

City of Thornton
 RN102844461
 Docket No. 2020-1408-MWD-E

Order Type:
 Default Order

Media:
 MWD

Small Business:
 N/A

Location(s) Where Violation(s) Occurred:
 approximately 0.5 miles south of the intersection of State Highway 14 and Farm-to-Market Road 1246, Limestone County

Type of Operation:
 wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third Parties:	None

Texas Register Publication Date: November 12, 2021

Comments Received: None

Penalty Information

Total Penalty Assessed: \$4,000

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$4,000

Compliance History Classifications:

Person/CN - Satisfactory
 Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: July 31, 2020

Date(s) of NOV(s): N/A

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

City of Thornton
RN102844461
Docket No. 2020-1408-MWD-E

Violation Information

Failed to comply with permitted effluent limitations [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0010824001, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

Within 130 days, submit written certification of compliance with the permitted effluent limitations of the TPDES Permit No. WQ0010824001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: June 3, 2021

Date Green Card(s) Signed: June 11, 2021

Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Casey Kurnath, Litigation, (512) 239-3400
Garrett Arthur, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation, (512) 239-2575

TCEQ Enforcement Coordinator: Ellen Ojeda, Enforcement, (512) 239-2581

TCEQ Regional Contact: Richard Monreal, Waco Regional Office, (254) 751-0335

Respondent Contact: Honorable Kenneth Capps, Mayor, City of Thornton, P. O. Box 396, Thornton, Texas 76687

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	5-Oct-2020			
	PCW	29-Oct-2020	Screening	9-Oct-2020	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	City of Thornton				
Reg. Ent. Ref. No.	RN102844461				
Facility/Site Region	9-Waco	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	60007	No. of Violations	1		
Docket No.	2020-1408-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	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	60.0% Adjustment	Subtotals 2, 3, & 7	\$1,500
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Notes: Enhancement for three months of self-reported effluent violations, one agreed order containing a denial of liability, and one agreed order without denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$295
 Estimated Cost of Compliance: \$5,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$4,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,000
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DEFERRAL		Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$4,000
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Screening Date 9-Oct-2020
Respondent City of Thornton
Case ID No. 60007
Reg. Ent. Reference No. RN102844461
Media Water Quality
Enf. Coordinator Ellen Ojeda

Docket No. 2020-1408-MWD-E

PCW

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

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 60%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three months of self-reported effluent violations, one agreed order containing a denial of liability, and one agreed order without denial of liability.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 60%

Screening Date 9-Oct-2020
Respondent City of Thornton
Case ID No. 60007
Reg. Ent. Reference No. RN102844461
Media Water Quality
Enf. Coordinator Ellen Ojeda

Docket No. 2020-1408-MWD-E

PCW

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

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010824001, Effluent Limitations and Monitoring Requirements No. 1

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

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Total suspended solids was evaluated to determine whether the discharged amount of pollutants exceeded levels protective of human health and the environment. Flow was also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Two quarterly events are recommended.

Good Faith Efforts to Comply

Reduction

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

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Thornton
Case ID No. 60007
Reg. Ent. Reference No. RN102844461
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	31-Dec-2019	5-Mar-2021	1.18	\$295	n/a	\$295

Notes for DELAYED costs
 Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility to return to compliance with the permitted effluent limitations. Date required is the end date of the first month of noncompliance and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

TOTAL \$295

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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 CN600677306, RN102844461, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN600677306, City of Thornton **Classification:** SATISFACTORY **Rating:** 15.42

Regulated Entity: RN102844461, CITY OF THORNTON **Classification:** SATISFACTORY **Rating:** 19.28

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: approximately 0.5 mile south of the intersection of State Highway 14 and Farm-to-Market Road 1246, in Limestone County, Texas

TCEQ Region: REGION 09 - WACO

ID Number(s):
WASTEWATER PERMIT WQ0010824001 **WASTEWATER EPA ID** TX0075639
WASTEWATER LICENSING LICENSE WQ0010824001

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

Date Compliance History Report Prepared: January 04, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 04, 2016 to January 04, 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:

- 1 Effective Date: 02/07/2017 ADMINORDER 2015-0893-MWD-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: EFFLUENT LIMITS PERMIT
Description: Failure to comply with permitted effluent limitations, as documented during a record review conducted on March 24, 2015. Specifically, the Respondent exceeded the daily average limitations of 20 milligrams per liter for total suspended solids for the months of September 2014 (24 mg/L), October 2014 (25 mg/L), November 2014 (23 mg/L) and December 2014 (23 mg/L).
- 2 Effective Date: 07/25/2018 ADMINORDER 2016-1137-MWD-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 319, SubChapter A 319.5(e)
Rqmt Prov: Monitoring/Reporting Reqs., No. 4 PERMIT
Monitoring/Reporting Reqs., No.3(b) PERMIT
Description: Failure to maintain monitoring and reporting records at the Facility or make them readily available for review.
Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11(c)
Rqmt Prov: Monitoring/Reporting Reqs., No.2(a) PERMIT

Description: Failure to analyze effluent samples according to test methods specified in 40 CODE OF FEDERAL REGULATIONS PART 136 or more recent additions of Standard Methods for the Examination of Water and Wastewater
Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Monitoring/Reporting Reqs., No.7(c) PERMIT

Description: Failure to report in writing any effluent violation which deviates from the permitted effluent limitation by more than 40% to the Waco Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.4(b)(4)

Rqmt Prov: Operational Requirements No. 1 PERMIT

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

Classification: Major

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

30 TAC Chapter 30, SubChapter J 30.350(j)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Other Requirements No.1 PERMIT

Description: Failure to employ or contract with one or more licensed wastewater treatment facility operators holding the appropriate level of license to operate a wastewater treatment plant.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	January 27, 2016	(1316642)
Item 2	February 25, 2016	(1326010)
Item 3	March 30, 2016	(1332769)
Item 4	June 21, 2016	(1353148)
Item 5	August 11, 2016	(1366560)
Item 6	September 22, 2016	(1373243)
Item 7	October 20, 2016	(1379428)
Item 8	November 21, 2016	(1385380)
Item 9	December 20, 2016	(1391512)
Item 10	January 26, 2017	(1398133)
Item 11	March 17, 2017	(1401266)
Item 12	April 18, 2017	(1418610)
Item 13	June 19, 2017	(1432251)
Item 14	July 19, 2017	(1440819)
Item 16	September 28, 2017	(1444506)
Item 17	October 18, 2017	(1456968)
Item 18	November 13, 2017	(1462423)
Item 19	December 08, 2017	(1468811)
Item 20	April 18, 2018	(1494643)
Item 21	May 16, 2018	(1501593)
Item 22	June 17, 2018	(1508684)
Item 23	August 19, 2018	(1521065)
Item 24	September 15, 2018	(1528247)
Item 25	January 22, 2019	(1539176)
Item 26	February 09, 2019	(1562632)
Item 27	April 10, 2019	(1572801)
Item 28	July 16, 2019	(1594169)
Item 29	September 18, 2019	(1607363)
Item 30	September 22, 2019	(1600459)
Item 31	October 13, 2019	(1614242)

Item 32	November 15, 2019	(1438792)
Item 33	November 16, 2019	(1620034)
Item 34	December 16, 2019	(1627381)
Item 35	March 13, 2020	(1648142)
Item 37	June 15, 2020	(1667590)
Item 38	July 10, 2020	(1674538)
Item 39	September 12, 2020	(1681311)
Item 40	October 18, 2020	(1694234)

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

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

- Date: 01/31/2020 (1641629)

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter
- Date: 03/31/2020 (1654490)

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter
- Date: 04/30/2020 (1661060)

Self Report? YES Classification: Moderate

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

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

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOV's Issued During Component Period 1/4/2016 and 1/4/2021

- Date: 03/31/2016 (1339903)

Classification: Moderate

Self Report? YES

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

Description: Failure to meet the limit for one or more permit parameter
- Date: 04/30/2016 (1346721)

Classification: Moderate

For Informational Purposes Only

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

3 Date: 06/30/2016 (1360117)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

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

4 Date: 01/31/2017 (1405029)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

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

5 Date: 02/28/2017 (1412112)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

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

6 Date: 04/30/2017 (1426273)

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: 08/31/2017 (1451096)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

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

8 Date: 12/31/2017 (1475519)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

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

9 Date: 01/31/2018 (1487711)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

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

10 Date: 02/28/2018 (1491392)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

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

11 Date: 06/30/2018 (1515012)

			Classification: Moderate
	Self Report? YES	For Informational Purposes Only	
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	
12	Date: 07/13/2018 (1497459)		Classification: Minor
	Self Report? NO	For Informational Purposes Only	
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1) TPDES PERMIT	
	Description:	Failure to maintain compliance with the permitted effluent limits.	
13	Date: 09/30/2018 (1534589)		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	
14	Date: 10/31/2018 (1542423)		Classification: Moderate
	Self Report? YES	For Informational Purposes Only	
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	
15	Date: 11/30/2018 (1546187)		Classification: Moderate
	Self Report? YES	For Informational Purposes Only	
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	
16	Date: 12/31/2018 (1562634)		Classification: Moderate
	Self Report? YES	For Informational Purposes Only	
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	
17	Date: 02/28/2019 (1562633)		Classification: Moderate
	Self Report? YES	For Informational Purposes Only	
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	
18	Date: 04/30/2019 (1585211)		Classification: Moderate
	Self Report? YES	For Informational Purposes Only	
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	
19	Date: 05/31/2019 (1585212)		Classification: Moderate
	Self Report? YES	For Informational Purposes Only	
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	

Description: Failure to meet the limit for one or more permit parameter
 20* Date: 12/31/2019 (1635014) Classification: Moderate
 Self Report? YES For Informational Purposes Only
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 21* Date: 01/31/2020 (1641629) 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
 22* Date: 03/31/2020 (1654490) 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
 23* Date: 04/30/2020 (1661060) 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

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

Appendix B

All Investigations Conducted During Component Period January 04, 2016 and January 04, 2021

Item 1*	January 27, 2016**	(1316642) For Informational Purposes Only
Item 2*	February 25, 2016**	(1326010) For Informational Purposes Only
Item 3*	March 30, 2016**	(1332769) For Informational Purposes Only
Item 4	April 28, 2016**	(1339903) For Informational Purposes Only
Item 5	May 25, 2016**	(1346721) For Informational Purposes Only
Item 6*	June 21, 2016**	(1353148) For Informational Purposes Only
Item 7	July 01, 2016**	(1336669) For Informational Purposes Only
Item 8	July 22, 2016**	(1360117) For Informational Purposes Only
Item 9*	August 11, 2016**	(1366560) For Informational Purposes Only

	(1373243)	
Item 10*	September 22, 2016**	For Informational Purposes Only
	(1379428)	
Item 11*	October 20, 2016**	For Informational Purposes Only
	(1385380)	
Item 12*	November 21, 2016**	For Informational Purposes Only
	(1391512)	
Item 13*	December 20, 2016**	For Informational Purposes Only
	(1398133)	
Item 14*	January 26, 2017**	For Informational Purposes Only
	(1395789)	
Item 15	March 16, 2017**	For Informational Purposes Only
	(1401266)	
Item 16*	March 17, 2017**	For Informational Purposes Only
	(1418610)	
Item 17*	April 18, 2017**	For Informational Purposes Only
	(1426273)	
Item 18	May 15, 2017**	For Informational Purposes Only
	(1432251)	
Item 19*	June 19, 2017**	For Informational Purposes Only
	(1440819)	
Item 20*	July 19, 2017**	For Informational Purposes Only
	(1451096)	
Item 21	September 18, 2017**	For Informational Purposes Only
	(1444506)	
Item 22*	September 28, 2017**	For Informational Purposes Only
	(1456968)	
Item 23*	October 18, 2017**	For Informational Purposes Only
	(1462423)	
Item 24*	November 13, 2017**	For Informational Purposes Only
	(1468811)	
Item 25*	December 08, 2017**	For Informational Purposes Only
	(1475519)	
Item 26	January 19, 2018**	For Informational Purposes Only
	(1487711)	
Item 27	February 18, 2018**	For Informational Purposes Only
	(1491392)	
Item 28	March 13, 2018**	For Informational Purposes Only
	(1494643)	
Item 29*	April 18, 2018**	For Informational Purposes Only
	(1501593)	
Item 30*	May 16, 2018**	For Informational Purposes Only
	(1508684)	

Item 31*	June 17, 2018**	For Informational Purposes Only (1497459)
Item 32	July 06, 2018**	For Informational Purposes Only (1515012)
Item 33	July 16, 2018**	For Informational Purposes Only (1521065)
Item 34*	August 19, 2018**	For Informational Purposes Only (1528247)
Item 35*	September 15, 2018**	For Informational Purposes Only (1534589)
Item 36	October 10, 2018**	For Informational Purposes Only (1542423)
Item 37	November 12, 2018**	For Informational Purposes Only (1546187)
Item 38	December 06, 2018**	For Informational Purposes Only (1562634)
Item 39	January 16, 2019**	For Informational Purposes Only (1539176)
Item 40*	January 22, 2019**	For Informational Purposes Only (1562632)
Item 41*	February 09, 2019**	For Informational Purposes Only (1562633)
Item 42	March 16, 2019**	For Informational Purposes Only (1572801)
Item 43*	April 10, 2019**	For Informational Purposes Only (1585211)
Item 44	May 17, 2019**	For Informational Purposes Only (1585212)
Item 45	June 15, 2019**	For Informational Purposes Only (1594169)
Item 46*	July 16, 2019**	For Informational Purposes Only (1575797)
Item 47	August 08, 2019**	For Informational Purposes Only (1607363)
Item 48*	September 18, 2019**	For Informational Purposes Only (1600459)
Item 49*	September 22, 2019**	For Informational Purposes Only (1614242)
Item 50*	October 13, 2019**	For Informational Purposes Only (1604171)
Item 51	November 01, 2019**	For Informational Purposes Only (1438792)

Item 52*	November 15, 2019**	For Informational Purposes Only (1620034)
Item 53*	November 16, 2019**	For Informational Purposes Only (1627381)
Item 54*	December 16, 2019**	For Informational Purposes Only (1635014)
Item 55	January 19, 2020**	For Informational Purposes Only (1641629)
Item 56	February 08, 2020**	For Informational Purposes Only (1648142)
Item 57*	March 13, 2020**	For Informational Purposes Only (1654490)
Item 58	April 18, 2020**	For Informational Purposes Only (1661060)
Item 59	May 19, 2020**	For Informational Purposes Only (1667590)
Item 60*	June 15, 2020**	For Informational Purposes Only (1657920)
Item 61	July 06, 2020**	For Informational Purposes Only (1674538)
Item 62*	July 10, 2020**	For Informational Purposes Only (1681311)
Item 63*	September 12, 2020	For Informational Purposes Only (1665668)
Item 64	October 01, 2020	For Informational Purposes Only (1694234)
Item 65*	October 18, 2020	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 THORNTON;
RN102844461**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2020-1408-MWD-E

On _____, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered the Executive Director’s Preliminary Report and Petition, filed pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is City of Thornton (“Respondent”).

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

FINDINGS OF FACT

1. Respondent owns and operates a wastewater treatment facility located at approximately 0.5 miles south of the intersection of State Highway 14 and Farm-to-Market Road 1246 in Limestone County, Texas (the "Facility"). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 26.001(5).
2. During a record review conducted on July 31, 2020, an investigator documented that Respondent failed to comply with permitted effluent limitations as shown in the effluent violation table below:

Month/Year	Flow	Total Suspended Solids	
	Daily Average	Daily Average Concentration	Daily Average Loading
	Limit= 0.041 MGD	Limit= 20 mg/L	Limit= 6.8 lbs/d
December 2019	c	24.3	c
January 2020	c	22.4	c
March 2020	c	26.8	c
April 2020	0.044	27.8	7.38

MGD= million gallons per day

mg/L= milligrams per liter

lb/d= pounds per day

c= compliant

3. The Executive Director filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of City of Thornton” (the “EDPRP”) in the TCEQ Chief Clerk’s office on June 3, 2021.

4. By letter dated June 3, 2021, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on June 11, 2021, as evidenced by the signature on the card.
5. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, 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, Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010824001, Effluent Limitations and Monitoring Requirements No. 1.
3. As evidenced by Findings of Fact Nos. 3 and 4, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
4. As evidenced by Finding of Fact No. 5, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of four thousand dollars (\$4,000.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of four thousand dollars (\$4,000.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and 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 which are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: City of Thornton; Docket No. 2020-1408-MWD-E" to:

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

3. Respondent shall undertake the following technical requirements:
 - a. Within 130 days after the effective date of the Commission Order, Respondent shall submit written certification of compliance with the permitted effluent limitations of the TPDES Permit No. WQ0010824001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be signed by 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 fine and imprisonment for knowing violations.”

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

Water Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-3087

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. 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. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until 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. If 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, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

8. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas (“OAG”) for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
9. 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.
10. 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.
11. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV’T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF CASEY KURNATH

“On behalf of the Executive Director of the Texas Commission on Environmental Quality, the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of City of Thornton” (the “EDPRP”) was filed in the TCEQ Chief Clerk’s office on June 3, 2021.

The EDPRP was mailed to Respondent’s last known address on June 3, 2021, via certified mail, return receipt requested, postage prepaid. According to the return receipt “green card,” Respondent received notice of the EDPRP on June 11, 2021, as evidenced by the signature on the card.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.”

"My name is Casey Kurnath and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct.”

Executed in Travis County,
State of Texas,
on the 20th day of October, 2021

Casey Kurnath

Declarant