

Executive Summary – Enforcement Matter – Case No. 59959

City of Justin

RN101917441

Docket No. 2020-1356-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Justin WWTF, located approximately 600 feet east of Farm-to-Market Road 156 and approximately 1,600 feet south of Farm-to-Market Road 407 (1st Street), Justin, Denton County

Type of Operation:

Wastewater treatment facility with an associated wastewater collection system

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2021-0597-MWD-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 23, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$20,625

Amount Deferred for Expedited Settlement: \$4,125

Total Paid to General Revenue: \$16,500

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 20, 2020

Date(s) of NOE(s): September 3, 2020

Executive Summary – Enforcement Matter – Case No. 59959
City of Justin
RN101917441
Docket No. 2020-1356-MWD-E

Violation Information

Failed to prevent an unauthorized discharge of untreated wastewater from the collection system 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 Permit No. WQ0011312001, Permit Condition No. 2.g].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

1. 12th Street Lift Station:

- a. On June 1, 2016, cleaned and disinfected the affected area, repaired the pump, and replaced the motor starter;
 - b. On June 7, 2016, cleaned and disinfected the affected area;
 - c. On July 5, 2016, cleaned and disinfected the affected area;
 - d. On July 10, 2016, cleaned and disinfected the affected area, and repaired the power feed;
 - e. On July 15, 2016, cleaned and disinfected the affected area, and purchased a standby generator;
 - f. On January 17, 2017, replaced backup battery and added automatic switchgear; and
 - g. On May 12, 2020, cleaned and disinfected the affected area, and reset supervisory control and data acquisition ("SCADA") and pumps.
2. On August 23, 2016, Farm-to-Market Road 156 Lift Station No. 218, cleaned and disinfected the affected area, line replaced.
3. On August 26, 2016, 7th Street Lift Station No. 104, cleaned and disinfected the affected area and bypassed equipment relays.
4. On September 17, 2018, 5th Street Lift Station No. 301, replaced 117.5 feet of sewer line.

5. Meadow View Drive Lift Station No. 120:

Executive Summary – Enforcement Matter – Case No. 59959
City of Justin
RN101917441
Docket No. 2020-1356-MWD-E

- a. On December 27, 2017, cleaned and disinfected the affected area and connected to backup floats; and
 - b. On January 30, 2018, cleaned and disinfected the affected area, repaired SCADA and floats.
6. On October 19, 2018, South Farm-to-Market Road 156 Lift Station No. 580, cleaned and disinfected the affected area.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 90 days, conduct an engineering evaluation of the wastewater collection system to determine the cause of noncompliance and necessary corrective actions designed to prevent or minimize unauthorized discharges of untreated wastewater from the collection system. The evaluation shall be prepared by a Texas registered professional engineer and shall include a plan and schedule for the completion of the corrective actions within 365 days;
- b. Within 105 days, submit written certification of compliance with a.;
- c. Within 365 days, complete the corrective actions designed to prevent or minimize unauthorized discharges of untreated wastewater from the collection system; and
- d. Within 380 days, submit written certification to demonstrate compliance with c.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ellen Ojeda, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2581; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable David Wilson, Mayor, City of Justin, P.O. Box 129, Justin, Texas 76247

Charles Ewings, City Manager, City of Justin, P.O. Box 129, Justin, Texas 76247

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	8-Sep-2020	Screening	9-Oct-2020	EPA Due	
	PCW	13-Oct-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Justin
Reg. Ent. Ref. No.	RN101917441
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	59959	No. of Violations	1
Docket No.	2020-1356-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ellen Ojeda
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$18,750
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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	10.0%	Adjustment	Subtotals 2, 3, & 7	\$1,875
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Notes	Enhancement for five months of self-reported effluent violations.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$109,843	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$305,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$20,625
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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	
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Final Penalty Amount	\$20,625
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$20,625
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DEFERRAL	20.0%	Reduction	Adjustment	-\$4,125
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$16,500
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Screening Date 9-Oct-2020

Docket No. 2020-1356-MWD-E

PCW

Respondent City of Justin

Policy Revision 4 (April 2014)

Case ID No. 59959

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101917441

Media Water Quality

Enf. Coordinator Ellen Ojeda

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	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 10%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for five months of self-reported effluent violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 10%

Screening Date 9-Oct-2020 **Docket No.** 2020-1356-MWD-E **PCW**
Respondent City of Justin *Policy Revision 4 (April 2014)*
Case ID No. 59959 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101917441
Media Water Quality
Enf. Coordinator Ellen Ojeda

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. WQ0011312001, Permit Condition No. 2.g
Violation Description Failed to prevent unauthorized discharges of untreated wastewater from the collection system 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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	5.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events: 15 15 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$18,750

Fifteen quarterly events are recommended, one for each discharge that occurred.

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 \$18,750

Economic Benefit (EB) for this violation **Statutory Limit Test**
Estimated EB Amount \$109,843 **Violation Final Penalty Total** \$20,625
This violation Final Assessed Penalty (adjusted for limits) \$20,625

Economic Benefit Worksheet

Respondent City of Justin
Case ID No. 59959
Reg. Ent. Reference No. RN101917441
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	\$300,000	30-May-2016	4-Aug-2021	5.18	\$5,184	\$103,671	\$108,855
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	\$5,000	30-May-2016	12-May-2020	3.95	\$988	n/a	\$988
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Engineering/Construction cost to conduct an engineering evaluation of the collection system to determine the cause of noncompliance and take the necessary corrective actions designed to prevent or minimize unauthorized discharges of untreated wastewater from the collection system. Date required is the initial date of noncompliance and the final date is the estimated date of compliance.
 Estimated Remediation/Disposal cost to cease the discharge of untreated wastewater, and clean and disinfect the affected areas. Date required is the initial date of noncompliance and the final date is the date the last discharge was ceased and cleaned.

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 \$305,000

TOTAL \$109,843

City of Justin
Docket No. 2020-1356-MWD-E
TPDES Permit No. WQ0011312001

Unauthorized Discharge Table

Date	Location	Amount Discharged (Gallons)	Description
May 30, 2016	12th Street Lift Station	300	Equipment failure
June 6, 2016	12th Street Lift Station	1,000	Equipment failure
July 4, 2016	12th Street Lift Station	360	Power outage
July 9, 2016	12th Street Lift Station	19,200	Power outage
July 15, 2016	12th Street Lift Station	300	Power outage
August 11, 2016	Farm-to-Market Road 156 Lift Station No. 218	36,800	Line break
August 24, 2016	7th Street Lift Station No. 104	6,000	Equipment failure
January 15, 2017	12th Street Lift Station	1,800	Power outage
December 26, 2017	Meadow View Drive Lift Station No. 120	3,600	Equipment failure
January 29, 2018	Meadow View Drive Lift Station No. 120	1,500	Equipment failure
September 14, 2018	5th Street Lift Station No. 301	500	Line break
October 19, 2018	South Farm-to-Market Road 156 Lift Station No. 580	48,750	Inflow and infiltration
October 24, 2018	South Farm-to-Market Road 156 Lift Station No. 580	24,000	Inflow and infiltration
June 16, 2019	12th Street Lift Station	2,500	Inflow and infiltration
May 12, 2020	12th Street Lift Station	10,800	Equipment failure

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 for CN600476527, RN101917441, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN600476527, City of Justin **Classification:** SATISFACTORY **Rating:** 0.86

Regulated Entity: RN101917441, CITY OF JUSTIN **Classification:** SATISFACTORY **Rating:** 0.86

Complexity Points: 8 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: approximately 600 feet east of Farm-to-Market Road 156 and approximately 1,600 feet south of Farm-to-Market Road 407 (1st Street) with an associated wastewater collection system in the City of Justin, Denton County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

WASTEWATER LICENSING LICENSE WQ0011312001 **WASTEWATER PERMIT** WQ0011312001
WASTEWATER EPA ID TX0022501

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

Date Compliance History Report Prepared: March 16, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 16, 2016 to March 16, 2021

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

Name: Ellen Ojeda **Phone:** (512) 239-2581

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	April 11, 2016	(1339065)
Item 2	May 23, 2016	(1345863)
Item 3	June 13, 2016	(1352308)
Item 4	July 05, 2016	(1359280)
Item 5	September 06, 2016	(1365705)
Item 6	September 19, 2016	(1372403)
Item 7	October 13, 2016	(1378580)
Item 8	November 04, 2016	(1384545)
Item 9	December 06, 2016	(1390680)

Item 10	March 09, 2017	(1411277)
Item 11	March 27, 2017	(1404178)
Item 12	April 17, 2017	(1417779)
Item 13	June 15, 2017	(1431379)
Item 14	June 19, 2017	(1425368)
Item 15	July 12, 2017	(1439986)
Item 16	July 31, 2017	(1431378)
Item 17	August 02, 2017	(1443673)
Item 18	September 07, 2017	(1450290)
Item 19	October 09, 2017	(1456124)
Item 20	November 09, 2017	(1461597)
Item 21	December 15, 2017	(1467976)
Item 22	January 16, 2018	(1474678)
Item 23	April 18, 2018	(1493826)
Item 24	May 09, 2018	(1500758)
Item 25	June 12, 2018	(1507856)
Item 26	July 12, 2018	(1514173)
Item 27	September 17, 2018	(1527403)
Item 28	October 02, 2018	(1520236)
Item 29	October 16, 2018	(1533758)
Item 30	December 07, 2018	(1545376)
Item 31	December 13, 2018	(1541595)
Item 32	January 14, 2019	(1560109)
Item 33	March 18, 2019	(1560108)
Item 34	April 10, 2019	(1571972)
Item 35	May 06, 2019	(1583552)
Item 36	June 12, 2019	(1583553)
Item 37	July 10, 2019	(1593299)
Item 38	September 16, 2019	(1606536)
Item 39	November 12, 2019	(1619200)
Item 40	December 09, 2019	(1626549)
Item 41	January 10, 2020	(1634191)
Item 42	February 11, 2020	(1640809)
Item 43	March 18, 2020	(1647329)
Item 44	April 14, 2020	(1653667)
Item 45	July 06, 2020	(1673713)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 04/30/2020 (1660251)
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: 05/31/2020 (1666759)
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 (1680491)
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

- 4 Date: 08/31/2020 (1687058)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

5 Description: Failure to meet the limit for one or more permit parameter
Date: 09/30/2020 (1693403)
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 JUSTIN
RN101917441**

**§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2020-1356-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 Justin (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 approximately 600 feet east of Farm-to-Market Road 156 and approximately 1,600 feet south of Farm-to-Market Road 407 (1st Street) with an associated wastewater collection system in the City of Justin, Denton County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$20,625 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$16,500 of the penalty and \$4,125 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 has implemented the following corrective measures at the Facility:

Location	Corrective Action Date	Corrective Action
12 th Street Lift Station	June 1, 2016	Cleaned and disinfected the affected area, pump repaired, and motor starter was replaced
12 th Street Lift Station	June 7, 2016	Cleaned and disinfected the affected area
12 th Street Lift Station	July 5, 2016	Cleaned and disinfected the affected area
12 th Street Lift Station	July 10, 2016	Cleaned and disinfected the affected area, power feed repaired
12 th Street Lift Station	July 15, 2016	Cleaned and disinfected the affected area, and purchased standby generator
Farm-to-Market Road 156 Lift Station No. 218	August 23, 2016	Cleaned and disinfected the affected area, line replaced
7 th Street Lift Station No. 104	August 26, 2016	Cleaned and disinfected the affected area and bypassed equipment relays
12 th Street Lift Station	January 17, 2017	Replaced backup battery, added automatic switchgear
Meadow View Drive Lift Station No. 120	December 27, 2017	Cleaned and disinfected the affected area and connected to backup floats
Meadow View Drive Lift Station No. 120	January 30, 2018	Cleaned and disinfected the affected area, repaired supervisory control and data acquisition ("SCADA") and floats

5 th Street Lift Station No. 301	September 17, 2018	Replaced 117.5 feet of sewer line
South Farm-to-Market Road 156 Lift Station No. 580	October 19, 2018	Cleaned and disinfected the affected area
12 th Street Lift Station	May 12, 2020	Cleaned and disinfected the affected area and reset SCADA and pumps

II. ALLEGATIONS

During an investigation conducted on July 20, 2020, an investigator documented that the Respondent failed to prevent an unauthorized discharge of untreated wastewater from the collection system 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. WQ0011312001, Permit Condition No. 2.g. Specifically, the following unauthorized discharges were documented:

Date	Location	Amount Discharged (Gallons)	Description
May 30, 2016	12 th Street Lift Station	300	Equipment failure
June 6, 2016	12 th Street Lift Station	1,000	Equipment failure
July 4, 2016	12 th Street Lift Station	360	Power outage
July 9, 2016	12 th Street Lift Station	19,200	Power outage
July 15, 2016	12 th Street Lift Station	300	Power outage
August 11, 2016	Farm-to-Market Road 156 Lift Station No. 218	36,800	Line break
August 24, 2016	7 th Street Lift Station No. 104	6,000	Equipment failure
January 15, 2017	12 th Street Lift Station	1,800	Power outage
December 26, 2017	Meadow View Drive Lift Station No. 120	3,600	Equipment failure
January 29, 2018	Meadow View Drive Lift Station No. 120	1,500	Equipment failure
September 14, 2018	5 th Street Lift Station No. 301	500	Line break
October 19, 2018	South Farm-to-Market Road 156 Lift Station No. 580	48,750	Inflow and infiltration
October 24, 2018	South Farm-to-Market Road 156 Lift Station No. 580	24,000	Inflow and infiltration
June 16, 2019	12 th Street Lift Station	2,500	Inflow and infiltration
May 12, 2020	12 th Street Lift Station	10,800	Equipment failure

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 Justin, Docket No. 2020-1356-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 90 days after the effective date of this Order, conduct an engineering evaluation of the wastewater collection system to determine the cause of noncompliance and necessary corrective actions designed to prevent or minimize unauthorized discharges of untreated wastewater from the collection system. The evaluation shall be prepared by a Texas registered professional engineer and shall include a plan and schedule for the completion of the corrective actions within 365 days after the effective date of this Order.
 - b. Within 105 days after the effective date of this Order, submit written certification of compliance with Ordering Provision No. 2.a, as described in Ordering Provision No. 2.d below.
 - c. Within 365 days after the effective date of this Order, complete the corrective actions designed to prevent or minimize unauthorized discharges of untreated wastewater from the collection system.
 - d. Within 380 days after the effective date of this Order, submit written certification, and include detail supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions No. 2.c. The certification shall be signed by the Respondent and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

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

12/13/2021

For the Executive Director


Date

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

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

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

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


Signature

2 June 2021
Date

Charles R. Ewings
Name (Printed or typed)
Authorized Representative of
City of Justin

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.