

Executive Summary – Enforcement Matter – Case No. 60231

City of Hawk Cove

RN104265848

Docket No. 2021-0024-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 Hawk Cove WWTP, 9543 Morris Drive, Hawk Cove, Hunt 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: September 29, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$39,525

Amount Deferred for Expedited Settlement: \$7,905

Total Paid to General Revenue: \$890

Total Due to General Revenue: \$30,730

Payment Plan: 35 payments of \$878 each

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014 and January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 19, 2020 and April 30, 2021

Date(s) of NOE(s): November 24, 2020 and May 28, 2021

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City of Hawk Cove
RN104265848
Docket No. 2021-0024-MWD-E

Violation Information

1. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Morris Street Lift Station pumps were inoperable, and the Indian Trail Lift Station was only equipped with one operable pump. Additionally, routine inspections of the collections systems, including the lift stations, were not conducted [30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014522001, Operational Requirements No. 1].
2. Failed to submit a complete annual sludge report ("ASR") to the TCEQ by September 30th of each year. Specifically, the ASR for the monitoring period ending July 31, 2019 was not submitted to the TCEQ Enforcement Division and the Dallas/Fort Worth Regional Office by September 30, 2019 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0014522001, Sludge Provisions, Section IV(C)].
3. Failed to maintain records of properly completed trip tickets. Specifically, sludge trip ticket manifests from April 2016 to April 2020 were not complete and did not contain all the required signatures and dates. Additionally, the December 31, 2018 manifest incorrectly labeled the waste as "Septic" when it should have been labeled as "Other-Wastewater Sludge" [30 TEX. ADMIN. CODE § 305.125(1) and (11)(B) and TPDES Permit No. WQ0014522001, Sludge Provisions, Section IV(B)].
4. Failed to calibrate the flow meter at least annually to ensure accuracy. Specifically, the flow meter was last calibrated on October 22, 2018 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014522001, Monitoring and Reporting Requirements No. 5].
5. Failed to assure the quality of all measurements through the use of blanks, standards, duplicates, and matrix spikes. Specifically, standard analyses for total chlorine residual were being performed once every three months, instead of the required frequency to provide the minimum quality assurance requirements [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.6 and TPDES Permit No. WQ0014522001, Monitoring and Reporting Requirements No. 1].
6. Failed to submit monitoring results at intervals specified in the permit. Specifically, the discharge monitoring reports ("DMRs") for the months of February 2020 through September 2020 were not submitted [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0014522001, Monitoring and Reporting Requirements No. 1].
7. Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the DMRs for the months of October 2019 through January 2020 were not submitted by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0014522001, Monitoring and Reporting Requirements No. 1].

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8. Failed to provide notification of changes to the contracted third party operation of the Facility. Specifically, the third party operating services were terminated in January 2019, and the Respondent did not provide notification of the break in service or a copy of the contract between the Respondent and the new third party operator [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014522001, Other Requirements Nos. 7 and 10].

9. Failed to secure the lift station in an intruder-resistant manner. Specifically, the Red Bird Lift Station had a large gap between a portion of the fence and the ground [30 TEX. ADMIN. CODE § 317.3(a)].

10. Failed to maintain authorization to discharge wastewater into or adjacent to any water in the state. Specifically, TPDES Permit No. WQ0014522001 expired on March 1, 2021, and the Respondent continued to operate the wastewater treatment facility without authorization [TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE § 305.65].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By October 18, 2021, the Respondent implemented corrective measures at the Facility by modifying the fencing at the Red Bird Lift Station.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days, update operational guidance and conduct employee training to ensure:

i. Routine inspections of the collection system, including the lift stations, are conducted;

ii. Self-reporting requirements are properly accomplished, including timely submittal of signed and certified ASRs;

iii. Records of completed trip tickets are maintained;

iv. Standard analyses are performed in accordance with the quality assurance requirements for the analysis of total chlorine residual;

v. DMRs are submitted at intervals specified in the permit; and

vi. Repair or replace the inoperable pumps at the Morris Street Lift Station and the inoperable pump at the Indian Trail Lift Station.

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- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 60 days:
 - i. Calibrate the flow meter;
 - ii. Submit the DMRs for the months of February 2020 through September 2020; and
 - iii. Provide notification of changes to the Facility's third-party operations and a copy of the contract between the Respondent and the new third-party operator to the TCEQ.
- d. Within 75 days, submit written certification to demonstrate compliance with c.
- e. Within 300 days, prepare and submit a permit application and obtain authorization to discharge wastewater.
- f. Within 315 days, submit written certification to demonstrate compliance with e.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mistie Gonzales, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3056; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable Darren Evans, Mayor, City of Hawk Cove, 1585 Maria Street, Quinlan, Texas 75474-3321

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	30-Nov-2020	Screening	10-Dec-2020	EPA Due	
	PCW	11-Dec-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Hawk Cove
Reg. Ent. Ref. No.	RN104265848
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60231	No. of Violations	9
Docket No.	2021-0024-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Mistie Gonzales
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$23,250
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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	20.0%	Adjustment	Subtotals 2, 3, & 7	\$4,650
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Notes	Enhancement for ten 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	-\$375
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$3,779	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$17,400	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$27,525
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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	\$27,525
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$27,525
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DEFERRAL	20.0%	Reduction	Adjustment	-\$5,505
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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	\$22,020
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Screening Date 10-Dec-2020

Docket No. 2021-0024-MWD-E

PCW

Respondent City of Hawk Cove

Policy Revision 4 (April 2014)

Case ID No. 60231

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104265848

Media Water Quality

Enf. Coordinator Mistie Gonzales

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	10	20%
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) 20%

>> 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 ten self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 10-Dec-2020
Respondent City of Hawk Cove
Case ID No. 60231
Reg. Ent. Reference No. RN104265848
Media Water Quality
Enf. Coordinator Mistie Gonzales

Docket No. 2021-0024-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) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014522001, Operational Requirements No. 1

Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Morris Street Lift Station pumps were inoperable, and the Indian Trail Lift Station was only equipped with one operable pump. Additionally, routine inspections of the collections systems, including the lift stations, were not conducted.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		X		

>> Programmatic Matrix

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2 21 Number of violation days

daily		Violation Base Penalty	\$2,500
weekly			
monthly			
quarterly	X		
semiannual			
annual			
single event			

Two quarterly events are recommended (one quarterly event for each lift station), calculated from the record review date (November 19, 2020) to the screening date (December 10, 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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,328 **Violation Final Penalty Total** \$3,000

This violation Final Assessed Penalty (adjusted for limits) \$3,000

Economic Benefit Worksheet

Respondent City of Hawk Cove
Case ID No. 60231
Reg. Ent. Reference No. RN104265848
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	\$15,000	2-Jul-2019	22-Aug-2022	3.14	\$157	\$3,142	\$3,299
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	14-Apr-2020	22-Aug-2022	2.36	\$29	n/a	\$29
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Equipment cost to repair or replace the inoperable pumps at the Morris Street Lift Station (\$5,000 X two) and the inoperable pump at the Indian Trail Lift Station (\$5,000). Date required is the date the violation was initially documented, and the final date is the estimated date of compliance.

Estimated Training/Sampling cost to update operational guidance and conduct employee training to ensure that routine inspections of the collection system, including the lift stations, are conducted. Date required is the date the violation was initially documented, and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,250

TOTAL

\$3,328

Screening Date 10-Dec-2020
Respondent City of Hawk Cove
Case ID No. 60231
Reg. Ent. Reference No. RN104265848
Media Water Quality
Enf. Coordinator Mistie Gonzales

Docket No. 2021-0024-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) and (17) and TPDES Permit No. WQ0014522001, Sludge Provisions, Section IV(C)

Violation Description

Failed to submit a complete annual sludge report ("ASR") to the TCEQ by September 30th of each year. Specifically, the ASR for the monitoring period ending July 31, 2019 was not submitted to the TCEQ Enforcement Division and the Dallas/Fort Worth Regional Office by September 30, 2019.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
100% of the rule requirements were not met.					

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" 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 Hawk Cove
Case ID No. 60231
Reg. Ent. Reference No. RN104265848
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	\$250	19-Nov-2020	22-Aug-2022	1.76	\$22	n/a	\$22
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated Training/Sampling cost to update operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including timely submittal of signed and certified ASRs (\$250). Date required is the record review date, and the final date is the estimated compliance date.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$25	30-Sep-2019	10-Dec-2020	1.20	\$2	\$25	\$27

Notes for AVOIDED costs
 Estimated Other cost to submit the ASR for the monitoring periods ending July 31, 2019 (\$25). Date required is the date the ASR was due, and the final date is the screening date.

Approx. Cost of Compliance	\$275	TOTAL	\$49
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Screening Date 10-Dec-2020 **Docket No.** 2021-0024-MWD-E **PCW**
Respondent City of Hawk Cove *Policy Revision 4 (April 2014)*
Case ID No. 60231 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN104265848
Media Water Quality
Enf. Coordinator Mistie Gonzales

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (11)(B) and TPDES Permit No. WQ0014522001, Sludge Provisions, Section IV(B)
Violation Description Failed to maintain records of properly completed trip tickets. Specifically, sludge trip ticket manifests from April 2016 to April 2020 were not complete and did not contain all the required signatures and dates. Additionally, the December 31, 2018 manifest incorrectly labeled the waste as "Septic" when it should have been labeled as "Other-Wastewater Sludge."

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				X	1.0%
Less than 30% of the rule requirements were not met.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 21 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 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 \$250

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

Estimated EB Amount \$29 **Violation Final Penalty Total** \$300

This violation Final Assessed Penalty (adjusted for limits) \$300

Economic Benefit Worksheet

Respondent City of Hawk Cove
Case ID No. 60231
Reg. Ent. Reference No. RN104265848
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	14-Apr-2020	22-Aug-2022	2.36	\$29	n/a	\$29
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cost to update operational guidance and conduct employee training to ensure that records of completed trip tickets are maintained in accordance with 30 Tex. Admin. Code § 312.145(a)(1)-(7). Date required is the date the violation was initially documented, and the final date is the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$250	TOTAL	\$29
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Screening Date	10-Dec-2020	Docket No.	2021-0024-MWD-E	PCW
Respondent	City of Hawk Cove			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60231			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN104265848			
Media	Water Quality			
Enf. Coordinator	Mistie Gonzales			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014522001, Monitoring and Reporting Requirements No. 5			
Violation Description	Failed to calibrate the flow meter at least annually to ensure accuracy. Specifically, the flow meter was last calibrated on October 22, 2018.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent <input type="text" value="0.0%"/>
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
					Adjustment <input type="text" value="\$23,750"/>

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty

Two single events are recommended, one event for each missed calibration.

Good Faith Efforts to Comply Reduction

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

Notes

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 Hawk Cove
Case ID No. 60231
Reg. Ent. Reference No. RN104265848
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$200	22-Oct-2019	21-Sep-2022	2.92	\$29	n/a	\$29

Notes for DELAYED costs

Estimated cost to calibrate the flow meter. Date required is the date flow meter calibration was due, 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	\$200	22-Oct-2019	10-Dec-2020	1.14	\$11	\$200	\$211
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to calibrate the flow meter. Date required is the date flow meter calibration was due, and the final date is the screening date.

Approx. Cost of Compliance

\$400

TOTAL

\$240

Screening Date 10-Dec-2020
Respondent City of Hawk Cove
Case ID No. 60231
Reg. Ent. Reference No. RN104265848
Media Water Quality
Enf. Coordinator Mistie Gonzales

Docket No. 2021-0024-MWD-E

PCW

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

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.6 and TPDES Permit No. WQ0014522001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to assure the quality of all measurements through the use of blanks, standards, duplicates, and matrix spikes. Specifically, standard analyses for total chlorine residual were being performed once every three months, instead of the required frequency to provide the minimum quality assurance requirements.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				3.0%
	Potential			X	

>> Programmatic Matrix

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

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1 21 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary	
Ordinary	
N/A	X

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$29

Violation Final Penalty Total \$900

This violation Final Assessed Penalty (adjusted for limits) \$900

Economic Benefit Worksheet

Respondent City of Hawk Cove
Case ID No. 60231
Reg. Ent. Reference No. RN104265848
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	14-Apr-2020	22-Aug-2022	2.36	\$29	n/a	\$29
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update operational guidance and conduct employee training to ensure that standard analyses are performed in accordance with the quality assurance requirements for the analysis of total chlorine residual. Date required is the date the violation was initially documented, and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$29

Screening Date 10-Dec-2020 **Docket No.** 2021-0024-MWD-E **PCW**
Respondent City of Hawk Cove *Policy Revision 4 (April 2014)*
Case ID No. 60231 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN104265848
Media Water Quality
Enf. Coordinator Mistie Gonzales

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0014522001, Monitoring and Reporting Requirements No. 1
Violation Description Failed to submit monitoring results at intervals specified in the permit. Specifically, the discharge monitoring reports ("DMRs") for the months of February 2020 through September 2020 were not submitted.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			5.0%

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 8 243 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$10,000

Eight single events are recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$10,000

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

Estimated EB Amount \$25 **Violation Final Penalty Total** \$12,000

This violation Final Assessed Penalty (adjusted for limits) \$12,000

Economic Benefit Worksheet

Respondent City of Hawk Cove
Case ID No. 60231
Reg. Ent. Reference No. RN104265848
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	20-Mar-2020	21-Sep-2022	2.51	\$25	n/a	\$25

Notes for DELAYED costs

Estimated cost to submit the DMRs for the months of February 2020 through September 2020 (\$25 X eight DMRs = \$200). Date required is the due date for 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

\$200

TOTAL

\$25

Screening Date 10-Dec-2020 **Docket No.** 2021-0024-MWD-E **PCW**
Respondent City of Hawk Cove *Policy Revision 4 (April 2014)*
Case ID No. 60231 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN104265848
Media Water Quality
Enf. Coordinator Mistie Gonzales

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0014522001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the discharge DMRs for the months of October 2019 through January 2020 were not submitted by the 20th day of the following month.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				X	1.0%
Less than 30% of the rule requirements were not met.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 4 123 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

Four single events are recommended, one for each DMR that was not submitted by the 20th day of the following month.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	X

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$22

Violation Final Penalty Total \$1,200

This violation Final Assessed Penalty (adjusted for limits) \$1,200

Economic Benefit Worksheet

Respondent City of Hawk Cove
Case ID No. 60231
Reg. Ent. Reference No. RN104265848
Media Water Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	19-Nov-2020	22-Aug-2022	1.76	\$22	n/a	\$22
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update operational guidance and conduct employee training to ensure DMRs are submitted at intervals specified in the permit. Date required is record review date, and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$22

Screening Date 10-Dec-2020
Respondent City of Hawk Cove
Case ID No. 60231
Reg. Ent. Reference No. RN104265848
Media Water Quality
Enf. Coordinator Mistie Gonzales

Docket No. 2021-0024-MWD-E

PCW

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

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014522001, Other Requirements Nos. 7 and 10

Violation Description
 Failed to provide notification of changes to the contracted third-party operation of the Facility. Specifically, the third-party operating services were terminated in January 2019, and the Respondent did not provide notification of the break in service or a copy of the contract between the Respondent and the new third-party operator.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		X			5.0%
100% of the rule requirements were not met.					

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 21 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDRP/ Settlement Offer

Extraordinary		
Ordinary		
N/A	X	

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

Economic Benefit Worksheet

Respondent City of Hawk Cove
Case ID No. 60231
Reg. Ent. Reference No. RN104265848
Media Water Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	14-Apr-2020	21-Sep-2022	2.44	\$3	n/a	\$3

Notes for DELAYED costs

Esimated cost to provide notification of changes to the Facility's third-party operations and a copy of the contract between the Respondent and the new third-party operator to the TCEQ. Date required is the date the violation was initially documented, and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$3

Screening Date	10-Dec-2020	Docket No.	2021-0024-MWD-E	PCW
Respondent	City of Hawk Cove			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60231			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN104265848			
Media	Water Quality			
Enf. Coordinator	Mistie Gonzales			
Violation Number	9			
Rule Cite(s)	30 Tex. Admin. Code § 317.3(a)			
Violation Description	Failed to secure the lift station in an intruder-resistant manner. Specifically, the Red Bird Lift Station had a large gap between a portion of the fence and the ground.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.				
					Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty

One monthly event is recommended, calculated from the investigation date (November 19, 2020) to the screening date (December 10, 2020).

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		
Notes	The Respondent achieved compliance on October 18, 2021.	

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 Hawk Cove
Case ID No. 60231
Reg. Ent. Reference No. RN104265848
Media Water Quality
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$500	14-Apr-2020	18-Oct-2021	1.51	\$3	\$50	\$53
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair the fencing at the Red Bird Lift Station rendering it intruder-resistant. Date required is the date the violation was initially documented, and the final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$53



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	7-Jun-2021			
	PCW	11-Oct-2021	Screening	15-Jun-2021	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Hawk Cove
Reg. Ent. Ref. No.	RN104265848
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	60231	No. of Violations	1	
Docket No.	2021-0024-MWD-E	Order Type	1660	
Media Program(s)	Water Quality	Government/Non-Profit	Yes	
Multi-Media		Enf. Coordinator	Mistie Gonzales	
		EC's Team	Enforcement Team 1	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20.0% Adjustment	Subtotals 2, 3, & 7	\$2,000
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Notes	Enhancement for ten 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	\$956	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$10,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,000
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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	
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Final Penalty Amount	\$12,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$12,000
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,400
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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	\$9,600
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Screening Date 15-Jun-2021
Respondent City of Hawk Cove
Case ID No. 60231
Reg. Ent. Reference No. RN104265848
Media Water Quality
Enf. Coordinator Mistie Gonzales

Docket No. 2021-0024-MWD-E

PCW

Policy Revision 5 (January 28, 2021)
PCW Revision February 11, 2021

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	10	20%
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) 20%

>> 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 ten self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 15-Jun-2021
Respondent City of Hawk Cove
Case ID No. 60231
Reg. Ent. Reference No. RN104265848
Media Water Quality
Enf. Coordinator Mistie Gonzales

Docket No. 2021-0024-MWD-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1) and 30 Tex. Admin. Code § 305.65

Violation Description

Failed to maintain authorization to discharge wastewater into or adjacent to any water in the state. Specifically, Texas Pollutant Discharge Elimination System Permit No. WQ0014522001 expired on March 1, 2021, and the Respondent continued to operate the wastewater treatment facility without authorization.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 4

106 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

Four monthly events are recommended, calculated from the permit expiration date (March 1, 2021) to the screening date (June 15, 2021).

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 \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$956

Violation Final Penalty Total \$12,000

This violation Final Assessed Penalty (adjusted for limits) \$12,000

Economic Benefit Worksheet

Respondent City of Hawk Cove
Case ID No. 60231
Reg. Ent. Reference No. RN104265848
Media Violation No. Water Quality
 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	\$10,000	1-Mar-2021	28-Jan-2023	1.91	\$956	n/a	\$956
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to prepare and submit a permit application and obtain authorization to discharge wastewater. The date required is the date the permit expired, and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$10,000

TOTAL \$956

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN602626699, RN104265848, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN602626699, City of Hawk Cove **Classification:** SATISFACTORY **Rating:** 10.44

Regulated Entity: RN104265848, CITY OF HAWK COVE WWTP **Classification:** SATISFACTORY **Rating:** 10.44

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

CH Group: 08 - Sewage Treatment Facilities

Location: 9543 Morris Drive, Hawk Cove, Hunt County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

WASTEWATER PERMIT WQ0014522001

WASTEWATER EPA ID TX0126691

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: April 11, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 11, 2017 to April 11, 2022

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

Name: Alejandro Laje

Phone: (512) 239-2547

Site and Owner/Operator History:

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

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

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

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 3	October 24, 2019	(1615263)
Item 4	December 03, 2019	(1612038)
Item 5	January 21, 2020	(1628404)
Item 7	May 21, 2021	(1712097)
Item 8	June 14, 2021	(1742987)
Item 9	June 28, 2021	(1429117)

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:** 04/30/2021 (1768389)
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: 05/31/2021 (1768390) 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: 06/30/2021 (1759024) 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: 07/31/2021 (1768391) 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: 08/31/2021 (1772574) 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: 09/30/2021 (1779085) 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: 10/31/2021 (1785576) 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: 11/30/2021 (1792623) 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
9	Date: 12/31/2021 (1800461) 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
10	Date: 01/31/2022 (1808290) 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 HAWK COVE
RN104265848

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-0024-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 Hawk Cove (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 9543 Morris Drive in Hawk Cove, Hunt 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 \$39,525 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$890 of the penalty, and \$7,905 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$30,730 of the undeferred penalty shall be paid in 35 monthly payments of \$878 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the

terms and conditions of this Order and 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 by October 18, 2021, the Respondent implemented corrective measures at the Facility by modifying the fencing at the Red Bird Lift Station.

II. ALLEGATIONS

1. During a record review for the Facility conducted on November 19, 2020, an investigator documented that the Respondent:
 - a. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014522001, Operational Requirements No. 1. Specifically, the Morris Street Lift Station pumps were inoperable, and the Indian Trail Lift Station was only equipped with one operable pump. Additionally, routine inspections of the collections systems, including the lift stations, were not conducted.
 - b. Failed to submit a complete annual sludge report ("ASR") to the TCEQ by September 30th of each year, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0014522001, Sludge Provisions, Section IV(C). Specifically, the ASR for the monitoring period ending July 31, 2019 was not submitted to the TCEQ Enforcement Division and the Dallas/Fort Worth Regional Office by September 30, 2019.

- c. Failed to maintain records of properly completed trip tickets, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (11)(B) and TPDES Permit No. WQ0014522001, Sludge Provisions, Section IV(B). Specifically, sludge trip ticket manifests from April 2016 to April 2020 were not complete and did not contain all the required signatures and dates. Additionally, the December 31, 2018 manifest incorrectly labeled the waste as "Septic" when it should have been labeled as "Other-Wastewater Sludge."
 - d. Failed to calibrate the flow meter at least annually to ensure accuracy, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014522001, Monitoring and Reporting Requirements No. 5. Specifically, the flow meter was last calibrated on October 22, 2018.
 - e. Failed to assure the quality of all measurements through the use of blanks, standards, duplicates, and matrix spikes, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.6 and TPDES Permit No. WQ0014522001, Monitoring and Reporting Requirements No. 1. Specifically, standard analyses for total chlorine residual were being performed once every three months, instead of the required frequency to provide the minimum quality assurance requirements.
 - f. Failed to submit monitoring results at intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0014522001, Monitoring and Reporting Requirements No. 1. Specifically, the discharge monitoring reports ("DMRs") for the months of February 2020 through September 2020 were not submitted.
 - g. Failed to timely submit monitoring results at intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0014522001, Monitoring and Reporting Requirements No. 1. Specifically, the DMRs for the months of October 2019 through January 2020 were not submitted by the 20th day of the following month.
 - h. Failed to provide notification of changes to the contracted third party operation of the Facility, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014522001, Other Requirements Nos. 7 and 10. Specifically, the third party operating services were terminated in January 2019, and the Respondent did not provide notification of the break in service or a copy of the contract between the Respondent and the new third party operator.
 - i. Failed to secure the lift station in an intruder-resistant manner, in violation of 30 TEX. ADMIN. CODE § 317.3(a). Specifically, the Red Bird Lift Station had a large gap between a portion of the fence and the ground.
2. During a record review for the Facility conducted on April 30, 2021, an investigator documented that the Respondent failed to maintain authorization to discharge wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE § 305.65. Specifically, TPDES Permit No. WQ0014522001 expired on March 1, 2021, and the Respondent continued to operate the wastewater treatment facility without authorization.

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 Hawk Cove, Docket No. 2021-0024-MWD-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, update operational guidance and conduct employee training to ensure:
 - i. Routine inspections of the collection system, including the lift stations, are conducted;
 - ii. Self-reporting requirements are properly accomplished, including timely submittal of signed and certified ASRs;
 - iii. Records of completed trip tickets are maintained in accordance with 30 TEX. ADMIN. CODE § 312.145(a)(1)-(7);
 - iv. Standard analyses are performed in accordance with the quality assurance requirements for the analysis of total chlorine residual; and
 - v. DMRs are submitted at intervals specified in the permit; and
 - vi. Repair or replace the inoperable pumps at the Morris Street Lift Station and the inoperable pump at the Indian Trail Lift Station.
 - b. Within 45 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 2.f below, to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.vi.
 - c. Within 60 days after the effective date of this Order:
 - i. Calibrate the flow meter;

- ii. Submit the DMRs for the months of February 2020 through September 2020; and
- iii. Provide notification of changes to the Facility's third-party operations and a copy of the contract between the Respondent and the new third-party operator to the TCEQ.
- d. Within 75 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 2.f below, to demonstrate compliance with Ordering Provision Nos. 2.c.i through 2.c.iii.
- e. Within 300 days after the effective date of this Order, prepare and submit a permit application and obtain authorization to discharge wastewater.
- f. Within 315 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. 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:

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.

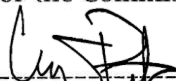
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. 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 Enforcement Division 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



10/16/2023

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

8-21-2023

Date

Doreen EVANS

Name (Printed or typed)
Authorized Representative of
City of Hawk Cove

Mayor

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 I of this Order.