 (April 2014)*
Case ID No. 59408 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101614089
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010124002, 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 period of February 2019.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		X			15.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events: 1 428 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$3,750

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 \$3,750

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$26 **Violation Final Penalty Total** \$5,250

This violation Final Assessed Penalty (adjusted for limits) \$5,250

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 59408
Reg. Ent. Reference No. RN101614089
Media Violation No. Water Quality
 3

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

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$25	27-Mar-2019	28-May-2020	1.17	\$1	\$25	\$26
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to submit a noncompliance notification for the exceedances during the monthly monitoring period of February 2019. Date required is the date the notification was due and the final date is the screening date.

Approx. Cost of Compliance \$25

TOTAL \$26

Screening Date 28-May-2020 **Docket No.** 2020-1272-MWD-E **PCW**
Respondent City of Beeville *Policy Revision 4 (April 2014)*
Case ID No. 59408 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101614089
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 317.3(e)(5)
Violation Description Failed to provide an audiovisual alarm system for all lift stations. Specifically, the McConnell Lift Station did not include an audio alarm.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$21,250
\$3,750

Violation Events

Number of Violation Events 2 98 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two quarterly events are recommended from the investigation date (February 20, 2020) to the screening date (May 28, 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 \$238 **Violation Final Penalty Total** \$10,500
This violation Final Assessed Penalty (adjusted for limits) \$10,500

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 59408
Reg. Ent. Reference No. RN101614089
Media Violation No. Water Quality
 4

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	\$1,500	20-Feb-2020	28-May-2022	2.27	\$11	\$227	\$238
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 an audiovisual alarm system in the McConnell Lift Station. 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

\$1,500

TOTAL

\$238

Screening Date 28-May-2020 **Docket No.** 2020-1272-MWD-E **PCW**
Respondent City of Beeville *Policy Revision 4 (April 2014)*
Case ID No. 59408 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101614089
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010124002, Operational Requirements No. 4
Violation Description Failed to install adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention. Specifically, the on-site generator was inoperable.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 30.0%
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 \$17,500
\$7,500

Violation Events

Number of Violation Events 2 98 Number of violation days

daily		Violation Base Penalty \$15,000
weekly		
monthly		
quarterly	X	
semiannual		
annual		
single event		

Two quarterly events are recommended from the investigation date (February 20, 2020) to the screening date (May 28, 2020).

Good Faith Efforts to Comply 0.0% Reduction \$0

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

Violation Subtotal \$15,000

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

Estimated EB Amount \$794 **Violation Final Penalty Total** \$21,000
This violation Final Assessed Penalty (adjusted for limits) \$21,000

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 59408
Reg. Ent. Reference No. RN101614089
Media Violation No. Water Quality
 5

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	\$5,000	20-Feb-2020	28-May-2022	2.27	\$38	\$756	\$794
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 or replace the on-site generator. 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

\$794

Screening Date 28-May-2020 **Docket No.** 2020-1272-MWD-E **PCW**
Respondent City of Beeville *Policy Revision 4 (April 2014)*
Case ID No. 59408 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101614089
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010124002, Operational Requirements No. 1

Violation Description
 Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, two of the five pumps of the on-site lift station were inoperative, a rotor was down in both aeration basins, an operational rotor was missing pedals at Aeration Basin No. 1, and the post thickener contained excessive vegetation and debris. Furthermore sludge, grease, and trash were discharging from the clarifiers, an uneven flow was observed over the clarifier's effluent weirs, one drying bed was not maintained, the staff gauge was illegible, and the McConnell Lift Station wet well contained an excessive amount of grease and solids.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent 15.0%	
	Release	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 \$21,250

\$3,750

Violation Events

Number of Violation Events 2 98 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two quarterly events are recommended from the investigation date (February 20, 2020) to the screening date (May 28, 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 \$1,620

Violation Final Penalty Total \$10,500

This violation Final Assessed Penalty (adjusted for limits) \$10,500

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 59408
Reg. Ent. Reference No. RN101614089
Media Violation No. Water Quality
 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$10,000	20-Feb-2020	28-May-2022	2.27	\$76	\$1,512	\$1,588
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$500	20-Feb-2020	23-Apr-2020	0.17	\$4	n/a	\$4
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	20-Feb-2020	28-May-2022	2.27	\$28	n/a	\$28

Notes for DELAYED costs

The Equipment cost is the estimated cost to repair or replace the pumps in the on-site lift station, repair the rotors in the aeration basins, replace the missing rotor pedals at Aeration Basin No. 1, and maintain all drying beds. Date required is the investigation date and the final date is the estimated date of compliance.

Estimated Remediation/Disposal cost to remove the grease and solids from the McConnell Lift Station wet well, remove the excessive vegetation/debris from the post thickener, and replace the staff gauge. Date required is the investigation date and the final date is the compliance date.

Estimated Other cost to repair the clarifier's effluent weirs to ensure an even flow and prevent grease, sludge, and trash from discharging from the clarifiers. 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 \$10,750

TOTAL \$1,620

Screening Date 28-May-2020 **Docket No.** 2020-1272-MWD-E **PCW**
Respondent City of Beeville *Policy Revision 4 (April 2014)*
Case ID No. 59408 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101614089
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number 7
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010124002, Sludge Provisions, Section II.F
Violation Description Failed to timely submit a complete annual sludge report ("ASR") to the TCEQ by September 30th each year. Specifically, the 2019 ASR was submitted to the TCEQ on October 18, 2019.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				X	Percent 1.0%

Matrix Notes Less than 30% of the permit requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 205 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$62

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

Notes The Respondent achieved compliance on April 23, 2020.

Violation Subtotal \$188

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

Estimated EB Amount \$6 **Violation Final Penalty Total** \$288

This violation Final Assessed Penalty (adjusted for limits) \$288

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 59408
Reg. Ent. Reference No. RN101614089
Media Violation No. Water Quality
 7

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	20-Feb-2020	23-Apr-2020	0.17	\$0	\$6	\$6
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 conduct employee training and update operational guidance to ensure ASRs are timely submitted. 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

\$500

TOTAL

\$6

Screening Date 28-May-2020 **Docket No.** 2020-1272-MWD-E **PCW**
Respondent City of Beeville *Policy Revision 4 (April 2014)*
Case ID No. 59408 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101614089
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number 8
Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010124002, Permit Conditions No. 2.g
Violation Description Failed to prevent the discharge of sewage into or adjacent to any water in the state, as shown in the attached table.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%
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					\$21,250

\$3,750

Violation Events

Number of Violation Events **4** **63** Number of violation days

	daily	weekly	monthly	quarterly	semiannual	annual	single event
				X			

Violation Base Penalty \$15,000

Four quarterly events are recommended, one quarterly event for each discharge from the Facility.

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 on April 20, 2020.	
Violation Subtotal		

Economic Benefit (EB) for this violation **Statutory Limit Test**
Estimated EB Amount \$1,196 **Violation Final Penalty Total** \$17,250
This violation Final Assessed Penalty (adjusted for limits) \$17,250

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 59408
Reg. Ent. Reference No. RN101614089
Media Violation No. Water Quality
 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$15,000	16-Sep-2018	20-Apr-2020	1.59	\$1,196	n/a	\$1,196

Notes for DELAYED costs

Estimated cost to cease the discharges and clean the affected areas. Date required is the date of the first discharge and the final date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,000

TOTAL

\$1,196

Screening Date 28-May-2020 **Docket No.** 2020-1272-MWD-E **PCW**
Respondent City of Beeville *Policy Revision 4 (April 2014)*
Case ID No. 59408 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101614089
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number 9
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010124002, Definitions and Standard Permit Conditions No. 2.e
Violation Description Failed to properly analyze effluent samples according to the permit. Specifically, the daily average concentration of Escherichia coli ("E. coli") was being calculated using the arithmetic mean.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent 15.0%
		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				\$21,250

\$3,750

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		
Notes	The Respondent achieved compliance on April 23, 2020.	
	Violation Subtotal \$2,813	

Economic Benefit (EB) for this violation **Statutory Limit Test**
Estimated EB Amount \$2 **Violation Final Penalty Total** \$4,313
This violation Final Assessed Penalty (adjusted for limits) \$4,313

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 59408
Reg. Ent. Reference No. RN101614089
Media Violation No. Water Quality
 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$250	20-Feb-2020	23-Apr-2020	0.17	\$2	n/a	\$2
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	20-Feb-2020	23-Apr-2020	0.17	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Training/Sampling cost to update operational guidance and conduct employee training to ensure the E. coli daily average concentration is calculated in accordance with permit requirements. Date required is the investigation date and the final date is date of compliance.

Estimated Other cost to submit a corrected DMR for the monitoring period ending February 28, 2019. 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 \$275

TOTAL \$2

Screening Date 28-May-2020 **Docket No.** 2020-1272-MWD-E **PCW**
Respondent City of Beeville *Policy Revision 4 (April 2014)*
Case ID No. 59408 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101614089
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number 10
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.7(d) and TPDES Permit No. WQ0010124002, Monitoring and Reporting Requirements No. 1
Violation Description Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the DMRs for the monitoring periods ending July 31, 2019, November 30, 2019, and December 31, 2019 were submitted on September 18, 2019, January 8, 2020, January 21, 2020 respectively.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				X	1.0%

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

Adjustment \$24,750 **\$250**

Violation Events

Number of Violation Events **3** **153** Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$750

Three single events are recommended, one for each monthly monitoring period.

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 April 22, 2020.

Violation Subtotal \$563

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$2	Violation Final Penalty Total \$863
This violation Final Assessed Penalty (adjusted for limits) \$863	

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 59408
Reg. Ent. Reference No. RN101614089
Media Violation No. Water Quality
 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	20-Feb-2020	22-Apr-2020	0.17	\$2	n/a	\$2
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 monitoring results are submitted at intervals specified in the permit. 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 \$2

Screening Date 28-May-2020 **Docket No.** 2020-1272-MWD-E **PCW**
Respondent City of Beeville *Policy Revision 4 (April 2014)*
Case ID No. 59408 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101614089
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number 11
Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and (4), and TPDES Permit No. WQ0010124002, 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, settled solids in the form of grease and sludge were observed in the receiving stream at least 40 yards downstream of the outfall. The settled sludge was 6 inches or more in depth where accessible, and flying insects were also observed on the water's surface. Sludge sample results indicated stream degradation through elevated levels of Ammonia as Nitrogen (44.9 milligrams per liter ("mg/L")), Ortho Phosphate-P (17.8 mg/L), Total Phosphorus (19.4 mg/L), and Total Kjeldahl Nitrogen (46.5 mg/L).
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		X		30.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$17,500
 \$7,500

Violation Events

Number of Violation Events 2 46 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Two monthly events are recommended from the investigation date (February 20, 2020) to the compliance date (April 6, 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 on April 6, 2020.

Violation Subtotal \$11,250

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

Estimated EB Amount \$63 **Violation Final Penalty Total** \$17,250
This violation Final Assessed Penalty (adjusted for limits) \$17,250

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 59408
Reg. Ent. Reference No. RN101614089
Media Violation No. Water Quality
 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				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)	\$10,000	20-Feb-2020	6-Apr-2020	0.13	\$63	n/a	\$63

Notes for DELAYED costs

Estimated cost to remove the sludge from the receiving stream and properly dispose of it at the Facility.
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

\$10,000

TOTAL

\$63

Screening Date 28-May-2020 **Docket No.** 2020-1272-MWD-E **PCW**
Respondent City of Beeville *Policy Revision 4 (April 2014)*
Case ID No. 59408 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101614089
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number 12
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010124002, Operational Requirements No. 1
Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, screenings were stored in containers without tight fitting lids at the mechanical bar screen, clarifiers, chlorine contact chambers, and the Chase Field Lift Station. Additionally, screenings were observed discharged to the ground at the mechanical bar screen and the McConnell Lift Station.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to 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 \$21,250
 \$3,750

Violation Events

Number of Violation Events	1	64	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly	X	
	semiannual		
	annual		
	single event		
			Violation Base Penalty \$3,750

One quarterly event is recommended from the investigation date (February 20, 2020) to the compliance date (April 24, 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 April 24, 2020.

Violation Subtotal \$2,813

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

Estimated EB Amount \$1 **Violation Final Penalty Total** \$4,313
This violation Final Assessed Penalty (adjusted for limits) \$4,313

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 59408
Reg. Ent. Reference No. RN101614089
Media Violation No. Water Quality
 12

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$100	20-Feb-2020	24-Apr-2020	0.18	\$0	\$1	\$1
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	\$50	20-Feb-2020	24-Apr-2020	0.18	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Equipment cost to provide containers with tight fitting lids to store screenings at the mechanical bar screen, clarifiers, chlorine contact chambers, and the Chase Field Lift Station. Date required is the investigation date and the final date is the date of compliance.

Estimated Remediation/Disposal cost to remove and properly dispose of the screenings that were discharged to the ground at the mechanical bar screen and the McConnell Lift Station. 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 \$150

TOTAL \$1

Screening Date 28-May-2020 **Docket No.** 2020-1272-MWD-E **PCW**
Respondent City of Beeville *Policy Revision 4 (April 2014)*
Case ID No. 59408 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101614089
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number 13
Rule Cite(s) 30 Tex. Admin. Code § 317.7(e)
Violation Description Failed to provide the required plant protection. Specifically, the facility gate was damaged near the belt press potentially allowing unauthorized access.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				30.0%
	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 \$17,500
\$7,500

Violation Events

Number of Violation Events: 1
 Number of violation days: 11

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended from the investigation date (February 20, 2020) to the compliance date (March 2, 2020).

Good Faith Efforts to Comply 25.0% Reduction \$1,875

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer
 Extraordinary
 Ordinary X
 N/A
Notes The Respondent achieved compliance on March 2, 2020.

Violation Subtotal \$5,625

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

Estimated EB Amount \$1 **Violation Final Penalty Total** \$8,625
This violation Final Assessed Penalty (adjusted for limits) \$8,625

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 59408
Reg. Ent. Reference No. RN101614089
Media Violation No. Water Quality
 13

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	\$500	20-Feb-2020	2-Mar-2020	0.03	\$0	\$1	\$1
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 the gate near the belt press to prevent 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	\$500	TOTAL	\$1
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Screening Date 28-May-2020 **Docket No.** 2020-1272-MWD-E **PCW**
Respondent City of Beeville *Policy Revision 4 (April 2014)*
Case ID No. 59408 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101614089
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number 14
Rule Cite(s) 30 Tex. Admin. Code § 317.6(b)(1)(D)
Violation Description Failed to make a self-contained breathing apparatus ("SCBA") available to facility personnel at the chlorination facility.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 30.0%
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 \$17,500

\$7,500

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended from the investigation date (February 20, 2020) to the compliance date (March 2, 2020).

Good Faith Efforts to Comply Reduction

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

Notes The Respondent achieved compliance on March 2, 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 Beeville
Case ID No. 59408
Reg. Ent. Reference No. RN101614089
Media Violation No. Water Quality
 14

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$1,000	20-Feb-2020	2-Mar-2020	0.03	\$0	\$2	\$2
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 purchase a SCBA. Date required is the investigation date and the final date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$2

Screening Date 28-May-2020 **Docket No.** 2020-1272-MWD-E **PCW**
Respondent City of Beeville *Policy Revision 4 (April 2014)*
Case ID No. 59408 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101614089
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number 15
Rule Cite(s) 30 Tex. Admin. Code § 319.11(b)
Violation Description Failed to properly preserve effluent samples. Specifically, the thermometer utilized in the compositor was not a National Institute of Standards and Technology ("NIST") traceable thermometer that had been calibrated in the previous twelve months as required.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent 0.0%
		Major	Moderate	Minor	
	Actual				
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 1.0%
				X	
Matrix Notes	Less than 30% of the rule requirement was not met.				
	Adjustment				\$24,750

\$250

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		
Notes	The Respondent achieved compliance on April 3, 2020.	
Violation Subtotal		
<input type="text" value="\$188"/>		

Economic Benefit (EB) for this violation **Statutory Limit Test**
Violation Final Penalty Total
This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 59408
Reg. Ent. Reference No. RN101614089
Media Violation No. Water Quality
 15

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	\$400	20-Feb-2020	3-Apr-2020	0.12	\$0	\$3	\$3
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to purchase and begin utilizing an NIST traceable thermometer that had been calibrated in the previous twelve months. 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 \$400

TOTAL \$3

Screening Date 28-May-2020 **Docket No.** 2020-1272-MWD-E **PCW**
Respondent City of Beeville *Policy Revision 4 (April 2014)*
Case ID No. 59408 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101614089
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number 16
Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code §§ 305.125(1) and 307.4(b)(2) and (b)(3), and TPDES Permit No. WQ0010124002, Permit Conditions No. 2.d
Violation Description Failed to prevent the discharge of solids into the receiving stream. Specifically, floating solids (sludge, sewage debris including trash, and grease in the form of grease balls) were observed throughout the Facility and in the receiving stream.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 60 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended from the investigation date (February 20, 2020) to the compliance date (April 20, 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 April 20, 2020.

Violation Subtotal \$2,813

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

Estimated EB Amount \$13 **Violation Final Penalty Total** \$4,313

This violation Final Assessed Penalty (adjusted for limits) \$4,313

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 59408
Reg. Ent. Reference No. RN101614089
Media Water Quality
Violation No. 16

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$500	20-Feb-2020	2-Mar-2020	0.03	\$1	n/a	\$1
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	20-Feb-2020	20-Apr-2020	0.16	\$12	n/a	\$12

Notes for DELAYED costs

Estimated Remediation/Disposal costs to remove the sewage debris, greaseballs, trash, and sludge near the outfall from the receiving stream and properly dispose of it at the Facility. Date required is the investigation date and the final date is the date of compliance.

Estimated Other cost to reinstall the old return activated sludge pumps and adjust the wasting timers. 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 \$2,000

TOTAL \$13



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	18-May-2020	Screening	28-May-2020	EPA Due	
	PCW	17-Mar-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Beeville
Reg. Ent. Ref. No.	RN101614089
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	59408	No. of Violations	1
Docket No.	2020-1272-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	\$7,500
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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.

Compliance History	40.0%	Adjustment	Subtotals 2, 3, & 7	\$3,000
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Notes: Enhancement for three months of self-reported effluent violations and one order without denial of liability.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,875
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$0
 Estimated Cost of Compliance: \$0
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$8,625
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,625
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,725
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$6,900
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Screening Date 28-May-2020
Respondent City of Beeville
Case ID No. 59408
Reg. Ent. Reference No. RN101614089
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2020-1272-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>)	3	15%
	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	1	25%
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) 40%

>> 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 three months of self-reported effluent violations and one order without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 40%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 40%

Screening Date 28-May-2020
Respondent City of Beeville
Case ID No. 59408
Reg. Ent. Reference No. RN101614089
Media Water Quality
Enf. Coordinator Alejandro Laje

Docket No. 2020-1272-MWD-E

PCW

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

Violation Number

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010124002, Permit Conditions No. 2.g

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

Base Penalty

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="5.0%"/>
Potential	<input type="text"/>	<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 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="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Six quarterly events are recommended, one quarterly event for each discharge from the collection system.

Good Faith Efforts to Comply

Reduction

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

Extraordinary	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>
N/A	<input type="text"/>

Notes The Respondent achieved compliance on February 8, 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 Beeville
Case ID No. 59408
Reg. Ent. Reference No. RN101614089
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to cease the discharges and clean the affected areas is captured in the Economic Benefit of Violation No. 8 of the accompanying PCW.

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 Beeville
Docket No. 2020-1272-MWD-E
TPDES Permit No. WQ0010124002

Unauthorized Discharge Table

Date of Discharge	Location	Amount Discharged (Gallons)	Cause
September 16, 2018	Manhole near South Tyler and Roberts	10,000	Inflow and Infiltration
September 27, 2018	Manhole near South Tyler and Roberts	2,500	Inflow and Infiltration
October 15, 2018	Facility	1,350	Inflow and Infiltration
October 16, 2018	Manhole near South Tyler and Roberts	1,350	Inflow and Infiltration
October 16, 2018	Manhole at 1801 Highway 181	200	Lift Station Maintenance
December 8, 2018	Manhole near South Tyler and Roberts	20,000	Inflow and Infiltration
July 3, 2019	Facility	30	Inflow and Infiltration
December 24, 2019	Facility	5,000	Equipment Failure
February 7, 2020	3261 State Highway 202	2,000	Human Error
February 20, 2020	Facility	20	Equipment Failure

City of Beeville
Docket No. 2020-1272-MWD-E
TPDES Permit No. WQ0010124002

Corrective Action Table

Date Completed	Location	Corrective Actions
September 16, 2018	Manhole near South Tyler and Roberts	Ceased the unauthorized discharge, cleaned and disinfected the affected area.
September 27, 2018	Manhole near South Tyler and Roberts	Ceased the unauthorized discharge, cleaned and disinfected the affected areas.
October 15, 2018	Facility	Ceased the unauthorized discharge.
October 16, 2018	Manhole near South Tyler and Roberts	Ceased the unauthorized discharge and cleaned and disinfected the affected area.
October 16, 2018	Manhole at 1801 Highway 181	Ceased the unauthorized discharge and cleaned and disinfected the affected area.
December 8, 2018	Manhole near South Tyler and Roberts	Ceased the unauthorized discharge and cleaned and disinfected the affected area.
July 3, 2019	Facility	Ceased the unauthorized discharge and cleaned the affected area.
December 24, 2019	Facility	Ceased the unauthorized discharge and cleaned and disinfected the affected area.
February 8, 2020	3261 State Highway 202	Ceased the unauthorized discharge and cleaned and disinfected the affected area.
April 20, 2020	Facility	Ceased the unauthorized discharges and cleaned the affected areas.

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 CN600740070, RN101614089, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN600740070, City of Beeville **Classification:** SATISFACTORY **Rating:** 9.47

Regulated Entity: RN101614089, MOORE STREET **Classification:** SATISFACTORY **Rating:** 22.00

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

CH Group: 08 - Sewage Treatment Facilities

Location: 801 Highway 181 Bypass, adjacent to Poesta Creek, east of United States Highway 181 Bypass, north of State Highway 202, south-southeast of the City of Beeville, in Bee County, Texas

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):
WASTEWATER PERMIT WQ0010124002 **WASTEWATER EPA ID** TX0047007
WASTEWATER AUTHORIZATION R10124002 **WASTEWATER LICENSING LICENSE** WQ0010124002

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

Date Compliance History Report Prepared: March 25, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 25, 2016 to March 25, 2021

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:

- 1 Effective Date: 07/25/2018 ADMINORDER 2017-0447-MWD-E (Findings Order-Agreed Order Without Denial)
- Classification: Major
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 30 TAC Chapter 305, SubChapter F 305.125(4)
- Rqmt Prov: Permit Conditions; 2.g.; Pg. 9 PERMIT
- Description: Failed to prevent an unauthorized discharge of wastewater into or adjacent to water in the state.
- Classification: Minor
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
- Rqmt Prov: TPDES PERMIT
- Description: Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.
- Classification: Moderate
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(9)(A)
 30 TAC Chapter 327 327.32(b)
- Rqmt Prov: TPDES PERMIT
- Description: Failed to notify the TCEQ of any noncompliance which may endanger human health or safety, or the environment, within 24 hours of becoming aware of any noncompliance, orally or by facsimile transmission; and submit written notification within five working days of becoming aware of any noncompliance.
- Classification: Moderate
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 20, 2016	(1339460)
Item 2	June 20, 2016	(1352705)
Item 3	September 19, 2016	(1366110)
Item 4	September 20, 2016	(1372796)
Item 5	October 18, 2016	(1378970)
Item 6	November 18, 2016	(1384933)
Item 7	December 20, 2016	(1391067)
Item 8	January 20, 2017	(1397687)
Item 9	February 20, 2017	(1404576)
Item 10	March 20, 2017	(1411668)
Item 11	April 18, 2017	(1418166)
Item 12	May 17, 2017	(1425759)
Item 13	June 19, 2017	(1431802)
Item 14	August 21, 2017	(1440379)
Item 15	October 12, 2017	(1456521)
Item 16	November 20, 2017	(1461987)
Item 17	January 03, 2018	(1468371)
Item 18	January 26, 2018	(1475070)
Item 19	February 15, 2018	(1487286)
Item 20	March 19, 2018	(1490961)
Item 21	April 30, 2018	(1494207)
Item 22	May 18, 2018	(1501157)
Item 23	June 19, 2018	(1508244)
Item 24	July 13, 2018	(1514576)
Item 25	August 15, 2018	(1520632)
Item 26	September 17, 2018	(1527800)
Item 27	October 15, 2018	(1534157)
Item 28	November 20, 2018	(1541991)
Item 29	December 14, 2018	(1545762)
Item 30	January 21, 2019	(1561290)
Item 31	February 20, 2019	(1561288)
Item 32	April 20, 2019	(1572360)
Item 33	May 20, 2019	(1584332)
Item 34	June 20, 2019	(1584333)
Item 35	July 19, 2019	(1593700)
Item 36	March 18, 2020	(1647711)
Item 37	May 19, 2020	(1660632)
Item 38	June 15, 2020	(1667152)
Item 39	September 18, 2020	(1687448)
Item 40	October 19, 2020	(1693787)

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:	03/31/2020	(1654060)	
	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: 06/30/2020 (1674104)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

3 Date: 07/31/2020 (1680877)
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 BEEVILLE
RN101614089**

**§
§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2020-1272-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 Beeville (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 801 Highway 181 Bypass, adjacent to Poesta Creek, east of United States Highway 181 Bypass, north of State Highway 202, south-southeast of the City of Beeville, in Bee County, Texas (the "Facility") and an associated collection system. 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 \$132,853 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$106,283 of the penalty and \$26,570 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
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 March 2, 2020, repaired the gate near the belt press to prevent unauthorized access; purchased a self-contained breathing apparatus ("SCBA"); removed the sewage debris, trash, greaseballs, and sludge near the outfall from the receiving stream and properly dispose of it at the Facility;
 - b. On April 3, 2020, purchased and began utilizing a National Institute of Standards and Technology ("NIST") traceable thermometer that had been calibrated in the previous twelve months;
 - c. On April 6, 2020, removed the sludge from the receiving stream and properly disposed of it at the Facility;
 - d. On April 20, 2020, reinstalled the old return activated sludge pumps and adjusted the wasting timers;
 - e. By April 20, 2020, ceased all of the discharges of sewage as shown in the table below:

Date Completed	Location	Corrective Actions
September 16, 2018	Manhole near South Tyler and Roberts	Ceased the unauthorized discharge, cleaned and disinfected the affected area.
September 27, 2018	Manhole near South Tyler and Roberts	Ceased the unauthorized discharge, cleaned and disinfected the affected areas.
October 15, 2018	Facility	Ceased the unauthorized discharge.

October 16, 2018	Manhole near South Tyler and Roberts	Ceased the unauthorized discharge and cleaned and disinfected the affected area.
October 16, 2018	Manhole at 1801 Highway 181	Ceased the unauthorized discharge and cleaned and disinfected the affected area.
December 8, 2018	Manhole near South Tyler and Roberts	Ceased the unauthorized discharge and cleaned and disinfected the affected area.
July 3, 2019	Facility	Ceased the unauthorized discharge and cleaned the affected area.
December 24, 2019	Facility	Ceased the unauthorized discharge and cleaned and disinfected the affected area.
February 8, 2020	3261 State Highway 202	Ceased the unauthorized discharge and cleaned and disinfected the affected area.
April 20, 2020	Facility	Ceased the unauthorized discharges and cleaned the affected areas.

- f. On April 22, 2020, conducted employee training and updated operational guidance to ensure monitoring results are submitted at intervals specified in the permit;
- g. On April 23, 2020, removed the grease and solids from the McConnell Lift Station wet well, removed the excessive vegetation/debris from the post thickener, and replaced the staff gauge; conducted employee training and updated operational guidance to ensure annual sludge reports ("ASRs") are timely submitted, and the *Escherichia coli* ("*E. coli*") daily average concentration is calculated in accordance with permit requirements; and submitted a corrected discharge monitoring report ("DMR") for the monitoring period ending February 28, 2019; and
- h. On April 24, 2020, provided containers with tight fitting lids to store screenings at the mechanical bar screen, clarifiers, chlorine contact chambers, and the Chase Field Lift Station; and removed and properly disposed of the screenings that were discharged to the ground at the mechanical bar screen and the McConnell Lift Station.

II. ALLEGATIONS

During an investigation conducted on February 20, 2020, an investigator documented that the Respondent:

1. Failed to properly record monitoring activities during effluent sampling, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010124002, Other Requirements No. 9. Specifically, the

minimum detection limit for Chlorpyrifos and Guthion sample results were recorded in place of a zero on the October 2019 through December 2019 DMRs. Additionally, the DMRs did not include the statement found in the permit required to be added as a separate attachment or as a statement in the comments section of the monthly DMRs when a reported value should be zero based on the minimum analytical level ("MAL") provision.

2. 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. WQ0010124002, Operational Requirements No. 1. Specifically, the grit removal system was inoperative, several rotors/aerators in the sludge digester were not working and causing dead spots throughout all but one section of the outer ring of the digester, the sludge pre-thickener was inoperative, and excessive solids (sludge, grease, and trash) were noted in the chlorine contact chamber.
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. WQ0010124002, Monitoring and Reporting Requirements No. 7.c. Specifically, the Respondent did not provide noncompliance notifications for the exceedances during the monthly monitoring period of February 2019.
4. Failed to provide an audiovisual alarm system for all lift stations, in violation of 30 TEX. ADMIN. CODE § 317.3(e)(5). Specifically, the McConnell Lift Station did not include an audio alarm.
5. Failed to install adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010124002, Operational Requirements No. 4. Specifically, the on-site generator was inoperable.
6. 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. WQ0010124002, Operational Requirements No. 1. Specifically, two of the five pumps of the on-site lift station were inoperative, a rotor was down in both aeration basins, an operational rotor was missing pedals at Aeration Basin No. 1, and the post thickener contained excessive vegetation and debris. Furthermore sludge, grease, and trash were discharging from the clarifiers, an uneven flow was observed over the clarifier's effluent weirs, one drying bed was not maintained, the staff gauge was illegible, and the McConnell Lift Station wet well contained an excessive amount of grease and solids.
7. Failed to timely submit a complete ASR to the TCEQ by September 30th each year, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010124002, Sludge Provisions, Section II.F. Specifically, the 2019 ASR was submitted to the TCEQ on October 18, 2019.

8. Failed to prevent the discharge of sewage into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010124002, Permit Conditions No. 2.g, as shown in the table below:

Unauthorized Discharges			
Date of Discharge	Location	Amount Discharged (Gallons)	Cause
September 16, 2018	Manhole near South Tyler and Roberts	10,000	Inflow and Infiltration
September 27, 2018	Manhole near South Tyler and Roberts	2,500	Inflow and Infiltration
October 15, 2018	Facility	1,350	Inflow and Infiltration
October 16, 2018	Manhole near South Tyler and Roberts	1,350	Inflow and Infiltration
October 16, 2018	Manhole at 1801 Highway 181	200	Lift Station Maintenance
December 8, 2018	Manhole near South Tyler and Roberts	20,000	Inflow and Infiltration
July 3, 2019	Facility	30	Inflow and Infiltration
December 24, 2019	Facility	5,000	Equipment Failure
February 7, 2020	3261 State Highway 202	2,000	Human Error
February 20, 2020	Facility	20	Equipment Failure

9. Failed to properly analyze effluent samples according to the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010124002, Definitions and Standard Permit Conditions No. 2.e. Specifically, the daily average concentration of *E. coli* was being calculated using the arithmetic mean.

10. Failed to timely submit monitoring results at intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(d) and TPDES Permit No. WQ0010124002, Monitoring and Reporting Requirements No. 1. Specifically, the DMRs for the monitoring periods ending July 31, 2019, November 30, 2019, and December 31, 2019 were submitted on September 18, 2019, January 8, 2020, January 21, 2020 respectively.
11. 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 TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), and TPDES Permit No. WQ0010124002, Permit Conditions No. 2.d. Specifically, settled solids in the form of grease and sludge were observed in the receiving stream at least 40 yards downstream of the outfall. The settled sludge was 6 inches or more in depth where accessible, and flying insects were also observed on the water's surface. Sludge sample results indicated stream degradation through elevated levels of Ammonia as Nitrogen (44.9 milligrams per liter ("mg/L")), Ortho Phosphate-P (17.8 mg/L), Total Phosphorus (19.4 mg/L), and Total Kjeldahl Nitrogen (46.5 mg/L).
12. 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. WQ0010124002, Operational Requirements No. 1. Specifically, screenings were stored in containers without tight fitting lids at the mechanical bar screen, clarifiers, chlorine contact chambers, and the Chase Field Lift Station. Additionally, screenings were observed discharged to the ground at the mechanical bar screen and the McConnell Lift Station.
13. Failed to provide the required plant protection, in violation of 30 TEX. ADMIN. CODE § 317.7(e). Specifically, the facility gate was damaged near the belt press potentially allowing unauthorized access.
14. Failed to make a SCBA available to facility personnel at the chlorination facility, in violation of 30 TEX. ADMIN. CODE § 317.6(b)(1)(D).
15. Failed to properly preserve effluent samples, in violation of 30 TEX. ADMIN. CODE § 319.11(b). Specifically, the thermometer utilized in the compositor was not a NIST traceable thermometer that had been calibrated in the previous twelve months as required.
16. Failed to prevent the discharge of solids into the receiving stream, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE §§ 305.125(1) and 307.4(b)(2) and (b)(3), and TPDES Permit No. WQ0010124002, Permit Conditions No. 2.d. Specifically, floating solids (sludge, sewage debris including trash, and grease in the form of grease balls) were observed throughout the Facility and in the receiving stream.

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 Beeville, Docket No. 2020-1272-MWD-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Conduct employee training and update operational guidance to ensure that the minimum detection limit for Chlorpyrifos and Guthion sample results are recorded as zero and the statement found in the permit required to be added is included as a separate attachment or as a statement in the comments section of the monthly DMRs when a reported value should be zero based on the MAL provision, in accordance with TPDES Permit No. WQ0010124002, Other Requirements No. 9;
 - ii. Submit revised DMRs for October through December 2019 with the minimum detection limit for Chlorpyrifos and Guthion sample results reported as zero and the statement required in the permit included, in accordance with TPDES Permit No. WQ0010124002, Other Requirements No. 9; and
 - iii. Remove excessive solids from the chlorine contact chamber, in accordance with TPDES Permit No. WQ0010124002, Operational Requirements No. 1.
 - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.d. below, to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.iii.
 - c. Within 60 days after the effective date of this Order:

- i. Repair or replace the grit removal system, rotors/aerators in the sludge digester, and sludge pre-thickener, in accordance with TPDES Permit No. WQ0010124002, Operational Requirements No. 1;
 - ii. Install an audiovisual alarm system in the McConnell Lift Station, in accordance with TPDES Permit No. WQ0010124002, Operational Requirements No. 1;
 - iii. Repair or replace the on-site generator, in accordance with TPDES Permit No. WQ0010124002, Operational Requirements No. 1;
 - iv. Repair or replace the pumps in the on-site lift station, in accordance with TPDES Permit No. WQ0010124002, Operational Requirements No. 1;
 - v. Repair the rotors in the aeration basins, in accordance with TPDES Permit No. WQ0010124002, Operational Requirements No. 1;
 - vi. Replace the missing rotor pedals at Aeration Basin No. 1, in accordance with TPDES Permit No. WQ0010124002, Operational Requirements No. 1;
 - vii. Maintain all drying beds, in accordance with TPDES Permit No. WQ0010124002, Operational Requirements No. 1; and
 - viii. Repair the clarifier's effluent weirs to ensure an even flow and prevent grease, sludge, and trash from discharging from the clarifiers, in accordance with TPDES Permit No. WQ0010124002, Operational Requirements No. 1.
- 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. 2.c.i through 2.c.viii. 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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. 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.
8. 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.

9. 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



8/31/2022

For the Executive Director

Date

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

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

August 2, 2022

Date

John Benson

Name (Printed or typed)

City Manager

Title

Authorized Representative of
City of Beeville

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