

Executive Summary – Enforcement Matter – Case No. 60028

City of Hackberry

RN102077054

Docket No. 2020-1496-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Hackberry WWTF, 119 Maxwell Road, Hackberry, Denton 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: August 13, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$43,937

Total Paid to General Revenue: \$43,937

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: August 27, 2020

Date(s) of NOE(s): October 8, 2020

Executive Summary – Enforcement Matter – Case No. 60028
City of Hackberry
RN102077054
Docket No. 2020-1496-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for total suspended solids, *Escherichia coli*, ammonia nitrogen, carbonaceous biochemical oxygen demand (5-day), and total phosphorus [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013434001, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0013434001, 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.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ellen Ojeda, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-2581; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable Ronald Austin, Mayor, City of Hackberry, 119 Maxwell Road, B-7, Frisco, Texas 75304
Brenda Lewallen, City Administrator, City of Hackberry, 119 Maxwell Road, B-7, Frisco, Texas 75304

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	11-Oct-2020	Screening	21-Oct-2020	EPA Due	
	PCW	19-Nov-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Hackberry
Reg. Ent. Ref. No.	RN102077054
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60028	No. of Violations	2
Docket No.	2020-1496-MWD-E	Order Type	Findings
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	\$23,750
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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	85.0% Adjustment	Subtotals 2, 3, & 7	\$20,187
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Notes: Enhancement for seven months of self-reported effluent violations, one NOV with same/similar violations, one agreed order containing a denial of liability, and one agreed order without a 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: \$316
 Estimated Cost of Compliance: \$5,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$43,937
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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	\$43,937
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$43,937
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$43,937
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Screening Date 21-Oct-2020

Docket No. 2020-1496-MWD-E

PCW

Respondent City of Hackberry

Policy Revision 4 (April 2014)

Case ID No. 60028

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102077054

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>)	8	40%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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) 85%

>> 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 seven months of self-reported effluent violations, one NOV with same/similar violations, one agreed order containing a denial of liability, and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 85%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 85%

Screening Date 21-Oct-2020
Respondent City of Hackberry
Case ID No. 60028
Reg. Ent. Reference No. RN102077054
Media Water Quality
Enf. Coordinator Ellen Ojeda

Docket No. 2020-1496-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. WQ0013434001, 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 \$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
 A simplified model was used to evaluate carbonaceous biochemical oxygen demand (5-day) and ammonia nitrogen to determine whether the discharged amount of pollutants exceeded levels protective of human health and the environment. Total suspended solids, total phosphorus, and *Escherichia coli* were also evaluated. Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 3 92 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Three monthly events are recommended for the months of March 2020, May 2020, and June 2020.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$316

Violation Final Penalty Total \$41,625

This violation Final Assessed Penalty (adjusted for limits) \$41,625

Economic Benefit Worksheet

Respondent City of Hackberry
Case ID No. 60028
Reg. Ent. Reference No. RN102077054
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	29-Feb-2020	4-Jun-2021	1.26	\$316	n/a	\$316

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

\$316

Screening Date 21-Oct-2020
Respondent City of Hackberry
Case ID No. 60028
Reg. Ent. Reference No. RN102077054
Media Water Quality
Enf. Coordinator Ellen Ojeda

Docket No. 2020-1496-MWD-E

PCW

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

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0013434001, 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 type="text" value="x"/>	<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

A simplified model was used to evaluate Ammonia Nitrogen to determine whether the discharged amount of pollutants exceeded levels protective of human health and the environment. 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 type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended for the quarter containing the months of February 2020 and April 2020.

Good Faith Efforts to Comply

Reduction

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

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Hackberry
Case ID No. 60028
Reg. Ent. Reference No. RN102077054
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

See Economic Benefit for Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

City of Hackberry
Docket No. 2020-1496-MWD-E
TPDES Permit No. WQ0013434001

Effluent Violation Table

Monitoring Period	Carbonaceous BOD (5-day)		Ammonia Nitrogen			<i>E. coli</i>	TP	Total Suspended Solids	
	Daily Average Conc.	Daily Max. Conc.	Daily Average Conc.	Daily Max. Conc.	Daily Average Loading	Daily Average Conc.	Daily Average Conc.	Daily Average Conc.	Daily Max. Conc.
	Limit = 10 mg/L	Limit = 25 mg/L	Limit = 2 mg/L	Limit = 10 mg/L	Limit = 9.7 lb/d	Limit = 126 CFU/100 mL	Limit = 1 mg/L	Limit = 15 mg/L	Limit = 40 mg/L
Feb 2020	c	c	2.26	11.5	c	c	c	c	c
Mar 2020	c	c	21.75	35	21.75	c	c	c	c
Apr 2020	c	c	c	13.4	c	c	c	c	c
May 2020	17.2	35.2	26.8	33.4	26.8	133.35	c	22.33	47.2
Jun 2020	23.78	37.6	38.08	41.6	38.08	c	2.2	63.18	70

BOD= Biochemical Oxygen Demand
E. coli = *Escherichia coli*
TP = Total Phosphorus
Conc.= Concentration
Max.= Maximum

mg/L= milligrams per liter
lb/day = pounds per day
CFU/100 mL= colony forming units per 100 milliliters
c= compliant

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Compliance History Report for CN601574031, RN102077054, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN601574031, City of Hackberry **Classification:** SATISFACTORY **Rating:** 12.59

Regulated Entity: RN102077054, CITY OF HACKBERRY **Classification:** SATISFACTORY **Rating:** 12.59

Complexity Points: 5 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: 119 Maxwell Road, in the City of Hackberry, Denton County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

WASTEWATER PERMIT WQ0013434001

WASTEWATER EPA ID TX0103276

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

Date Compliance History Report Prepared: January 27, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 27, 2016 to January 27, 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: 04/08/2016 ADMINORDER 2015-0099-MWD-E (Findings Order-Agreed Order Without Denial)
Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
Rqmt Prov: Permit Conditions No. 2.g PERMIT
Description: Failure to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to water in the state.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.1
Rqmt Prov: Monit. & Report. Req. No. 1 PERMIT
Description: failed to timely submit a complete DMR for the monitoring period ending December 31, 2013. Specifically, the DMR did not include total suspended solids daily average loading and concentration and maximum single grab results.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Rqmt Prov: Sludge Provisions PERMIT
Description: Failed to timely submit a complete sludge report for the monitoring period ending July 31, 2014 by September 30, 2014. Specifically, the sewage sludge for production and use ("SLDP") DMR for the 2014 sludge report was lacking polychlorinated biphenyls and toxic characteristic leaching procedure results.
- 2 Effective Date: 08/02/2017 ADMINORDER 2011-2180-MWD-E (1660 Order-Agreed Order With 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: Int. I Eff. Lim. & Mon. Reqs. No. 1 PERMIT
Int. II Eff. Lim. & Mon. Req. Nos.1,2,6 PERMIT
Description: Failure to comply with the permitted effluent limitations.

Classification: Moderate

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

Rqmt Prov: Monitoring and Reporting Requirements PERMIT

Description: Failed to submit noncompliance notifications for any effluent violation which deviated from the permitted effluent limitation by more than 40% to the TCEQ Dallas/Fort Worth Regional Office and the Enforcement Division. Specifically, the total phosphorus daily average concentration exceeded the permitted effluent limit by more than 40% for the months of June, July, and August 2011, and the Respondent failed to submit the noncompliance notifications.

Classification: Moderate

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

30 TAC Chapter 319, SubChapter A 319.5(b)

Rqmt Prov: Sampling & Analysis Requirements PERMIT

Description: Failure to collect and analyze samples for required parameters at the minimum frequency specified in the permit as documented by a TCEQ record review.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	February 17, 2016	(1326498)
Item 2	March 09, 2016	(1333254)
Item 3	April 19, 2016	(1340398)
Item 4	May 20, 2016	(1347213)
Item 5	June 14, 2016	(1353626)
Item 6	July 20, 2016	(1360604)
Item 7	August 12, 2016	(1367049)
Item 8	September 14, 2016	(1373771)
Item 9	November 15, 2016	(1385857)
Item 10	December 12, 2016	(1392017)
Item 11	January 11, 2017	(1398627)
Item 12	March 09, 2017	(1412610)
Item 13	April 11, 2017	(1419120)
Item 14	May 17, 2017	(1426753)
Item 15	June 07, 2017	(1432753)
Item 16	July 20, 2017	(1441315)
Item 17	September 12, 2017	(1451574)
Item 18	September 21, 2017	(1444992)
Item 19	October 10, 2017	(1457450)
Item 20	November 13, 2017	(1462889)
Item 21	December 13, 2017	(1469321)
Item 22	January 18, 2018	(1476007)
Item 23	February 08, 2018	(1488192)
Item 24	March 19, 2018	(1491859)
Item 25	April 13, 2018	(1495149)
Item 26	May 17, 2018	(1502071)
Item 27	June 19, 2018	(1509193)
Item 28	July 09, 2018	(1515498)
Item 29	August 08, 2018	(1521548)
Item 30	September 17, 2018	(1528738)
Item 31	October 29, 2018	(1535061)
Item 32	November 14, 2018	(1542916)
Item 33	December 18, 2018	(1546657)
Item 34	January 14, 2019	(1564083)
Item 35	February 18, 2019	(1564081)

Item 36	March 12, 2019	(1564082)
Item 37	April 08, 2019	(1573289)
Item 38	May 14, 2019	(1586185)
Item 39	June 13, 2019	(1586186)
Item 40	July 10, 2019	(1594636)
Item 41	August 05, 2019	(1600937)
Item 42	September 18, 2019	(1607851)
Item 43	October 17, 2019	(1614718)
Item 44	November 13, 2019	(1620507)
Item 45	December 18, 2019	(1627857)
Item 46	January 13, 2020	(1635484)
Item 47	February 13, 2020	(1642101)
Item 48	August 18, 2020	(1681776)

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: 02/29/2020 (1648613)
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: 03/31/2020 (1654968)
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: 04/30/2020 (1661527)
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: 05/31/2020 (1668061)
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
- 5 Date: 06/30/2020 (1675008)
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
- 6 Date: 08/31/2020 (1688354)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 09/30/2020 (1694712)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 8 Date: 01/14/2021 (1664154)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Sludge Provisions, Section III(G) PERMIT
Description: Failure to submit the annual sludge report. Specifically, the annual sludge report for reporting year ending in August 2016 was not received by the TCEQ.

Additionally, the required reporting information detailing sludge hauling activities for the 2019-2020 year was not submitted to the DFW Region Office.

Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Permit Conditions 2.g PERMIT
Description: Failure to prevent the unauthorized discharge of wastewater. Specifically, since the last compliance investigation at the WWTP in July 2016, two unauthorized discharges were reported by the regulated entity.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limits & Monitoring Req. No.1&3 PERMIT
Description: Failure to maintain compliance with the permitted effluent limits. Specifically, the grab sample collected during the investigation was not compliant with the daily max limit of 399 MPN/100 mL for E. coli, nor was it compliant with the single grab minimum limit of 6.00 S.U. for pH. The result of the E. coli analysis was >2419.6 MPN/100 mL and the result of the pH analysis was 5.96 S.U.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.5(b)
Effluent Limits & Monitoring Reqs. No. 2 PERMIT
Description: Failure to collect and analyze effluent samples at the required frequency. Specifically, DO analyses were not conducted during the first week in February 2020 and the second week of July 2020.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.7(a)
Monitoring & Reporting Reqs. No. 3.c PERMIT
Description: Failure to maintain monitoring activity records. Specifically, several daily operator logs were not dated and/or were not signed by the operator(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring & Reporting Reqs, No. 7c PERMIT
Description: Failure to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%. Specifically, during the record review period of July 2016 to October 2020, 25 violations which exceeded the permitted limit by more than 40% were noted. See the attached table.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(19)
Monitoring & Reporting Reqs, No. 1 PERMIT
Description: Failure to accurately complete the discharge monitoring reports (DMRs). Specifically, several parameters were reported incorrectly during the period of February 2020 to October 2020.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.126(a)
Operational Requirements, No. 8a PERMIT
Description: Failure to initiate engineering and financial planning or obtain a waiver for expansion and/or upgrading of the wastewater treatment and/or collection facilities when the flow at the wastewater treatment plant (WWTP) reaches 75% of the permitted daily average or annual average flow for three consecutive months. Specifically, the daily average flow was at least 75% of the permitted flow limit during the months of April 2019 through June 2019 and from February 2020 through September 2020.

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

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: 06/30/2020 (1675008) 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: 08/31/2020 (1688354) 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: 09/30/2020 (1694712) 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: 01/14/2021 (1664154) Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Sludge Provisions, Section III(G) PERMIT
Description: Failure to submit the annual sludge report. Specifically, the annual sludge report for reporting year ending in August 2016 was not received by the TCEQ. Additionally, the required reporting information detailing sludge hauling activities for the 2019-2020 year was not submitted to the DFW Region Office.
Classification: Moderate

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)
Permit Conditions 2.g PERMIT
Description: Failure to prevent the unauthorized discharge of wastewater. Specifically, since the last compliance investigation at the WWTP in July 2016, two unauthorized discharges were reported by the regulated entity.
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limits & Monitoring Req. No.1&3 PERMIT
Description: Failure to maintain compliance with the permitted effluent limits. Specifically, the grab sample collected during the investigation was not compliant with the daily max limit of 399 MPN/100 mL for E. coli, nor was it compliant with the single grab minimum limit of 6.00 S.U. for pH. The result of the E. coli analysis was >2419.6 MPN/100 mL and the result of the pH analysis was 5.96 S.U.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.5(b)
Effluent Limits & Monitoring Reqs. No. 2 PERMIT
Description: Failure to collect and analyze effluent samples at the required frequency. Specifically, DO analyses were not conducted during the first week in February 2020 and the second week of July 2020.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.7(a)
Monitoring & Reporting Reqs. No. 3.c PERMIT

Description: Failure to maintain monitoring activity records. Specifically, several daily operator logs were not dated and/or were not signed by the operator(s).

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring & Reporting Reqs, No. 7c PERMIT

Description: Failure to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%. Specifically, during the record review period of July 2016 to October 2020, 25 violations which exceeded the permitted limit by more than 40% were noted. See the attached table.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(19)
Monitoring & Reporting Reqs, No. 1 PERMIT

Description: Failure to accurately complete the discharge monitoring reports (DMRs). Specifically, several parameters were reported incorrectly during the period of February 2020 to October 2020.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.126(a)
Operational Requirements, No. 8a PERMIT

Description: Failure to initiate engineering and financial planning or obtain a waiver for expansion and/or upgrading of the wastewater treatment and/or collection facilities when the flow at the wastewater treatment plant (WWTP) reaches 75% of the permitted daily average or annual average flow for three consecutive months. Specifically, the daily average flow was at least 75% of the permitted flow limit during the months of April 2019 through June 2019 and from February 2020 through September 2020.

* 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 27, 2016 and January 27, 2021

Item 1*	February 17, 2016**	(1326498) For Informational Purposes Only
Item 2*	March 09, 2016**	(1333254) For Informational Purposes Only
Item 3*	April 19, 2016**	(1340398) For Informational Purposes Only
Item 4*	May 20, 2016**	(1347213) For Informational Purposes Only
Item 5*	June 14, 2016**	(1353626) For Informational Purposes Only
Item 6*	July 20, 2016**	(1360604) For Informational Purposes Only
Item 7*	August 12, 2016**	(1367049) For Informational Purposes Only
Item 8	August 22, 2016**	(1344700) For Informational Purposes Only
Item 9	September 02, 2016**	(1331338) For Informational Purposes Only
Item 10*	September 14, 2016**	(1373771) For Informational Purposes Only

Item 11	October 03, 2016**	(1364419) For Informational Purposes Only
Item 12	October 18, 2016**	(1379921) For Informational Purposes Only
Item 13*	November 15, 2016**	(1385857) For Informational Purposes Only
Item 14*	December 12, 2016**	(1392017) For Informational Purposes Only
Item 15*	January 11, 2017**	(1398627) For Informational Purposes Only
Item 16	March 09, 2017**	(1405528) For Informational Purposes Only
Item 17*	April 11, 2017**	(1419120) For Informational Purposes Only
Item 18*	May 17, 2017**	(1426753) For Informational Purposes Only
Item 19*	June 07, 2017**	(1432753) For Informational Purposes Only
Item 20*	July 20, 2017**	(1441315) For Informational Purposes Only
Item 21*	September 12, 2017**	(1451574) For Informational Purposes Only
Item 22*	September 21, 2017**	(1444992) For Informational Purposes Only
Item 23*	October 10, 2017**	(1457450) For Informational Purposes Only
Item 24*	November 13, 2017**	(1462889) For Informational Purposes Only
Item 25*	December 13, 2017**	(1469321) For Informational Purposes Only
Item 26*	January 18, 2018**	(1476007) For Informational Purposes Only
Item 27*	February 08, 2018**	(1488192) For Informational Purposes Only
Item 28*	March 19, 2018**	(1491859) For Informational Purposes Only
Item 29*	April 13, 2018**	(1495149) For Informational Purposes Only
Item 30*	May 17, 2018**	(1502071) For Informational Purposes Only
Item 31*	June 19, 2018**	(1509193) For Informational Purposes Only
		(1515498)

Item 32*	July 09, 2018**	For Informational Purposes Only (1521548)
Item 33*	August 08, 2018**	For Informational Purposes Only (1528738)
Item 34*	September 17, 2018**	For Informational Purposes Only (1535061)
Item 35*	October 29, 2018**	For Informational Purposes Only (1542916)
Item 36*	November 14, 2018**	For Informational Purposes Only (1546657)
Item 37*	December 18, 2018**	For Informational Purposes Only (1564083)
Item 38*	January 14, 2019**	For Informational Purposes Only (1564081)
Item 39*	February 18, 2019**	For Informational Purposes Only (1564082)
Item 40*	March 12, 2019**	For Informational Purposes Only (1573289)
Item 41*	April 08, 2019**	For Informational Purposes Only (1586185)
Item 42*	May 14, 2019**	For Informational Purposes Only (1586186)
Item 43*	June 13, 2019**	For Informational Purposes Only (1594636)
Item 44*	July 10, 2019**	For Informational Purposes Only (1600937)
Item 45*	August 05, 2019**	For Informational Purposes Only (1607851)
Item 46*	September 18, 2019**	For Informational Purposes Only (1614718)
Item 47*	October 17, 2019**	For Informational Purposes Only (1620507)
Item 48*	November 13, 2019**	For Informational Purposes Only (1627857)
Item 49*	December 18, 2019**	For Informational Purposes Only (1635484)
Item 50*	January 13, 2020**	For Informational Purposes Only (1642101)
Item 51*	February 13, 2020**	For Informational Purposes Only (1648613)
Item 52	March 18, 2020**	For Informational Purposes Only (1654968)

Item 53	April 17, 2020**	For Informational Purposes Only (1661527)
Item 54	May 19, 2020**	For Informational Purposes Only (1668061)
Item 55	June 18, 2020**	For Informational Purposes Only (1675008)
Item 56	July 20, 2020**	For Informational Purposes Only (1681776)
Item 57*	August 18, 2020**	For Informational Purposes Only (1688354)
Item 58	September 17, 2020	For Informational Purposes Only (1671984)
Item 59	October 09, 2020	For Informational Purposes Only (1694712)
Item 60	October 20, 2020	For Informational Purposes Only (1664154)
Item 61	January 08, 2021	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 HACKBERRY
RN102077054**

**§
§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2020-1496-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 Hackberry (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 119 Maxwell Road, in the City of Hackberry, 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. During a record review conducted on August 27, 2020, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:

Monitoring Period	Carbonaceous BOD (5-day)		Ammonia Nitrogen			<i>E. coli</i>	TP	Total Suspended Solids	
	Daily Average Conc.	Daily Max. Conc.	Daily Average Conc.	Daily Max. Conc.	Daily Average Loading	Daily Average Conc.	Daily Average Conc.	Daily Average Conc.	Daily Max. Conc.
	Limit = 10 mg/L	Limit = 25 mg/L	Limit = 2 mg/L	Limit = 10 mg/L	Limit = 9.7 lb/d	Limit = 126 CFU/100 mL	Limit = 1 mg/L	Limit = 15 mg/L	Limit = 40 mg/L
Feb 2020	c	c	2.26	11.5	c	c	c	c	c
Mar 2020	c	c	21.75	35	21.75	c	c	c	c
Apr 2020	c	c	c	13.4	c	c	c	c	c
May 2020	17.2	35.2	26.8	33.4	26.8	133.35	c	22.33	47.2
Jun 2020	23.78	37.6	38.08	41.6	38.08	c	2.2	63.18	70

BOD = Biochemical Oxygen Demand
E. coli = *Escherichia coli*
TP = Total Phosphorus
Conc.= Concentration
Max.= Maximum

mg/L= milligrams per liter
lb/d = pounds per day
CFU/100 mL= Colony forming units per 100 milliliters
c= compliant

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013434001, Effluent Limitations and Monitoring Requirements No. 1.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$43,937 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$43,937 penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Hackberry, Docket No. 2020-1496-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, within 130 days after the effective date of this Order, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0013434001, 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 detail supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

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. 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.
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. 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.
10. 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.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

12/13/2021

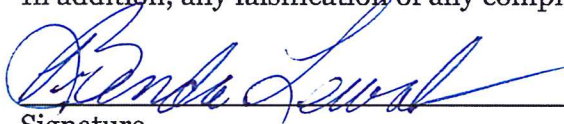
Date

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


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

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

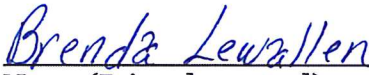
In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature



Date

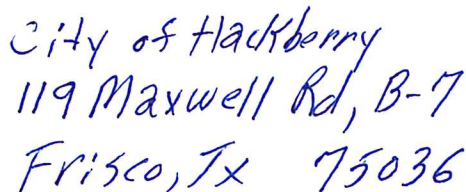


Name (Printed or typed)
Authorized Representative of
City of Hackberry



Title

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


City of Hackberry
119 Maxwell Rd, B-7
Frisco, Tx 75036

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.