

Executive Summary – Enforcement Matter – Case No. 59611

City of Hidalgo

RN101919975

Docket No. 2020-1348-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Hidalgo WWTP, 2300 East Highline Road, Hidalgo, Hidalgo County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 21, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$58,376

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$58,376

Name of SEP: WWTP Improvements (Compliance)

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 11, 2020 through February 25, 2020

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

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City of Hidalgo
RN101919975
Docket No. 2020-1348-MWD-E

Violation Information

1. Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011080001, Permit Conditions No. 2.g].
2. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0011080001, Operational Requirements No. 1].
3. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0011080001, Operational Requirements No. 1].
4. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0011080001, Operational Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By January 28, 2020, purchased and installed two new pumps at the West Lift Station;
- b. By February 17, 2020, removed vegetation from the sludge drying beds; and
- c. By March 2, 2020, removed and disposed of excess algae and foam, and addressed floating solids and sludge buildup in the North and South Clarifiers.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Develop a corrective action plan to prevent further accumulation of foam in the West Lift Station wet well;

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RN101919975
Docket No. 2020-1348-MWD-E

- ii. Remove the excessive foam in the West Lift Station wet well; and
 - iii. Conduct employee training on proper operations to prevent future unauthorized discharges.
- b. Within 60 days, treat and disinfect the area of the unauthorized discharge, remove and properly dispose of all solids, and assess any impact to the environment by taking laboratory samples.
- c. Within 75 days, submit written certification to demonstrate compliance with a. and b.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Stephanie Frederick, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-1001; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

Respondent: The Honorable Sergio Coronado, Mayor, City of Hidalgo, 704 East Ramon Ayala Drive, Hidalgo, Texas 78557
Julian J. Gonzalez, City Manager, City of Hidalgo, 704 East Ramon Ayala Drive, Hidalgo, Texas 78557

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| DATES | Assigned | 15-Jun-2020 | Screening | 28-Jul-2020 | EPA Due | |
| | PCW | 29-Sep-2021 | | | | |

| | |
|----------------------------------------|-----------------|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | City of Hidalgo |
| Reg. Ent. Ref. No. | RN101919975 |
| Facility/Site Region | 15-Harlingen |
| Major/Minor Source | Major |

| | | | |
|----------------------------------------|-----------------|------------------------------|---------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 59611 | No. of Violations | 4 |
| Docket No. | 2020-1348-MWD-E | Order Type | Findings |
| Media Program(s) | Water Quality | Government/Non-Profit | Yes |
| Multi-Media | | Enf. Coordinator | Stephanie Frederick |
| | | EC's Team | Enforcement Team 7 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

| | | |
|-------------------------------------------------------------|-------------------|-----------------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$59,750 |
|-------------------------------------------------------------|-------------------|-----------------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|------------------------|--------------------------------|------------|
| Compliance History | 0.0% Adjustment | Subtotals 2, 3, & 7 | \$0 |
|---------------------------|------------------------|--------------------------------|------------|

Notes: No adjustment for Compliance History.

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

Notes: The Respondent does not meet the culpability criteria.

| | | |
|------------------------------------------------------|-------------------|-----------------|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | -\$1,374 |
|------------------------------------------------------|-------------------|-----------------|

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

Total EB Amounts: \$10,818
 Estimated Cost of Compliance: \$141,410
 *Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|-----------------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$58,376 |
|-----------------------------|-----------------------|-----------------|

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

| | |
|-----------------------------|-----------------|
| Final Penalty Amount | \$58,376 |
|-----------------------------|-----------------|

| | | |
|-----------------------------------|-------------------------------|-----------------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$58,376 |
|-----------------------------------|-------------------------------|-----------------|

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

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

| | |
|------------------------|-----------------|
| PAYABLE PENALTY | \$58,376 |
|------------------------|-----------------|

Screening Date 28-Jul-2020
Respondent City of Hidalgo
Case ID No. 59611
Reg. Ent. Reference No. RN101919975
Media Water Quality
Enf. Coordinator Stephanie Frederick

Docket No. 2020-1348-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>) | 0 | 0% |
| | Other written NOVs | 0 | 0% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 0%

>> 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

No adjustment for Compliance History.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 28-Jul-2020
Respondent City of Hidalgo
Case ID No. 59611
Reg. Ent. Reference No. RN101919975
Media Water Quality
Enf. Coordinator Stephanie Frederick

Docket No. 2020-1348-MWD-E

PCW

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

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011080001, Permit Conditions No. 2.g

Violation Description Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state. Specifically, due to a pump failure at the West Lift Station, approximately 0.632 million gallons of untreated wastewater were diverted into a decommissioned water treatment lagoon from January 24, 2020 to January 26, 2020, impacting approximately 444 cubic yards of soil and vegetation.

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 as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 7 186 Number of violation days

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

Violation Base Penalty \$52,500

Seven monthly events are recommended, calculated from the January 24, 2020 date the unauthorized discharge began to the July 28, 2020 screening date.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$52,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10,717

Violation Final Penalty Total \$52,500

This violation Final Assessed Penalty (adjusted for limits) \$52,500

Economic Benefit Worksheet

Respondent City of Hidalgo
Case ID No. 59611
Reg. Ent. Reference No. RN101919975
Media Water Quality
Violation No. 1

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

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

Delayed Costs

| | | | | | | | |
|--------------------------|-----------|-------------|-------------|------|---------|-----|---------|
| Equipment | \$5,000 | 24-Jan-2020 | 28-Jan-2020 | 0.01 | \$0 | \$4 | \$4 |
| 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 | \$100 | 24-Jan-2020 | 30-Oct-2021 | 1.77 | \$9 | n/a | \$9 |
| Remediation/Disposal | \$15,000 | 24-Jan-2020 | 29-Nov-2021 | 1.85 | \$1,387 | n/a | \$1,387 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$119,110 | 24-Jan-2020 | 17-Aug-2021 | 1.56 | \$9,317 | n/a | \$9,317 |

Notes for DELAYED costs

Estimated equipment cost to purchase and install two new pumps at the West Lift Station. The Date Required is the day the unauthorized discharge began and the Final Date is the date the pumps were installed.

Estimated training cost to conduct employee training on proper operations to prevent future unauthorized discharges. The Date Required is the day the unauthorized discharge began and the Final Date is the estimated date of compliance.

Estimated remediation/disposal cost to treat and disinfect the area of the unauthorized discharge, remove and properly dispose of all solids, and assess any impact to the environment by taking laboratory samples. The Date Required is the day the unauthorized discharge began and the Final Date is the estimated date of compliance.

Actual other cost to purchase and install a new mechanical stair screen at the Facility. The Date Required is the day the unauthorized discharge began 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 \$139,210

TOTAL \$10,717

Screening Date 28-Jul-2020
Respondent City of Hidalgo
Case ID No. 59611
Reg. Ent. Reference No. RN101919975
Media Water Quality
Enf. Coordinator Stephanie Frederick

Docket No. 2020-1348-MWD-E

PCW

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

Violation Number 2

Rule Cite(s)
30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0011080001, Operational Requirements No. 1

Violation Description
Failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained. Specifically, the West Lift Station had excessive foam in the wet well.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 7.0% |
| Potential | | | x | |

>> Programmatic Matrix

| Matrix Notes | Falsification | | | Percent |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------|-------|---------|
| | Major | Moderate | Minor | |
| | | | | 0.0% |
| Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation. | | | | |

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1 168 Number of violation days

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

Violation Base Penalty \$1,750

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 \$1,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$98

Violation Final Penalty Total \$1,750

This violation Final Assessed Penalty (adjusted for limits) \$1,750

Economic Benefit Worksheet

Respondent City of Hidalgo
Case ID No. 59611
Reg. Ent. Reference No. RN101919975
Media Water Quality
Violation No. 2

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

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

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|-------------|------|------|------|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$100 | 11-Feb-2020 | 30-Oct-2021 | 1.72 | \$1 | \$11 | \$12 |
| 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) | \$1,000 | 11-Feb-2020 | 30-Oct-2021 | 1.72 | \$86 | n/a | \$86 |

Notes for DELAYED costs

Estimated delayed cost to develop a corrective action plan to prevent further accumulation of foam in the West Lift Station wet well. The Date Required is the investigation start date and the Final Date is the estimated compliance date.

Estimated delayed cost to remove the excessive foam in the West Lift Station wet well. The Date Required is the investigation start date and the Final Date is the estimated 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

\$1,100

TOTAL

\$98

Screening Date 28-Jul-2020
Respondent City of Hidalgo
Case ID No. 59611
Reg. Ent. Reference No. RN101919975
Media Water Quality
Enf. Coordinator Stephanie Frederick

Docket No. 2020-1348-MWD-E

PCW

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

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0011080001, Operational Requirements No. 1

Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained. Specifically, the sludge drying beds contained excess vegetation.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 7.0% |
| | Potential | | | x | |

>> Programmatic Matrix

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

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1 6 Number of violation days

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

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$437

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

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

Notes The Respondent achieved compliance on February 17, 2020.

Violation Subtotal \$1,313

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,313

This violation Final Assessed Penalty (adjusted for limits) \$1,313

Economic Benefit Worksheet

Respondent City of Hidalgo
Case ID No. 59611
Reg. Ent. Reference No. RN101919975
Media Water Quality
Violation No. 3

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

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

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|-------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$100 | 11-Feb-2020 | 17-Feb-2020 | 0.02 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated delayed cost to remove vegetation from the sludge drying beds. The Date Required is the investigation start date and Final Date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0

Screening Date 28-Jul-2020
Respondent City of Hidalgo
Case ID No. 59611
Reg. Ent. Reference No. RN101919975
Media Water Quality
Enf. Coordinator Stephanie Frederick

Docket No. 2020-1348-MWD-E

PCW

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

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0011080001, Operational Requirements No. 1

Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained. Specifically, the North and South Clarifiers contained excess algae and foam with floating solids and sludge buildup.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| Matrix Notes | Falsification | Harm | | | Percent |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | | | | | 0.0% |
| 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 1 20 Number of violation days

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

Violation Base Penalty \$3,750

One quarterly event is recommended, calculated from the February 11, 2020 investigation date to the March 2, 2020 compliance date.

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 March 2, 2020.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3 **Violation Final Penalty Total** \$2,813

This violation Final Assessed Penalty (adjusted for limits) \$2,813

Economic Benefit Worksheet

Respondent City of Hidalgo
Case ID No. 59611
Reg. Ent. Reference No. RN101919975
Media Water Quality
Violation No. 4

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

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

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 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) | \$1,000 | 11-Feb-2020 | 2-Mar-2020 | 0.05 | \$3 | n/a | \$3 |

Notes for DELAYED costs

Estimated delayed cost to properly remove and dispose of excess algae and foam, and address floating solids and sludge buildup in the North and South Clarifiers. The Date Required is the investigation start 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 \$3

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 CN600692529, RN101919975, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN600692529, City Of Hidalgo **Classification:** SATISFACTORY **Rating:** 6.76

Regulated Entity: RN101919975, City of Hidalgo **Classification:** SATISFACTORY **Rating:** 0.36

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

CH Group: 08 - Sewage Treatment Facilities

Location: 2300 East Highline Road, in the City of Hidalgo, in Hidalgo County, Texas

TCEQ Region: REGION 15 - HARLINGEN

ID Number(s):
TIRES REGISTRATION 10344 **SLUDGE REGISTRATION** 23448
WASTEWATER PERMIT WQ0011080001 **WASTEWATER EPA ID** TX0058386

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

Date Compliance History Report Prepared: December 30, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 30, 2015 to December 30, 2020

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Stephanie Frederick **Phone:** (512) 239-1001

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

| | | | | | |
|---------|--------------------|-----------|---------|--------------------|-----------|
| Item 1 | February 09, 2016 | (1325760) | Item 14 | April 11, 2017 | (1418368) |
| Item 2 | March 09, 2016 | (1332505) | Item 15 | May 10, 2017 | (1425965) |
| Item 3 | April 11, 2016 | (1339651) | Item 16 | June 13, 2017 | (1432007) |
| Item 4 | May 10, 2016 | (1346478) | Item 17 | July 13, 2017 | (1440573) |
| Item 5 | June 10, 2016 | (1352899) | Item 18 | August 04, 2017 | (1444257) |
| Item 6 | July 18, 2016 | (1359870) | Item 19 | September 12, 2017 | (1450853) |
| Item 7 | September 13, 2016 | (1372987) | Item 20 | October 12, 2017 | (1456719) |
| Item 8 | September 16, 2016 | (1366313) | Item 21 | November 03, 2017 | (1462183) |
| Item 9 | October 14, 2016 | (1379180) | Item 22 | December 20, 2017 | (1468563) |
| Item 10 | November 14, 2016 | (1385135) | Item 23 | January 10, 2018 | (1475275) |
| Item 11 | December 13, 2016 | (1391258) | Item 24 | February 16, 2018 | (1487473) |
| Item 12 | January 16, 2017 | (1397886) | Item 25 | April 13, 2018 | (1491148) |
| Item 13 | March 07, 2017 | (1411865) | Item 26 | May 08, 2018 | (1501347) |

| | | | | | |
|---------|--------------------|-----------|---------|--------------------|-----------|
| Item 27 | June 12, 2018 | (1508438) | Item 41 | October 18, 2019 | (1613967) |
| Item 28 | July 11, 2018 | (1514768) | Item 42 | October 29, 2019 | (1598183) |
| Item 29 | September 10, 2018 | (1528002) | Item 43 | November 16, 2019 | (1619778) |
| Item 30 | September 18, 2018 | (1520823) | Item 44 | December 19, 2019 | (1627140) |
| Item 31 | November 16, 2018 | (1542184) | Item 45 | January 20, 2020 | (1634776) |
| Item 32 | December 10, 2018 | (1545953) | Item 46 | February 10, 2020 | (1641384) |
| Item 33 | January 15, 2019 | (1561883) | Item 47 | March 19, 2020 | (1647898) |
| Item 34 | February 13, 2019 | (1561881) | Item 48 | April 18, 2020 | (1654252) |
| Item 35 | March 11, 2019 | (1561882) | Item 49 | May 19, 2020 | (1660818) |
| Item 36 | April 15, 2019 | (1572550) | Item 50 | June 20, 2020 | (1667349) |
| Item 37 | May 15, 2019 | (1584711) | Item 51 | July 21, 2020 | (1674300) |
| Item 38 | June 17, 2019 | (1584712) | Item 52 | August 18, 2020 | (1681067) |
| Item 39 | July 12, 2019 | (1593896) | Item 53 | September 11, 2020 | (1687643) |
| Item 40 | September 11, 2019 | (1600221) | Item 54 | October 19, 2020 | (1693986) |

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.

N/A

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

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 217, SubChapter C 217.63(b)
30 TAC Chapter 217, SubChapter C 217.63(c)

Description: Failure to operate and maintain the collection system.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)

Description: Failure to allow an unlicensed/unregistered individual to perform duties that should only be performed by a licensed individual.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
TPDES Permit No. WQ0011080001 PERMIT

Description: Failure to ensure that the facility and all its systems of collection, treatment, and disposal are properly operated and maintained.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
TPDES Permit No. WQ0011080001 PERMIT

Description: Failure to ensure that the facility and all its systems of collection, treatment, and disposal are properly operated and maintained.

5 Date: 05/30/2018 (1485897)

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)

Description: Failure to allow an unlicensed/unregistered individual to perform duties that should only be performed by a licensed individual.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
TPDES Permit No. WQ0011080001 PERMIT

Description: Failure to ensure that the facility and all its systems of collection, treatment, and disposal are properly operated and maintained.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
TPDES Permit No. WQ0011080001 PERMIT

Description: Failure to ensure that the facility and all its systems of collection, treatment, and disposal are properly operated and maintained.

6 Date: 09/30/2018 (1534349)

Classification: Moderate

Self Report? YES

For Informational Purposes Only

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

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

7* Date: 11/26/2019 (1602831)

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
TPDES Permit Number WQ0011080001 OP

Description: Failure to properly maintain the facility.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 217, SubChapter M 217.327

Description: Failure to mark all non-potable water spigots.

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

Appendix B

All Investigations Conducted During Component Period December 30, 2015 and December 30, 2020

| | | |
|----------|----------------------|----------------------------------------------|
| Item 1* | February 09, 2016** | (1325760) For Informational Purposes Only |
| Item 2* | March 09, 2016** | (1332505) For Informational Purposes Only |
| Item 3* | April 11, 2016** | (1339651) For Informational Purposes Only |
| Item 4* | May 10, 2016** | (1346478) For Informational Purposes Only |
| Item 5* | June 10, 2016** | (1352899) For Informational Purposes Only |
| Item 6* | July 18, 2016** | (1359870) For Informational Purposes Only |
| Item 7 | August 12, 2016** | (1344631) For Informational Purposes Only |
| Item 8* | September 13, 2016** | (1372987) For Informational Purposes Only |
| Item 9* | September 16, 2016** | (1366313) For Informational Purposes Only |
| Item 10* | October 14, 2016** | (1379180) For Informational Purposes Only |
| Item 11* | November 14, 2016** | (1385135) For Informational Purposes Only |
| Item 12* | December 13, 2016** | (1391258) For Informational Purposes Only |
| Item 13* | January 16, 2017** | (1397886) For Informational Purposes Only |
| Item 14 | February 15, 2017** | (1404778) For Informational Purposes Only |
| Item 15 | March 02, 2017** | (1383860) For Informational Purposes Only |
| Item 16* | March 07, 2017** | (1411865) For Informational Purposes Only |
| Item 17* | April 11, 2017** | (1418368) For Informational Purposes Only |
| Item 18* | May 10, 2017** | (1425965) For Informational Purposes Only |
| Item 19* | June 13, 2017** | (1432007) For Informational Purposes Only |

| | | |
|----------|----------------------|---------------------------------|
| | | (1440573) |
| Item 20* | July 13, 2017** | For Informational Purposes Only |
| | | (1444257) |
| Item 21* | August 04, 2017** | For Informational Purposes Only |
| | | (1450853) |
| Item 22* | September 12, 2017** | For Informational Purposes Only |
| | | (1456719) |
| Item 23* | October 12, 2017** | For Informational Purposes Only |
| | | (1462183) |
| Item 24* | November 03, 2017** | For Informational Purposes Only |
| | | (1468563) |
| Item 25* | December 20, 2017** | For Informational Purposes Only |
| | | (1475275) |
| Item 26* | January 10, 2018** | For Informational Purposes Only |
| | | (1487473) |
| Item 27* | February 16, 2018** | For Informational Purposes Only |
| | | (1464722) |
| Item 28 | February 23, 2018** | For Informational Purposes Only |
| | | (1491148) |
| Item 29* | April 13, 2018** | For Informational Purposes Only |
| | | (1501347) |
| Item 30* | May 08, 2018** | For Informational Purposes Only |
| | | (1485897) |
| Item 31 | May 25, 2018** | For Informational Purposes Only |
| | | (1508438) |
| Item 32* | June 12, 2018** | For Informational Purposes Only |
| | | (1514768) |
| Item 33* | July 11, 2018** | For Informational Purposes Only |
| | | (1528002) |
| Item 34* | September 10, 2018** | For Informational Purposes Only |
| | | (1520823) |
| Item 35* | September 18, 2018** | For Informational Purposes Only |
| | | (1534349) |
| Item 36 | October 11, 2018** | For Informational Purposes Only |
| | | (1542184) |
| Item 37* | November 16, 2018** | For Informational Purposes Only |
| | | (1545953) |
| Item 38* | December 10, 2018** | For Informational Purposes Only |
| | | (1561883) |
| Item 39* | January 15, 2019** | For Informational Purposes Only |
| | | (1561881) |
| Item 40* | February 13, 2019** | For Informational Purposes Only |

| | | |
|----------|----------------------|----------------------------------------------|
| Item 41* | March 11, 2019** | (1561882) For Informational Purposes Only |
| Item 42* | April 15, 2019** | (1572550) For Informational Purposes Only |
| Item 43* | May 15, 2019** | (1584711) For Informational Purposes Only |
| Item 44* | June 17, 2019** | (1584712) For Informational Purposes Only |
| Item 45* | July 12, 2019** | (1593896) For Informational Purposes Only |
| Item 46* | September 11, 2019** | (1600221) For Informational Purposes Only |
| Item 47* | October 18, 2019** | (1613967) For Informational Purposes Only |
| Item 48* | October 29, 2019** | (1598183) For Informational Purposes Only |
| Item 49* | November 16, 2019** | (1619778) For Informational Purposes Only |
| Item 50 | November 19, 2019** | (1602831) For Informational Purposes Only |
| Item 51* | December 19, 2019** | (1627140) For Informational Purposes Only |
| Item 52* | January 20, 2020** | (1634776) For Informational Purposes Only |
| Item 53* | February 10, 2020** | (1641384) For Informational Purposes Only |
| Item 54* | March 19, 2020** | (1647898) For Informational Purposes Only |
| Item 55* | April 18, 2020** | (1654252) For Informational Purposes Only |
| Item 56* | May 19, 2020** | (1660818) For Informational Purposes Only |
| Item 57* | June 20, 2020** | (1667349) For Informational Purposes Only |
| Item 58* | July 21, 2020** | (1674300) For Informational Purposes Only |
| Item 59* | August 18, 2020** | (1681067) For Informational Purposes Only |
| Item 60* | September 11, 2020 | (1687643) For Informational Purposes Only |
| Item 61* | October 19, 2020 | (1693986) For Informational Purposes Only |

* No violations documented during this investigation

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF HIDALGO
RN101919975**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2020-1348-MWD-E

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

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located at 2300 East Highline Road in Hidalgo, Hidalgo County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation conducted from February 11, 2020 through February 25, 2020, an investigator documented that:
 - a. Due to a pump failure at the West Lift Station, approximately 0.632 million gallons of untreated wastewater were diverted into a decommissioned water treatment lagoon from January 24, 2020 to January 26, 2020, impacting approximately 444 cubic yards of soil and vegetation.
 - b. The West Lift Station had excessive foam in the wet well.
 - c. The sludge drying beds contained excess vegetation.

- d. The North and South Clarifiers contained excess algae and foam with floating solids and sludge buildup.
3. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By January 28, 2020, purchased and installed two new pumps at the West Lift Station.
 - b. By February 17, 2020, removed vegetation from the sludge drying beds; and
 - c. By March 2, 2020, removed and disposed of excess algae and foam, and addressed floating solids and sludge buildup in the North and South Clarifiers.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011080001, Permit Conditions No. 2.g.
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0011080001, Operational Requirements No. 1.
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0011080001, Operational Requirements No. 1.
5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0011080001, Operational Requirements No. 1.
6. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of \$58,376 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

Pursuant to TEX. WATER CODE § 7.067, \$58,376 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A" - incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 7 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Hidalgo, Docket No. 2020-1348-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 has implemented and completed an SEP as set forth in Conclusion of Law No. 7. The amount of \$58,376 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days of the effective date of this Order:
 - i. Develop a corrective action plan to prevent further accumulation of foam in the West Lift Station wet well;
 - ii. Remove the excessive foam in the West Lift Station wet well; and
 - iii. Conduct employee training on proper operations to prevent future unauthorized discharges.

- b. Within 60 days of the effective date of this Order, treat and disinfect the area of the unauthorized discharge, remove and properly dispose of all solids, and assess any impact to the environment by taking laboratory samples.
- c. Within 75 days of the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a and 3.b. 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
Harlingen Regional Office
Texas Commission on Environmental Quality
1804 West Jefferson Avenue
Harlingen, Texas 78550-5247

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



3/7/2022

For the Executive Director

Date

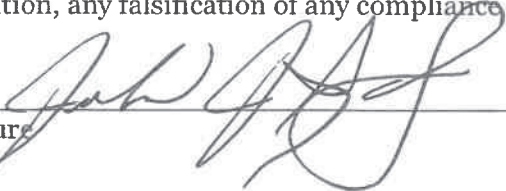
I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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



December 28, 2021
Date

Julian J. Gonzalez
Name (Printed or typed)
Authorized Representative of
City of Hidalgo

City Manager
Title

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

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

Attachment A

Docket Number: 2020-1348-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|---------------------------|-------------------------------------------------------------------|
| Respondent: | City of Hidalgo |
| Penalty Amount: | Fifty-Eight Thousand Three Hundred Seventy-Six Dollars (\$58,376) |
| SEP Offset Amount: | Fifty-Eight Thousand Three Hundred Seventy-Six Dollars (\$58,376) |
| Type of SEP: | Compliance |
| Project Name: | <i>WWTP Improvements</i> |
| Location of SEP: | Hidalgo County |

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

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

1. Project Description

A. Project

Respondent hired a contractor to purchase and install a new mechanical stair screen at the Facility. The new mechanical stair screen will help prevent debris from entering the main pumps and help prevent unauthorized discharges. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for a mechanical stair screen (the “Project”). Respondent hired qualified contractors to perform the Project. The SEP was performed in accordance with all federal, state, and local environmental laws and regulations.

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

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

B. Environmental Benefit

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

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

of low dissolved oxygen, fish kills, algal bloom, and bacterial contamination in waterways.

C. Expenses

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

Expenses

| Item | Quantity | Cost | Total |
|--------------------------------------|-----------------|-------------|------------------|
| Mechanical Stair Screen Installation | 1 | \$119,110 | \$119,110 |
| Total | | | \$119,110 |

2. Records

As of August 17, 2021, Respondent provided TCEQ the following documentation as proof of completion of the proposed SEP:

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

3. Additional Information and Access

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

4. Failure to Fully Perform

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

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached

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Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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