

**Executive Summary – Enforcement Matter – Case No. 60762**  
**City of Danbury**  
**RN101920676**  
**Docket No. 2021-0640-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

N/A

**Location(s) Where Violation(s) Occurred:**

City of Danbury, 1600 Avenue L, Danbury, Brazoria County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2021-1082-MWD-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** January 21, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$19,448

**Amount Deferred for Expedited Settlement:** \$3,889

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$15,559

Name of SEP: Brazoria County (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** April 16, 2021

**Date(s) of NOE(s):** May 4, 2021

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***Violation Information***

1. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, clarifier number 1 was rusted and had five holes in the clarifier launder and return sludge trough [30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010158001, Operational Requirements No. 1].
2. Failed to have automatic flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less often than annually. Specifically, the flow meter was last calibrated on April 9, 2015 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010158001, Monitoring and Reporting Requirements No. 5].
3. Failed to timely submit monitoring results at intervals specified in the permit. Specifically, monthly discharge monitoring reports ("DMRs") for October through December 2020, and January through March 2021 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. WQ0010158001, Monitoring and Reporting Requirements No. 1].
4. Failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative for a period of three years. Specifically, the chain of custody forms, the laboratory reports, and the quality assurance/quality control records were not maintained at the Facility and were not available for review for the following parameters: carbonaceous biochemical oxygen demand (5-day), total suspended solids, ammonia nitrogen, *Escherichia coli*, pH, and dissolved oxygen. Additionally, the operator logs for pH and dissolved oxygen did not contain the location, the date analyses were performed, and the identity of the person who collected the sample or made the measurement [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 319.7(a) and (c) and TPDES Permit No. WQ0010158001, Monitoring and Reporting Requirements No. 3].
5. Failed to assure the quality of all measurements through the use of blanks, standards, duplicates, and spikes. Specifically, total chlorine residual quality control was being conducted once a month instead of daily [30 TEX. ADMIN. CODE §§ 305.125(1), 319.6, and TPDES Permit No. WQ0010158001, Monitoring and Reporting Requirements No. 1].
6. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, all the drying beds were full and one drying bed had sludge higher than its containment walls [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010158001, Operational Requirements No. 1].
7. Failed to submit a complete annual sludge report ("ASR") to the TCEQ by September 30th of each year. Specifically, the Respondent did not submit the ASR for the

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monitoring period ending July 31, 2016 by September 30, 2016 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010158001, Sludge Provisions, Section III.G].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. Submitted the DMRs for the months of October, November, and December 2020 and January, February, and March 2021 by May 10, 2021; and
- b. Calibrated the flow measuring device by June 7, 2021.

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
  - a. Within 30 days:
    - i. Develop and implement procedures and conduct employee training to:
      - (a) Fill out operator logs which contain sample location, date of sample/analyses, and identity of who collected the sample and who made the measurement in accordance with permit requirements.
      - (b) Analyze standards for chlorine residual on a 10% basis; for every one to ten samples analyzed per day, one laboratory control sample shall be conducted.
    - ii. Ensure that monitoring/reporting records are readily available for a period of three years.
    - iii. Submit the ASR for the monitoring period ending July 31, 2016.
  - b. Within 45 days, submit written certification to demonstrate compliance with a.
  - c. Within 60 days:

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**City of Danbury**  
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**Docket No. 2021-0640-MWD-E**

- i. Repair or replace the rusted sections of clarifier number 1 and the areas of the clarifier launder and return sludge trough which contain holes.
- ii. Remove and properly dispose of the sludge from all sludge drying beds.
- d. Within 75 days, submit written certification to demonstrate compliance with c.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Harley Hobson, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-1337; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

**SEP Third-Party Administrator:** Brazoria County, 111 East Locust, Building A-29, Suite 270, Angleton, Texas 77515

**Respondent:** The Honorable Suzanne Powell, Mayor, City of Danbury, P.O Box 258, Danbury, Texas 77534

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	10-May-2021			
	<b>PCW</b>	14-May-2021	<b>Screening</b>	14-May-2021	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>					
<b>Respondent</b>	City of Danbury				
<b>Reg. Ent. Ref. No.</b>	RN101920676				
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor		

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	60762	<b>No. of Violations</b>	7		
<b>Docket No.</b>	2021-0640-MWD-E	<b>Order Type</b>	1660		
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes		
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Harley Hobson		
		<b>EC's Team</b>	Enforcement Team 3		
<b>Admin. Penalty \$ Limit</b>	<b>Minimum</b>	\$0	<b>Maximum</b>	\$25,000	

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$17,875
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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.

<b>Compliance History</b>	13.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$2,323
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Notes: Enhancement for one NOV with same/similar violations and four months of self-reported effluent violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$750
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$5,600  
 Estimated Cost of Compliance: \$13,700  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$19,448
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$19,448
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$19,448
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$3,889
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$15,559
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**Screening Date** 14-May-2021

**Docket No.** 2021-0640-MWD-E

**PCW**

**Respondent** City of Danbury

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 60762

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN101920676

**Media** Water Quality

**Enf. Coordinator** Harley Hobson

### 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> )	1	5%
	Other written NOVs	4	8%
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)** 13%

#### >> 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 one NOV with same/similar violations and four months of self-reported effluent violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 13%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 13%

**Screening Date** 14-May-2021  
**Respondent** City of Danbury  
**Case ID No.** 60762  
**Reg. Ent. Reference No.** RN101920676  
**Media** Water Quality  
**Enf. Coordinator** Harley Hobson

**Docket No.** 2021-0640-MWD-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010158001, 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, clarifier number 1 was rusted and had five holes in the clarifier launder and return sludge trough.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

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

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Human health or the environment will or could be exposed to 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 1 28 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$1,250

One quarterly event is recommended from the Record Review date (April 16, 2021) to the screening date (May 14, 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** \$1,250

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$4,098

**Violation Final Penalty Total** \$1,413

**This violation Final Assessed Penalty (adjusted for limits)** \$1,413

# Economic Benefit Worksheet

**Respondent** City of Danbury  
**Case ID No.** 60762  
**Reg. Ent. Reference No.** RN101920676  
**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	\$10,000	13-Jul-2016	20-May-2022	5.85	\$195	\$3,903	\$4,098
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 Engineering/Construction cost to repair or replace the rusted sections of clarifier number 1 and the areas of the clarifier launder and return sludge trough which contain holes. The Date Required is the original investigation 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 \$10,000

**TOTAL** \$4,098



**Screening Date** 14-May-2021 **Docket No.** 2021-0640-MWD-E **PCW**  
**Respondent** City of Danbury *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60762 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101920676  
**Media** Water Quality  
**Enf. Coordinator** Harley Hobson

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010158001, Monitoring and Reporting Requirements No. 5  
**Violation Description** Failed to have automatic flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less often than annually. Specifically, the flow meter was last calibrated on April 9, 2015.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Release</b>	<b>Harm</b>			<b>Percent</b> 5.0%
		Major	Moderate	Minor	
	Actual				
	Potential		X		

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> 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** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 6 1861 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

**Violation Base Penalty** \$7,500

Six single events are recommended, one for each year calibration was not done.

**Good Faith Efforts to Comply** 10.0% Reduction \$750

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

**Notes** The Respondent achieved compliance on June 7, 2021.

**Violation Subtotal** \$6,750

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

**Estimated EB Amount** \$382 **Violation Final Penalty Total** \$7,725

**This violation Final Assessed Penalty (adjusted for limits)** \$7,725

# Economic Benefit Worksheet

**Respondent** City of Danbury  
**Case ID No.** 60762  
**Reg. Ent. Reference No.** RN101920676  
**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	13-Jul-2016	7-Jun-2021	4.90	\$61	n/a	\$61
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 annually calibrate the flow measuring device. The Date Required is the original investigation date 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	\$250	9-Apr-2016	14-May-2021	5.10	\$71	\$250	\$321
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Estimated avoided cost to annually calibrate the flow measuring device. The Date Required is the date the annual calibration was due and the Final Date is the screening date.

**Approx. Cost of Compliance** \$500

**TOTAL** \$382

**Screening Date** 14-May-2021 **Docket No.** 2021-0640-MWD-E **PCW**  
**Respondent** City of Danbury *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60762 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101920676  
**Media** Water Quality  
**Enf. Coordinator** Harley Hobson

**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. WQ0010158001, Monitoring and Reporting Requirements No. 1  
**Violation Description** Failed to timely submit monitoring results at intervals specified in the permit. Specifically, monthly discharge monitoring reports ("DMRs") for October through December 2020, and January through March 2021 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 6 171 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

**Violation Base Penalty** \$1,500

Six single events are recommended, one for each month that was late.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$1,500

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

**Estimated EB Amount** \$4 **Violation Final Penalty Total** \$1,695

**This violation Final Assessed Penalty (adjusted for limits)** \$1,695

# Economic Benefit Worksheet

**Respondent** City of Danbury  
**Case ID No.** 60762  
**Reg. Ent. Reference No.** RN101920676  
**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				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)	\$150	20-Nov-2020	10-May-2021	0.47	\$4	n/a	\$4

**Notes for DELAYED costs**  
 Estimated cost to submit the DMRs for the months of October, November, and December 2020 and January, February, and March 2021. The Date Required is the first DMR due date and the Final Date is the date the DMRs were submitted.

### 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 \$150

**TOTAL** \$4

**Screening Date** 14-May-2021 **Docket No.** 2021-0640-MWD-E **PCW**  
**Respondent** City of Danbury *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60762 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101920676  
**Media** Water Quality  
**Enf. Coordinator** Harley Hobson

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 305.125(1) and (11)(B) and 319.7(a) and (c) and TPDES Permit No. WQ0010158001, Monitoring and Reporting Requirements No. 3

**Violation Description** Failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative for a period of three years. Specifically, the chain of custody forms, the laboratory reports, and the quality assurance/quality control records were not maintained at the Facility and were not available for review for the following parameters: carbonaceous biochemical oxygen demand (5-day), total suspended solids, ammonia nitrogen, Escherichia coli, pH, and dissolved oxygen ("DO"). Additionally, the operator logs for pH and DO did not contain the location, the date analyses were performed, and the identity of the person who collected the sample or made the measurement.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="2.5%"/>

**Matrix Notes**

**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**

**Good Faith Efforts to Comply**  Reduction

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

**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 Danbury  
**Case ID No.** 60762  
**Reg. Ent. Reference No.** RN101920676  
**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	\$500	13-Jul-2016	20-Apr-2022	5.77	\$144	n/a	\$144
Training/Sampling	\$250	13-Jul-2016	20-Apr-2022	5.77	\$72	n/a	\$72
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 Record Keeping cost to ensure that monitoring/reporting records are readily available for a period of three years. The Date Required is the original investigation date and the Final Date is the estimated date of compliance.

Estimated Training/Sampling cost to develop and implement procedures and conduct employee training to fill out operator logs which contain sample location, date of sample/analyses, and identity of who collected the sample and who made the measurement in accordance with permit requirements. The Date Required is the original investigation 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 \$750

**TOTAL** \$216

**Screening Date** 14-May-2021 **Docket No.** 2021-0640-MWD-E **PCW**  
**Respondent** City of Danbury *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60762 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101920676  
**Media** Water Quality  
**Enf. Coordinator** Harley Hobson

**Violation Number** 5  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 305.125(1), 319.6, and TPDES Permit No. WQ0010158001, Monitoring and Reporting Requirements No. 1  
**Violation Description** Failed to assure the quality of all measurements through the use of blanks, standards, duplicates, and spikes. Specifically, total chlorine residual quality control was being conducted once a month instead of daily.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential			X	<b>Percent</b> 3.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

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

**Adjustment** \$24,250

\$750

**Violation Events**

Number of Violation Events 1 28 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** \$72 **Violation Final Penalty Total** \$848

**This violation Final Assessed Penalty (adjusted for limits)** \$848

# Economic Benefit Worksheet

**Respondent** City of Danbury  
**Case ID No.** 60762  
**Reg. Ent. Reference No.** RN101920676  
**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
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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	13-Jul-2016	20-Apr-2022	5.77	\$72	n/a	\$72
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 develop and implement procedures and conduct employee training to analyze standards for chlorine residual on a 10% basis. The Date Required is the original investigation 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** \$72



**Screening Date** 14-May-2021 **Docket No.** 2021-0640-MWD-E **PCW**  
**Respondent** City of Danbury *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60762 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101920676  
**Media** Water Quality  
**Enf. Coordinator** Harley Hobson

**Violation Number**   
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010158001, 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, all the drying beds were full and one drying bed had sludge higher than its containment walls.

**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="15.0%"/>
	Potential	<input type="text" value="X"/>	<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** 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**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One monthly event is recommended, from the Record Review date (April 16, 2021) to the screening date (May 14, 2021).

**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 Danbury  
**Case ID No.** 60762  
**Reg. Ent. Reference No.** RN101920676  
**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
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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	\$2,000	13-Jul-2016	5-May-2022	5.81	\$39	\$775	\$814
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 Engineering/Construction cost to remove and properly dispose of the sludge from all sludge drying beds. The Date Required is the original investigation 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** \$2,000

**TOTAL** \$814

**Screening Date** 14-May-2021 **Docket No.** 2021-0640-MWD-E **PCW**  
**Respondent** City of Danbury *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60762 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101920676  
**Media** Water Quality  
**Enf. Coordinator** Harley Hobson

**Violation Number** 7  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0010158001, Sludge Provisions, Section III.G  
**Violation Description** Failed to submit a complete annual sludge report ("ASR") to the TCEQ by September 30th of each year. Specifically, the Respondent did not submit the ASR for the monitoring period ending July 31, 2016 by September 30, 2016.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		X			<b>Percent</b> 10.0%
<b>Matrix Notes</b>	100% of the rule requirements were not met.				

**Adjustment** \$22,500

\$2,500

**Violation Events**

Number of Violation Events 1 1687 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

**Violation Base Penalty** \$2,500

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** \$2,500

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

**Estimated EB Amount** \$14 **Violation Final Penalty Total** \$2,825

**This violation Final Assessed Penalty (adjusted for limits)** \$2,825

# Economic Benefit Worksheet

**Respondent** City of Danbury  
**Case ID No.** 60762  
**Reg. Ent. Reference No.** RN101920676  
**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	\$50	30-Sep-2016	20-Apr-2022	5.56	\$14	n/a	\$14
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 Record Keeping cost to submit completed ASR for the year 2016. The Date Required is the ASR due 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** \$50

**TOTAL** \$14

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 CN600688006, RN101920676, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN600688006, City of Danbury **Classification:** SATISFACTORY **Rating:** 0.92  
**Regulated Entity:** RN101920676, CITY OF DANBURY **Classification:** SATISFACTORY **Rating:** 0.92  
**Complexity Points:** 8 **Repeat Violator:** NO  
**CH Group:** 08 - Sewage Treatment Facilities  
**Location:** 1600 Avenue L in the City of Danbury, Brazoria County, Texas  
**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**

**WASTEWATER PERMIT** WQ0010158001 **WASTEWATER EPA ID** TX0056707  
**WASTEWATER LICENSING LICENSE** WQ0010158001

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

**Date Compliance History Report Prepared:** June 07, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** June 07, 2016 to June 07, 2021

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

**Name:** Harley Hobson

**Phone:** (512) 239-1337

**Site and Owner/Operator History:**

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

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

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

N/A

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	June 27, 2016	(1352862)	Item 19	October 18, 2018	(1534313)
Item 2	July 22, 2016	(1359834)	Item 20	December 10, 2018	(1542148)
Item 3	August 22, 2016	(1366275)	Item 21	January 03, 2019	(1545917)
Item 4	September 13, 2016	(1372952)	Item 22	February 04, 2019	(1561774)
Item 5	October 24, 2016	(1379143)	Item 23	March 06, 2019	(1561772)
Item 6	January 24, 2017	(1391221)	Item 24	March 18, 2019	(1561773)
Item 7	April 06, 2017	(1411828)	Item 25	May 06, 2019	(1572514)
Item 8	April 19, 2017	(1418330)	Item 26	May 28, 2019	(1584640)
Item 9	May 22, 2017	(1425926)	Item 27	July 01, 2019	(1584641)
Item 10	June 21, 2017	(1431970)	Item 28	July 22, 2019	(1593860)
Item 11	October 13, 2017	(1450816)	Item 29	August 15, 2019	(1593859)
Item 12	February 08, 2018	(1475238)	Item 30	August 21, 2019	(1600184)
Item 13	February 21, 2018	(1487438)	Item 31	November 20, 2019	(1619742)
Item 14	May 01, 2018	(1494360)	Item 32	January 21, 2020	(1634740)
Item 15	May 19, 2018	(1501311)	Item 33	February 20, 2020	(1641348)
Item 16	June 19, 2018	(1508402)	Item 34	March 19, 2020	(1647862)
Item 17	September 10, 2018	(1520787)	Item 35	April 15, 2020	(1654216)
Item 18	September 14, 2018	(1527966)	Item 36	June 19, 2020	(1667313)

Item 37	July 20, 2020	(1674264)	Item 40	October 19, 2020	(1693950)
Item 38	August 20, 2020	(1681031)	Item 41	November 20, 2020	(1714515)
Item 39	September 20, 2020	(1687607)	Item 42	May 10, 2021	(1727581)

**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: 11/03/2020 (1669812)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.4(a)(8)

Description: Failed to test the reduced-pressure principal backflow prevention assembly (RPBA) annually.

Self Report? NO Classification: Moderate

Citation: TPDES Permit WQ0010158001 PERMIT

Description: Failed to maintain the structural integrity of the wastewater treatment plant.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TPDES Permit WQ0010158001 PERMIT

Description: Failed to calibrate the flow meter at least annually to ensure accuracy.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.7(d)  
TPDES Permit WQ0010158001 PERMIT

Description: Failed to provide monitoring results at the intervals specified in the permit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)  
30 TAC Chapter 319, SubChapter A 319.7(c)  
TPDES Permit WQ0010158001 PERMIT

Description: Failed to make all monitoring and reporting records readily available to TCEQ personnel.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.6  
30 TAC Chapter 319, SubChapter A 319.9(d)

Description: Failed to assure the quality of all measurements through the use of blanks, standards, duplicates, and spikes.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
TPDES Permit WQ0010158001 PERMIT

Description: At the time of the investigation, all of the drying beds were full and sludge in one of the drying beds surpassed the height of its containment walls. In addition, the 08/01/2015 through 07/31/2016 annual sludge report has not been received by the TCEQ.
- 2
 

Date: 11/30/2020 (1714516)

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: 12/31/2020 (1727582)

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: 01/31/2021 (1727579)

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: 02/28/2021 (1727580)

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 DANBURY  
RN101920676**

**§  
§  
§  
§  
§**

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2021-0640-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 Danbury (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 1600 Avenue L in Danbury, Brazoria 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 \$19,448 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$3,889 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. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$15,559 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with



all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
  - a. Submitted the discharge monitoring reports ("DMRs") for the months of October, November, and December 2020 and January, February, and March 2021 by May 10, 2021.
  - b. Calibrated the flow measuring device by June 7, 2021.

## **II. ALLEGATIONS**

During a record review conducted on April 16, 2021, an investigator documented that the Respondent:

1. 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. WQ0010158001, Operational Requirements No. 1. Specifically, clarifier number 1 was rusted and had five holes in the clarifier launder and return sludge trough.
2. Failed to have automatic flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less often than annually, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010158001, Monitoring and Reporting Requirements No. 5. Specifically, the flow meter was last calibrated on April 9, 2015.

3. 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. WQ0010158001, Monitoring and Reporting Requirements No. 1. Specifically, monthly DMRs for October through December 2020, and January through March 2021 were not submitted by the 20th day of the following month.
4. Failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative for a period of three years, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 319.7(a) and (c) and TPDES Permit No. WQ0010158001, Monitoring and Reporting Requirements No. 3. Specifically, the chain of custody forms, the laboratory reports, and the quality assurance/quality control records were not maintained at the Facility and were not available for review for the following parameters: carbonaceous biochemical oxygen demand (5-day), total suspended solids, ammonia nitrogen, *Escherichia coli*, pH, and dissolved oxygen ("DO"). Additionally, the operator logs for pH and DO did not contain the location, the date analyses were performed, and the identity of the person who collected the sample or made the measurement.
5. Failed to assure the quality of all measurements through the use of blanks, standards, duplicates, and spikes, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 319.6, and TPDES Permit No. WQ0010158001, Monitoring and Reporting Requirements No. 1. Specifically, total chlorine residual quality control was being conducted once a month instead of daily.
6. 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 TPDES Permit No. WQ0010158001, Operational Requirements No. 1. Specifically, all the drying beds were full and one drying bed had sludge higher than its containment walls.
7. 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. WQ0010158001, Sludge Provisions, Section III.G. Specifically, the Respondent did not submit the ASR for the monitoring period ending July 31, 2016 by September 30, 2016.

### **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 Danbury, Docket No. 2021-0640-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 implement and complete an SEP as set forth in Section I, Paragraph No. 4. The amount of \$15,559 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Develop and implement procedures and conduct employee training to:
      - (a) Fill out operator logs which contain sample location, date of sample/analyses, and identity of who collected the sample and who made the measurement in accordance with permit requirements.
      - (b) Analyze standards for chlorine residual on a 10% basis; for every one to ten samples analyzed per day, one laboratory control sample shall be conducted.
    - ii. Ensure that monitoring/reporting records are readily available for a period of three years.
    - iii. Submit the ASR for the monitoring period ending July 31, 2016.
  - b. Within 45 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 Nos. 3.a.i through 3.a.iii, in accordance with Ordering Provision No. 3.d.
  - c. Within 60 days after the effective date of this Order:
    - i. Repair or replace the rusted sections of clarifier number 1 and the areas of the clarifier launder and return sludge trough which contain holes.
    - ii. Remove and properly dispose of the sludge from all sludge drying beds.
  - d. Within 75 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 Nos. 3.c.i and 3.c.ii. 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  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Street, Suite H  
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.

8. 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.
9. 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.
10. 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

\_\_\_\_\_  
7/5/2022  
\_\_\_\_\_  
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

\_\_\_\_\_  
June 4, 2022  
\_\_\_\_\_  
Date

Suzanne Powell  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Danbury

\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
Title

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

**Attachment A**  
**Docket Number: 2021-0640-MWD-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>City of Danbury</b>
<b>Payable Penalty Amount:</b>	<b>\$15,559</b>
<b>SEP Offset Amount:</b>	<b>\$15,559</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Administrator SEP</b>
<b>Third-Party Administrator:</b>	<b>Brazoria County</b>
<b>Project Name:</b>	<b><i>On-Site Wastewater Facilities Assistance</i></b>
<b>Location of SEP:</b>	<b>Brazoria County</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Brazoria County** for the *On-Site Wastewater Facilities Assistance* Project. The contribution will be used in accordance with the Supplemental Environmental Project between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to provide assistance to low-income homeowners in replacing their malfunctioning or failing onsite wastewater treatment systems in Brazoria County. The Third-Party Administrator shall identify property owners for potential replacement of their malfunctioning wastewater treatment system. Each candidate shall complete an application, including standard income documentation, to determine their eligibility. The Third-Party Administrator shall review applications for eligibility for assistance at the Third-Party Administrator's expense.

After a candidate's low-income income status is verified, the Third-Party Administrator shall seek bids from local onsite wastewater treatment system installers to design and install an appropriate onsite wastewater treatment system for the particular property and soil conditions. The Third-Party Administrator shall determine which kind of system is appropriate for installation at each qualified site based on factors including the size of the property and the soil composition. The Third-Party Administrator shall also determine whether a system should be repaired rather than replaced.

The Third-Party Administrator shall select a qualified bidder for the installation. The installer shall submit an application including all standard wastewater treatment system installation requirements that shall be reviewed by the Third-Party Administrator. Upon approval of the application, the system shall be installed by the selected contract company. After the system installation is completed by the contract company and approved by The Third-Party Administrator, payment shall be made by the Third-Party Administrator to the selected company using the SEP Offset Amount.

The Third-Party Administrator shall ensure that all repairs, replacements, and installations are performed in compliance with local, state, and federal rules relating to onsite wastewater treatment systems. The Third-Party Administrator shall ensure that only properly licensed contractors are utilized for repair of existing onsite wastewater treatment systems and installation of new onsite wastewater treatment systems. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent’s signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit from this SEP.

b. Environmental Benefit

This SEP will provide a benefit to the environment by preventing the release of sewage into the environment and by protecting human health. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). People can be exposed through sewage in drinking water sources, direct contact from water in lawns or streets, and inhalation and skin absorption.

Sewage overflows also cause damage to the environment. Sewage overflows may reach rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause algae blooms, and kill fish and other organisms in aquatic habitats.

Each failing septic system that is replaced will improve the water quality in waterways and watersheds by removing raw sewage and high levels of bacteria, viruses, and protozoa. Removal of sewage as a point source of pollution will also protect ground, surface, and drinking water from contamination. This Project has the potential to not only improve the water quality in the Brazos River Basin, Christmas Bay, Galveston Bayou, Chocolate Bayou, Bastrop Bayou, and the San Bernard River Basin, but will also



improve the public health for a sector of the population that is least able to afford health care. Diseases that result from sewage contaminated water range from mild gastroenteritis (causing stomach cramps and diarrhea) to life threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Brazoria County SEP** and shall mail the contribution with a copy of the Agreed Order to:

Director  
Brazoria County  
111 East Locust, Building A-29, Suite 270  
Angleton, Texas 77515

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

City of Danbury  
Docket No. 2021-0640-MWD-E  
Agreed Order - Attachment A

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

**5. Publicity**

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

**6. Recognition**

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

**7. Other SEPs by TCEQ or Other Agencies**

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