

Executive Summary – Enforcement Matter – Case No. 60838

City of Premont

RN101916278

Docket No. 2021-0714-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 Premont WWTF, 469 County Road 422, approximately 1.9 miles south and 1.5 miles east of the intersection of Farm-to-Market Road 716 and U.S. Highway 281, Jim Wells County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: September 5, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$63,250

Amount Deferred for Expedited Settlement: \$12,650

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$50,600

Name of SEP: WWTF and Sewer Collection System Improvements (Compliance)

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): March 15, 2021 and April 7, 2021

Complaint Information: Alleged a sanitary sewer overflows from a broken wastewater line, an inoperable irrigation pivot system, and the discharge of the raw sewage to the old WWTF.

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City of Premont

RN101916278

Docket No. 2021-0714-MWD-E

Date(s) of Investigation: March 24, 2021 and April 14, 2021

Date(s) of NOE(s): May 14, 2021

Violation Information

1. Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the water surface at the old off-site lift station wet well was completely covered with grease and debris [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010253001, Operational Requirements No. 1].

2. Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the north aerated lagoon contained only one operational aeration rotor, and the south aerated lagoon contained no rotors [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010253001, Operational Requirements No. 1].

3. Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, one of the two pumps at the old off-site lift station was not in operational condition [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010253001, Operational Requirements No. 1].

4. Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, plastics, rags, grease, and screenings were removed from the wet well of the old off-site lift station and placed on the ground [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010253001, Operational Requirements No. 1].

5. Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the bar screen was not adequately maintained. The accumulation of debris resulted in an overflow into the aerated lagoon and subsequent erosion of the berm surrounding the bar screen [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010253001, Operational Requirements No. 1].

6. Failed to properly analyze effluent samples according to the permit. Specifically, the Respondent was not analyzing the pH samples within 15 minutes of collection [30 TEX. ADMIN. CODE § 305.125(1) and 319.11(c) and TPDES Permit No. WQ0010253001, Monitoring Requirements No. 2.a].

7. Failed to manage the irrigation area to prevent ponding or surfacing of effluent or contamination of ground and surface waters and to prevent nuisance conditions.

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Specifically, only two pivots (Nos. 3 & 4) of the six irrigation pivots were operational, and most of the spray nozzles on working pivots (Nos. 3 & 4) were inoperable resulting in areas of ponded effluent. Pivot system No. 6 leaked resulting in ponded effluent and an unauthorized discharge off-site [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010253001, Special Provisions Nos. 5 and 6].

8. Failed to obtain representative soil samples from the root zones of the land application area receiving wastewater from December to February of each year, analyze the samples, and submit the results to the TCEQ by September 30th of each year. Specifically, the Respondent did not collect soil samples for the years of 2013 to 2018. Additionally, the last soil samples were collected on August 28, 2019 and June 10, 2020, outside of the monitoring period [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010253001, Special Provisions No. 11].

9. Failed to properly maintain records of effluent application rates to the irrigated land [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010253001, Special Provisions No. 5].

10. Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state. Specifically, a discharge of approximately 16,380 gallons of untreated sewage occurred at the old off-site lift station on February 8, 2021 due to a broken pump impeller. A discharge of approximately 10,920 gallons of untreated sewage occurred at the old off-site lift station on March 8, 2021 due to electrical issues. A discharge of an unknown quantity of untreated sewage occurred in the alley between Southeast 5th and Southeast 6th Street during the week of March 21, 2021 from a 12-inch wastewater force main due to a blockage; and a discharge of unknown quantity of untreated sewage occurred from the sump/manhole located at the old off-site lift station on April 26, 2021 due to pump issues [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0010253001, Permit Conditions No. 2.g].

11. Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid Class D license or higher for a minimum five days per week. Specifically, daily maintenance and operational records showed the licensed operator was operating the Facility less than five days a week [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010253001, Special Provisions No. 2].

12. Failed to report an unauthorized discharge orally to the Regional Office within 24 hours of becoming aware of the noncompliance, and in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, an unauthorized discharge occurred in the alley between Southeast 5th and Southeast 6th Street during the week of March 21, 2021, and the Respondent did not submit a noncompliance notification [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010253001, Monitoring Requirements No. 7.b.i].

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13. Failed to submit prior notice and obtain authorization to bypass treatment. Specifically, evidence of rags and debris was noted in the storage ponds that are only permitted to store treated effluent. The Respondent stated that the valves had previously been opened to divert untreated wastewater to one of the storage ponds [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE §§ 305.125(1) and 305.535(c)(1), and TPDES Permit No. WQ0010253001, Monitoring Requirements No. 8].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

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. Collect representative soil samples from the root zones of the land application area receiving wastewater during the first December to February monitoring period which occurs after the effective date of this Order at each of the Facility's required distribution sample sites on a monthly basis throughout the first three-month monitoring period. Ensure that the samples are analyzed, and the results are reported to the Executive Director.

b. Within 365 days, submit written certification to demonstrate compliance with a.

c. Within 30 days:

i. Develop the Facility's operational guidance and implement procedures to ensure:

1. The periodic removal of grease and debris from the wet well and to prevent excess accumulation;

2. The amount and location of effluent applied is properly recorded;

3. The bar screens are maintained and cleaned frequently to prevent overflow;

4. pH is analyzed in accordance with permit requirements;

5. Accurate records of the volume and location of irrigation rates are maintained;

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Docket No. 2021-0714-MWD-E

6. Representative soil samples from the root zones of the land are taken and analyzed according to the permit; and

7. Unauthorized discharges are reported to the Regional Office as required by permit;

ii. Ensure that an operator with a valid Class D license or higher operates the Facility a minimum of five days per week;

iii. Remove and properly dispose of grease and debris around and within the wet well of the old off-site lift station;

iv. Submit notification to the TCEQ of the unauthorized discharge that occurred in the alley between Southeast 5th and Southeast 6th Street during the week of March 21, 2021; and

v. Cease bypassing untreated wastewater to the effluent storage ponds. Verify that the appropriate valves are closed, or cap lines as necessary to prevent any unauthorized discharges.

d. Within 45 days, submit written certification to demonstrate compliance with c.

e. Within 60 days:

i. Repair or replace the non-operational rotor for the north aerated lagoon and both rotors for the south aerated lagoon; and

ii. Repair or replace the non-operational pumps at the old off-site lift station.

iii. Repair the eroded area of the bar screen and ensure that effluent flows without obstruction;

iv. Analyze and record pH; and

v. Monitor and record readings from the flow meter, irrigation meter, and irrigation rates.

f. Within 75 days, submit written certification to demonstrate compliance with e.

g. Within 90 days:

i. Make repairs to the inoperable irrigation pivots and spray nozzles to prevent the ponding of effluent; and

ii. Conduct a comprehensive evaluation of the Facility and the associated collection system to determine the necessary corrective actions to prevent or minimize the unauthorized discharge of untreated wastewater from the collection system.

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h. Within 105 days, submit written certification to demonstrate compliance with g.

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

TCEQ SEP Coordinator: Adena Crider, SEP Coordinator, Litigation Division, MC 175, (512) 239-0648

Respondent: The Honorable Idolina Perez, Mayor, City of Premont, P.O. Box 340, Premont, Texas 78375

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	17-May-2021	Screening	2-Jun-2021	EPA Due	
	PCW	8-May-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Premont
Reg. Ent. Ref. No.	RN101916278
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	60838	No. of Violations	13
Docket No.	2021-0714-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media	Municipal Solid Waste	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	\$63,250
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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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for Compliance History.
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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	\$34,414	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$84,663	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$63,250
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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	\$63,250
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$63,250
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DEFERRAL	20.0%	Reduction	Adjustment	-\$12,650
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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	\$50,600
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Screening Date 2-Jun-2021
Respondent City of Premont
Case ID No. 60838
Reg. Ent. Reference No. RN101916278
Media Water Quality
Enf. Coordinator Mistie Gonzales

Docket No. 2021-0714-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	0	0%
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) 0%

>> 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

No adjustment for Compliance History.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 2-Jun-2021 Respondent City of Premont Case ID No. 60838 Reg. Ent. Reference No. RN101916278 Media Water Quality Enf. Coordinator Mistie Gonzales Violation Number 1	Docket No. 2021-0714-MWD-E Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010253001, Operational Requirements No. 1	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Description	Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the wet well of the old off-site lift station was completely covered with grease and debris.
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Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

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

>> 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.
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Adjustment	\$23,750
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	\$1,250
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Violation Events

Number of Violation Events	1	70	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				

Violation Base Penalty	\$1,250
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One quarterly event is recommended from the investigation date (March 24, 2021) to the screening date (June 2, 2021).	
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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
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Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$382	Violation Final Penalty Total
	\$1,250
This violation Final Assessed Penalty (adjusted for limits)	
\$1,250	

Economic Benefit Worksheet

Respondent City of Premont
Case ID No. 60838
Reg. Ent. Reference No. RN101916278
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$500	16-Jun-2016	3-Feb-2024	7.64	\$191	n/a	\$191
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	16-Jun-2016	3-Feb-2024	7.64	\$191	n/a	\$191

Notes for DELAYED costs

Estimated Remediation/Disposal cost to remove and properly dispose of grease and debris around and within the wet well of the off-site lift station. The Date Required is the date of the investigation initially documenting the violation, and the Final Date is the estimated compliance date.

Estimated Other cost to develop and implement procedures and conduct employee training to ensure the periodic removal of grease and debris from the wet well and to prevent excess accumulation. The Date Required is the date of the investigation initially documenting the violation, 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)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$382

Screening Date 2-Jun-2021 Respondent City of Premont Case ID No. 60838 Reg. Ent. Reference No. RN101916278 Media Water Quality Enf. Coordinator Mistie Gonzales	Docket No. 2021-0714-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010253001, Operational Requirements No. 1		
Violation Description	Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the north aerated lagoon contained only one operational aeration rotor, and the south aerated lagoon contained no rotors.		

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

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

>> 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.
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Adjustment	\$23,750
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	\$1,250
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Violation Events

Number of Violation Events	2	140	Number of violation days
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	daily						
	weekly						
	monthly						
	quarterly	x					
	semiannual						
	annual						
	single event						

Violation Base Penalty	\$2,500
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One quarterly event is recommended from the investigation date (March 24, 2021) to the screening date (June 2, 2021) for each of the two lagoons, for a total of two events.	
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Good Faith Efforts to Comply

	0.0%					
	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.
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Violation Subtotal	\$2,500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$3,604	Violation Final Penalty Total	\$2,500			

This violation Final Assessed Penalty (adjusted for limits)	\$2,500
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Economic Benefit Worksheet

Respondent City of Premont
Case ID No. 60838
Reg. Ent. Reference No. RN101916278
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	\$10,000	10-Jan-2019	3-Mar-2024	5.15	\$172	\$3,432	\$3,604
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 Equipment cost to repair/replace the non-operational rotor for the north aeration lagoon and both rotors for the south aeration lagoon. The Date Required is the date of the investigation initially documenting the violation, 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)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$3,604

Screening Date 2-Jun-2021 Respondent City of Premont Case ID No. 60838 Reg. Ent. Reference No. RN101916278 Media Water Quality Enf. Coordinator Mistie Gonzales	Docket No. 2021-0714-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	3	
Rule Cite(s)		30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010253001, Operational Requirements No. 1
Violation Description		Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, one of the two pumps at the old off-site lift station was not in operational condition.

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

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

>> 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.
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Adjustment	\$23,750
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	\$1,250
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Violation Events

Number of Violation Events	1	70	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly	x			Violation Base Penalty \$1,250
	semiannual				
	annual				
	single event				

One quarterly event is recommended from the investigation date (March 24, 2021) to the screening date (June 2, 2021).

Good Faith Efforts to Comply

0.0%	
	Reduction \$0

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

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$1,250
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$2,061	Statutory Limit Test
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Violation Final Penalty Total	\$1,250
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This violation Final Assessed Penalty (adjusted for limits)	\$1,250
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Economic Benefit Worksheet

Respondent City of Premont
Case ID No. 60838
Reg. Ent. Reference No. RN101916278
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	\$10,000	24-Mar-2021	3-Mar-2024	2.95	\$98	\$1,963	\$2,061
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 Equipment cost to repair/replace the non-operational pumps at each lift station. The Date Required is the date of the investigation initially documenting the violation, 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)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance \$10,000

TOTAL \$2,061

Screening Date 2-Jun-2021 Respondent City of Premont Case ID No. 60838 Reg. Ent. Reference No. RN101916278 Media Water Quality Enf. Coordinator Mistie Gonzales	Docket No. 2021-0714-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>														
Violation Number 4																
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010253001, Operational Requirements No. 1																
Violation Description Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, plastics, rags, grease, and screenings were removed from the wet well of the old off-site lift station and placed on the ground.																
Base Penalty		\$25,000														
>> Environmental, Property and Human Health Matrix																
OR	Release	Harm														
	Major Moderate Minor															
	Actual Potential	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 33px; height: 20px;"></td> <td style="width: 33px; height: 20px;"></td> <td style="width: 33px; height: 20px; text-align: center;">x</td> </tr> <tr> <td style="height: 20px;"></td> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> </table>			x											
		x														
		Percent 15.0%														
>> Programmatic Matrix																
	Falsification Major Moderate Minor															
	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 33px; height: 20px;"></td> <td style="width: 33px; height: 20px;"></td> <td style="width: 33px; height: 20px;"></td> <td style="width: 33px; height: 20px;"></td> </tr> </table>					Percent 0.0%										
Matrix Notes	Human health or the environment was exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.															
Adjustment		\$21,250														
		\$3,750														
Violation Events																
Number of Violation Events 1		70 Number of violation days														
	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr><td style="width: 33px; height: 20px;">daily</td><td style="width: 33px; height: 20px;"></td></tr> <tr><td style="height: 20px;">weekly</td><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;">monthly</td><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;">quarterly</td><td style="height: 20px; text-align: center;">x</td></tr> <tr><td style="height: 20px;">semiannual</td><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;">annual</td><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;">single event</td><td style="height: 20px;"></td></tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event		Violation Base Penalty \$3,750
daily																
weekly																
monthly																
quarterly	x															
semiannual																
annual																
single event																
One quarterly event is recommended from the investigation date (March 24, 2021) to the screening date (June 2, 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		\$3,750														
Economic Benefit (EB) for this violation		Statutory Limit Test														
Estimated EB Amount	\$0	Violation Final Penalty Total \$3,750														
This violation Final Assessed Penalty (adjusted for limits)		\$3,750														

Economic Benefit Worksheet

Respondent City of Premont
Case ID No. 60838
Reg. Ent. Reference No. RN101916278
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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Economic Benefit included in Violation No. 1.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$0	TOTAL	\$0
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Screening Date 2-Jun-2021 Respondent City of Premont Case ID No. 60838 Reg. Ent. Reference No. RN101916278 Media Water Quality Enf. Coordinator Mistie Gonzales	Docket No. 2021-0714-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>				
Violation Number 5						
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010253001, Operational Requirements No. 1						
Violation Description Failed to ensure at all times that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the bar screen was not adequately maintained. The accumulation of debris resulted in an overflow into the aerated lagoon and subsequent erosion of the berm surrounding the bar screen.						
Base Penalty		\$25,000				
>> Environmental, Property and Human Health Matrix						
OR	Release	Harm				
		Major Moderate Minor				
	Actual Potential	 	 x	 	 	Percent 5.0%
>> 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		Number of violation days		
		70				
	daily					
	weekly					
	monthly					
	quarterly	x				
	semiannual					
	annual					
	single event					
Violation Base Penalty					\$1,250	
One quarterly event is recommended from the investigation date (March 24, 2021) to the screening date (June 2, 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		\$140		Violation Final Penalty Total	\$1,250	
This violation Final Assessed Penalty (adjusted for limits)					\$1,250	

Economic Benefit Worksheet

Respondent City of Premont
Case ID No. 60838
Reg. Ent. Reference No. RN101916278
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				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)	\$1,000	14-Apr-2021	3-Feb-2024	2.81	\$140	n/a	\$140

Notes for DELAYED costs

Estimated Other cost to develop and implement procedures and conduct employee training to ensure that the bar screens are maintained and cleaned more frequently to prevent overflowing and that all inlets and outlets are clog-free and the flow of wastewater is distributed evenly throughout the stabilization ponds. The Date Required is the date of the investigation initially documenting the violation, 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)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$140

Screening Date 2-Jun-2021 Respondent City of Premont Case ID No. 60838 Reg. Ent. Reference No. RN101916278 Media Water Quality Enf. Coordinator Mistie Gonzales	Docket No. 2021-0714-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	6	
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0010253001, Monitoring Requirements No. 2.a.	
Violation Description	Failed to properly analyze effluent samples according to the permit. Specifically, the Respondent was not analyzing the pH samples within 15 minutes of collection.	

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 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.
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Adjustment	\$24,250
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	\$750
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Violation Events

Number of Violation Events	1	70	Number of violation days
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	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%	
	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
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$80
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Statutory Limit Test

Violation Final Penalty Total	\$750
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This violation Final Assessed Penalty (adjusted for limits)	\$750
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Economic Benefit Worksheet

Respondent City of Premont
Case ID No. 60838
Reg. Ent. Reference No. RN101916278
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				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	28-Feb-2021	3-Feb-2024	2.93	\$73	n/a	\$73
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	28-Feb-2021	5-Aug-2022	1.43	\$7	n/a	\$7

Notes for DELAYED costs

Estimated Training/Sampling cost to develop and implement procedures and conduct employee training to ensure pH samples are analyzed in accordance with permit requirements. The Date Required is the date of the investigation initially documenting the violation, and the Final Date is the estimated compliance date.

Estimated Other cost to analyze and record the pH, in accordance with the permit, and submit to the TCEQ. The Date Required is the date of the investigation initially documenting the violation, 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)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$80

Screening Date 2-Jun-2021 Respondent City of Premont Case ID No. 60838 Reg. Ent. Reference No. RN101916278 Media Water Quality Enf. Coordinator Mistie Gonzales	Docket No. 2021-0714-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>		
Violation Number 7				
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010253001, Special Provision Nos. 5 and 6				
Violation Description Failed to design and manage the irrigation area to prevent ponding or surfacing of effluent or contamination of ground and surface waters and to prevent nuisance conditions. Specifically, only two pivots (Nos. 3 & 4) of the six irrigation pivots were operational, and most of the spray nozzles on working pivots (Nos. 3 & 4) were inoperable resulting in areas of ponded effluent. Pivot system No. 6 leaked resulting in ponded effluent and an unauthorized discharge off-site.				
Base Penalty		\$25,000		
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual Potential	<div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px;"></div> <div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px;"></div> <div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px;"></div>	
Percent		15.0%		
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px;"></div>
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		1		
		70 Number of violation days		
	daily weekly monthly quarterly semiannual annual single event	<div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px;"></div> <div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px;"></div> <div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px;"></div> <div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px; text-align: center;">x</div> <div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px;"></div> <div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px;"></div> <div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px;"></div>	Violation Base Penalty	
		\$3,750		
One quarterly event is recommended from the investigation date (March 24, 2021) to the screening date (June 2, 2021).				
Good Faith Efforts to Comply		0.0%	Reduction \$0	
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
Extraordinary	<div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px;"></div>		
Ordinary	<div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px;"></div>		
N/A	<div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 50px; height: 15px; margin: 2px;"></div>		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal		\$3,750		
Economic Benefit (EB) for this violation Statutory Limit Test				
Estimated EB Amount		\$5,202		
		Violation Final Penalty Total	\$3,750	
This violation Final Assessed Penalty (adjusted for limits)		\$3,750		

Economic Benefit Worksheet

Respondent City of Premont
Case ID No. 60838
Reg. Ent. Reference No. RN101916278
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
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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	\$25,000	14-Apr-2021	3-Apr-2024	2.97	\$248	\$4,954	\$5,202
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 design and manage the irrigation area to prevent the ponding of effluent. The Date Required is the investigation 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)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$5,202

Screening Date 2-Jun-2021 Respondent City of Premont Case ID No. 60838 Reg. Ent. Reference No. RN101916278 Media Water Quality Enf. Coordinator Mistie Gonzales	Docket No. 2021-0714-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	8	Rule Cite(s)	
		30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010253001, Special Provisions No. 11	
Violation Description		Failed to obtain representative soil samples from the root zones of the land application area receiving wastewater from December to February of each year, analyze the samples, and submit the results to the TCEQ by September 30th of each year. Specifically, the Respondent did not collect soil samples for the years of 2013 through 2018. Additionally, the last soil samples were collected on August 28, 2019 and June 10, 2020, outside of the monitoring period.	

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	x	<input type="text"/>	Percent <input style="width: 50px;" type="text" value="5.0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width: 50px;" 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.
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Adjustment	\$23,750
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	\$1,250
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Violation Events

Number of Violation Events <input style="width: 50px;" type="text" value="8"/>	<input style="width: 50px;" type="text" value="2920"/>	Number of violation days
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	daily	<input type="text"/>			
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	x			
	single event	<input type="text"/>			

Violation Base Penalty	\$10,000
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Eight annual events are recommended.

Good Faith Efforts to Comply

	0.0%	
	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	x	

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$10,000
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Economic Benefit (EB) for this violation

Estimated EB Amount	<input style="width: 100px;" type="text" value="\$19,989"/>
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Statutory Limit Test

Violation Final Penalty Total	<input style="width: 100px;" type="text" value="\$10,000"/>
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This violation Final Assessed Penalty (adjusted for limits)	<input style="width: 100px;" type="text" value="\$10,000"/>
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Economic Benefit Worksheet

Respondent City of Premont
Case ID No. 60838
Reg. Ent. Reference No. RN101916278
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
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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	30-Sep-2013	3-Feb-2024	10.35	\$129	n/a	\$129
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	30-Sep-2019	3-Mar-2024	4.43	\$443	n/a	\$443

Notes for DELAYED costs

Estimated Training/Sampling cost to develop and implement procedures and conduct employee training to ensure samples are collected, analyzed, and the results submitted to the TCEQ Corpus Christi Regional Office and the Enforcement Division by September 30th of each year. The Date Required is the due date of the first missing report, and the Final Date is the estimated compliance date.

Estimated Other cost to collect and analyze representative soil samples and to submit the results to the TCEQ for the monitoring periods of 2019 and 2020. The Date Required is the date the sample results were 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	\$6,802	30-Sep-2018	2-Jun-2021	2.67	\$1,229	\$18,188	\$19,417
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

Estimated avoided cost to collect and analyze representative soil samples and to submit the results to the TCEQ for the monitoring periods of 2013 through 2018. The Date Required is the date the results were due, and the Final Date is the screening date.

Approx. Cost of Compliance	\$20,438	TOTAL	\$19,989
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Screening Date 2-Jun-2021 Respondent City of Premont Case ID No. 60838 Reg. Ent. Reference No. RN101916278 Media Water Quality Enf. Coordinator Mistie Gonzales	Docket No. 2021-0714-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	9	
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010253001, Special Provisions No. 5	
Violation Description	Failed to properly maintain records of application rates to the irrigated land.	

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent <input style="width: 50px;" type="text" value="0.0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
<input type="text"/>	x	<input type="text"/>	<input type="text"/>		
					Percent <input style="width: 50px;" type="text" value="10.0%"/>
Matrix Notes	Greater than 70% of the rule requirements were not met.				
Adjustment					<input style="width: 100px;" type="text" value="\$22,500"/>

	\$2,500
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Violation Events

Number of Violation Events <input style="width: 50px;" type="text" value="1"/>	<input style="width: 50px;" type="text" value="70"/>	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	x
One single event is recommended.		

Good Faith Efforts to Comply	<input style="width: 50px;" type="text" value="0.0%"/>	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	x	<input type="text"/>
Notes	The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal		<input style="width: 100px;" type="text" value="\$2,500"/>

Economic Benefit (EB) for this violation

Estimated EB Amount	<input style="width: 150px;" type="text" value="\$102"/>
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Statutory Limit Test

Violation Final Penalty Total	<input style="width: 150px;" type="text" value="\$2,500"/>
This violation Final Assessed Penalty (adjusted for limits)	
<input style="width: 150px;" type="text" value="\$2,500"/>	

Economic Benefit Worksheet

Respondent City of Premont
Case ID No. 60838
Reg. Ent. Reference No. RN101916278
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	16-Nov-2020	3-Feb-2024	3.22	\$1	\$21	\$22
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)	\$500	16-Nov-2020	3-Feb-2024	3.22	\$80	n/a	\$80

Notes for DELAYED costs

Estimated Other cost to develop and implement procedures and conduct employee training to ensure the amount and location of effluent applied is properly recorded. The Date Required is the date of the investigation initially documenting the violation, and the Final Date is the estimated date of compliance. Estimated Other cost to maintain records of application rates to the irrigated land, in accordance with the permit, and have them available upon request. The Date Required is the date of the investigation initially documenting the violation, 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)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$102

Screening Date 2-Jun-2021 Respondent City of Premont Case ID No. 60838 Reg. Ent. Reference No. RN101916278 Media Water Quality Enf. Coordinator Mistie Gonzales	Docket No. 2021-0714-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	10	
Rule Cite(s)		Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0010253001, Permit Conditions No. 2.g
Violation Description		Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state. Specifically, a discharge of approximately 16,380 gallons of untreated sewage occurred at the old off-site lift station on February 8, 2021 due to a broken pump impeller. A discharge of approximately 10,920 gallons of untreated sewage occurred at the off-site lift station on March 8, 2021 due to electrical issues that caused a power outage. A discharge of unknown quantity of untreated sewage occurred in the alley between Southeast 5th and Southeast 6th Street during the week of March 21, 2021 from a 12-inch wastewater force main due to a blockage; and a discharge of unknown quantity of untreated sewage occurred from the sump/manhole located at the old off-site lift station on April 26, 2021 due to pump issues.

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	x	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width: 50px;" type="text" value="25.0%"/>

>> Programmatic Matrix

Matrix Notes		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width: 50px;" type="text" value="0.0%"/>
	Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.					

Adjustment	\$18,750
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	\$6,250
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Violation Events

Number of Violation Events	4	70	Number of violation days
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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	x						

Four single events are recommended.	
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Good Faith Efforts to Comply

0.0%	Reduction
Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>
Ordinary	<input type="text"/>
N/A	x
Notes	The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal	\$25,000
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$2,678	Statutory Limit Test
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Violation Final Penalty Total	\$25,000
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This violation Final Assessed Penalty (adjusted for limits)	\$25,000
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Economic Benefit Worksheet

Respondent City of Premont
Case ID No. 60838
Reg. Ent. Reference No. RN101916278
Media Water Quality
Violation No. 10

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)	\$5,000	8-Feb-2021	3-Apr-2024	3.15	\$53	\$1,050	\$1,103
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	\$10,000	8-Feb-2021	3-Apr-2024	3.15	\$1,575	n/a	\$1,575
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Other cost to comprehensive evaluation of the Facility and the associated collection system to determine the necessary corrective actions designed to prevent or minimize the unauthorized discharge of untreated wastewater from the collection system. The Date Required is the first day of noncompliance, and the Final Date is the estimated date of compliance.

Estimated Remediation/Disposal cost to cease the unauthorized discharges, remove the sewage debris, and properly disinfect the affected area. The Date Required is the date the first discharge was 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

\$15,000

TOTAL

\$2,678

Screening Date 2-Jun-2021 Respondent City of Premont Case ID No. 60838 Reg. Ent. Reference No. RN101916278 Media Water Quality Enf. Coordinator Mistie Gonzales	Docket No. 2021-0714-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>				
Violation Number 11						
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010253001, Operational Requirements No. 9 and Special Provisions No. 2						
Violation Description Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid Class D license or higher for a minimum five days per week. Specifically, daily maintenance and operational records show the licensed operator was operating the Facility less than five days a week.						
Base Penalty		\$25,000				
>> Environmental, Property and Human Health Matrix						
OR	Release	Harm				
		Major Moderate Minor				
	Actual					
	Potential		x			Percent 5.0%
>> 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	70		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 investigation date (March 24, 2021) to the screening date (June 2, 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		\$63	Violation Final Penalty Total		\$1,250	
This violation Final Assessed Penalty (adjusted for limits)					\$1,250	

Economic Benefit Worksheet

Respondent City of Premont
Case ID No. 60838
Reg. Ent. Reference No. RN101916278
Media Water Quality
Violation No. 11

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)	\$250	10-Jan-2019	3-Feb-2024	5.07	\$63	n/a	\$63
Notes for DELAYED costs	Estimated Other cost to ensure that an operator with a valid Class D license or higher operates the Facility for a minimum five days per week. The Date Required is the 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	\$63
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Screening Date 2-Jun-2021 Respondent City of Premont Case ID No. 60838 Reg. Ent. Reference No. RN101916278 Media Water Quality Enf. Coordinator Mistie Gonzales	Docket No. 2021-0714-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	12	
Rule Cite(s)		30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010253001, Reporting Requirements No. 7.b.i
Violation Description		Failed to report an unauthorized discharge orally to the Regional Office within 24 hours of becoming aware of the noncompliance, and in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, a discharge of unknown quantity of untreated sewage occurred in the alley between Southeast 5th and Southeast 6th Street during the week of March 21, 2021, and the Respondent did not submit a noncompliance notification.

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%

Matrix Notes	100% of the rule requirements were not met.
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Adjustment	\$22,500
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	\$2,500
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Violation Events

Number of Violation Events	3	70	Number of violation days
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	daily				Violation Base Penalty \$7,500
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				

Three monthly events are recommended from the investigation date (March 24, 2021) to the screening date (June 2, 2021).

Good Faith Efforts to Comply

	0.0%	
	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	\$7,500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$41
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Statutory Limit Test

Violation Final Penalty Total	\$7,500
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This violation Final Assessed Penalty (adjusted for limits)	\$7,500
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Economic Benefit Worksheet

Respondent City of Premont
Case ID No. 60838
Reg. Ent. Reference No. RN101916278
Media Water Quality
Violation No. 12

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	8-Feb-2021	3-Feb-2024	2.99	\$37	n/a	\$37
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	21-Mar-2021	3-Feb-2024	2.87	\$4	n/a	\$4

Notes for DELAYED costs

Estimated Training/Sampling cost to develop and implement procedures and conduct employee training to report any unauthorized discharge to the Regional Office within 24 hours of becoming aware, and in writing to the TCEQ within five working days of becoming aware. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

Estimated Other cost to notify the TCEQ of the unauthorized discharges that occurred during the week of March 21, 2021. The Date Required is the date the discharge occurred, 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

\$275

TOTAL

\$41

Screening Date 2-Jun-2021 Respondent City of Premont Case ID No. 60838 Reg. Ent. Reference No. RN101916278 Media Water Quality Enf. Coordinator Mistie Gonzales	Docket No. 2021-0714-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
Violation Number 13		
Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code §§ 305.125(1) and 305.535(c)(1), and TPDES Permit No. WQ0010253001, Monitoring Requirements No. 8		
Violation Description Failed to submit prior notice and obtain authorization to bypass treatment. Specifically, evidence of rags and debris was noted in the storage ponds that are only permitted to store treated effluent. The Respondent stated that the valves had previously been opened to divert untreated wastewater to one of the storage ponds. 		
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> 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	1		70	Number of violation days
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	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%					
	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

Estimated EB Amount	\$72

Statutory Limit Test

Violation Final Penalty Total	\$2,500

This violation Final Assessed Penalty (adjusted for limits) \$2,500

Economic Benefit Worksheet

Respondent City of Premont
Case ID No. 60838
Reg. Ent. Reference No. RN101916278
Media Water Quality
Violation No. 13

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)	\$500	24-Mar-2021	3-Feb-2024	2.87	\$72	n/a	\$72

Notes for DELAYED costs

Estimated Other cost to ensure the wastewater lines that bypass the treatment units be capped to ensure all untreated wastewater is adequately treated prior to storage. The Date Required is the documented date of non-compliance, 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

\$500

TOTAL

\$72

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 CN600660302, RN101916278, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN600660302, City of Premont

Classification: SATISFACTORY

Rating: 1.32

Regulated Entity: RN101916278, CITY OF PREMONT

Classification: SATISFACTORY

Rating: 1.57

Complexity Points: 6

Repeat Violator: NO

CH Group: 08 - Sewage Treatment Facilities

Location: 469 County Road 422, approximately 1.9 miles south and 1.5 miles east of the intersection of Farm-to-Market Road 716 and United States Highway 281 in Jim Wells County, Texas

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

WASTEWATER PERMIT WQ0010253001

Compliance History Period: September 01, 2016 to August 31, 2021
09/01/2021

Rating Year: 2021

Rating Date:

Date Compliance History Report Prepared: August 30, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 30, 2017 to August 30, 2022

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

Name: Katelyn Tubbs

Phone: (512) 239-2512

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.):

N/A

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.

N/A

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 PREMONT
RN101916278

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-0714-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 Premont (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 469 County Road 422, approximately 1.9 miles south and 1.5 miles east of the intersection of Farm-to-Market Road 716 and United States Highway 281 in Jim Wells 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 \$63,250 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$12,650 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, \$50,600 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 Respondents' 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.

II. ALLEGATIONS

During an investigation at the Facility conducted on March 24, 2021 and April 14, 2021, an investigator documented that the Respondent:

1. Failed to ensure at all times that 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), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010253001, Operational Requirements No. 1. Specifically, the water surface at the old off-site lift station wet well was completely covered with grease and debris.
2. Failed to ensure at all times that 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), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010253001, Operational Requirements No. 1. Specifically, the north aerated lagoon contained only one operational aeration rotor, and the south aerated lagoon contained no rotors.
3. Failed to ensure at all times that 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), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010253001, Operational Requirements No. 1. Specifically, one of the two pumps at the old off-site lift station was not in operational condition.
4. Failed to ensure at all times that 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), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010253001, Operational Requirements No. 1. Specifically, plastics, rags, grease,

and screenings were removed from the wet well of the old off-site lift station and placed on the ground.

5. Failed to ensure at all times that 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), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010253001, Operational Requirements No. 1. Specifically, the bar screen was not adequately maintained. The accumulation of debris resulted in an overflow into the aerated lagoon and subsequent erosion of the berm surrounding the bar screen.
6. Failed to properly analyze effluent samples according to the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and 319.11(c) and TPDES Permit No. WQ0010253001, Monitoring Requirements No. 2.a. Specifically, the Respondent was not analyzing the pH samples within 15 minutes of collection.
7. Failed to manage the irrigation area to prevent ponding or surfacing of effluent or contamination of ground and surface waters and to prevent nuisance conditions, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010253001, Special Provisions Nos. 5 and 6. Specifically, only two pivots (Nos. 3 & 4) of the six irrigation pivots were operational, and most of the spray nozzles on working pivots (Nos. 3 & 4) were inoperable resulting in areas of ponded effluent. Pivot system No. 6 leaked resulting in ponded effluent and an unauthorized discharge off-site.
8. Failed to obtain representative soil samples from the root zones of the land application area receiving wastewater from December to February of each year, analyze the samples, and submit the results to the TCEQ by September 30th of each year, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010253001, Special Provisions No. 11. Specifically, the Respondent did not collect soil samples for the years of 2013 to 2018. Additionally, the last soil samples were collected on August 28, 2019 and June 10, 2020, outside of the monitoring period.
9. Failed to properly maintain records of effluent application rates to the irrigated land, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010253001, Special Provisions No. 5.
10. Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0010253001, Permit Conditions No. 2.g. Specifically, a discharge of approximately 16,380 gallons of untreated sewage occurred at the old off-site lift station on February 8, 2021 due to a broken pump impeller. A discharge of approximately 10,920 gallons of untreated sewage occurred at the old off-site lift station on March 8, 2021 due to electrical issues. A discharge of an unknown quantity of untreated sewage occurred in the alley between Southeast 5th and Southeast 6th Street during the week of March 21, 2021 from a 12-inch wastewater force main due to a blockage; and a discharge of unknown quantity of untreated sewage occurred from the sump/manhole located at the old off-site lift station on April 26, 2021 due to pump issues.
11. Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid Class D license or higher for a minimum five days per week, in violation of 30 TEX. ADMIN. CODE

§ 305.125(1) and TPDES Permit No. WQ0010253001, Special Provisions No. 2. Specifically, daily maintenance and operational records showed the licensed operator was operating the Facility less than five days a week.

12. Failed to report an unauthorized discharge orally to the Regional Office within 24 hours of becoming aware of the noncompliance, and in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010253001, Monitoring Requirements No. 7.b.i. Specifically, an unauthorized discharge occurred in the alley between Southeast 5th and Southeast 6th Street during the week of March 21, 2021, and the Respondent did not submit a noncompliance notification.
13. Failed to submit prior notice and obtain authorization to bypass treatment, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE §§ 305.125(1) and 305.535(c)(1), and TPDES Permit No. WQ0010253001, Monitoring Requirements No. 8. Specifically, evidence of rags and debris was noted in the storage ponds that are only permitted to store treated effluent. The Respondent stated that the valves had previously been opened to divert untreated wastewater to one of the storage ponds.

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 Premont, Docket No. 2021-0714-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 the SEP as set forth in Section I, Paragraph No. 4. The amount of \$50,600 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. Collect representative soil samples from the root zones of the land application area receiving wastewater during the first December to February monitoring period which occurs after the effective date of this Order at each of the Facility's required distribution sample sites on a monthly basis throughout the first three-month monitoring period. Ensure that the samples are analyzed, and the results are reported to the Executive Director, in accordance with TPDES Permit No. WQ0010253001, Special Provisions No. 11.
- b. Within 365 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.
- c. Within 30 days after the effective date of this Order:
 - i. Develop the Facility's operational guidance and implement procedures to ensure:
 - 1. The periodic removal of grease and debris from the wet well and to prevent excess accumulation;
 - 2. The amount and location of effluent applied is properly recorded;
 - 3. The bar screens are maintained and cleaned frequently to prevent overflow;
 - 4. pH is analyzed in accordance with permit requirements;
 - 5. Accurate records of the volume and location of irrigation rates are maintained;
 - 6. Representative soil samples from the root zones of the land are taken and analyzed according to the permit; and
 - 7. Unauthorized discharges are reported to the Regional Office as required by permit;
 - ii. Ensure that an operator with a valid Class D license or higher operates the Facility a minimum of five days per week;
 - iii. Remove and properly dispose of grease and debris around and within the wet well of the old off-site lift station;
 - iv. Submit notification to the TCEQ of the unauthorized discharge that occurred in the alley between Southeast 5th and Southeast 6th Street during the week of March 21, 2021; and
 - v. Cease bypassing untreated wastewater to the effluent storage ponds. Verify that the appropriate valves are closed, or cap lines as necessary to prevent any unauthorized discharges.

- d. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.c.i through 3.c.v.
- e. Within 60 days after the effective date of this Order:
 - i. Repair or replace the non-operational rotor for the north aerated lagoon and both rotors for the south aerated lagoon; and
 - ii. Repair or replace the non-operational pumps at the old off-site lift station.
 - iii. Repair the eroded area of the bar screen and ensure that effluent flows without obstruction;
 - iv. Analyze and record pH, in accordance with TPDES Permit No. WQ0010253001, Monitoring Requirements No. 2.a; and
 - v. Monitor and record readings from the flow meter, irrigation meter, and irrigation rates, in accordance with TPDES Permit No. WQ0010253001, Special Provisions No. 5.
- f. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.e.i. through 3.e.v.
- g. Within 90 days after the effective date of this Order:
 - i. Make repairs to the inoperable irrigation pivots and spray nozzles to prevent the ponding of effluent; and
 - ii. Conduct a comprehensive evaluation of the Facility and the associated collection system to determine the necessary corrective actions to prevent or minimize the unauthorized discharge of untreated wastewater from the collection system.
- h. Within 105 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. 3.g. 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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
500 North Shoreline Boulevard, Suite 500
Corpus Christi, Texas 78401-0318

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 Enforcement Division 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



For the Executive Director

Date

10/26/2025

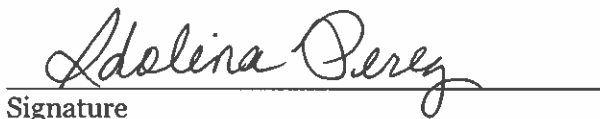
Date

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

7-17-25

Date

Adolina Perez

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

Mayor

Title

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

Attachment A

Docket Number: 2021-0714-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Premont
Penalty Amount:	\$50,600
SEP Offset Amount:	\$50,600
Type of SEP:	Compliance
Project Name:	<i>WWTF and Sewer Collection System Improvements</i>
Location of SEP:	Jim Wells County

The Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order in exchange for Respondent’s performance of a Supplemental Environmental Project (“SEP”).

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility (the “Facility”) which are described in this Agreed Order.

1. Project Description

A. Project

Respondent hired a contractor to perform headworks improvements that included excavation, wall modifications, foundation enhancements and discharge pipes at the Facility. Additionally, Respondent hired a contractor to purchase and replace 190 linear feet of sanitary sewer line with new 6” SDR pipes and a manhole between 2nd Street and 3rd Street in Premont, Texas. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for headworks improvements, sanitary sewer line replacement, and manhole installation (the “Project”). Respondent hired qualified contractors to perform the Project. The SEP was performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent used the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Expenses. No portion of the SEP Offset Amount was spent on administrative costs, including operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent had no prior commitment to perform this Project and that the SEP was performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by preventing wastewater discharges being released into the environment during the collection process. Wastewater discharges can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. Additional risks include occurrences of low dissolved oxygen, fish kills, algal bloom, and bacterial contamination in waterways

C. Expenses

Respondent spent at least the SEP Offset Amount to complete the project described in Section 1.A, above, and complied with all other provisions of this SEP. Respondent understood that it may have costs more than the SEP Offset Amount to complete the Project.

Expenses

Item	Total
Headworks Improvements	\$43,500
190 Linear Feet 6" SDR Pipe Replacement and One Manhole	\$20,300
Total	\$63,800

2. Records

As of April 23, 2025, Respondent provided TCEQ the following documentation as proof of completion of the proposed SEP:

1. An itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 2.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 2.1., above;
4. A certified statement of SEP completion and document authentication;
5. Copies of all engineering plans related to work performed pursuant to the Project;
6. A detailed map showing the specific location of the project site(s); and
7. Photographs of the completed Project.

3. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff and shall allow immediate (i.e., within 24 hours) access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

4. Failure to Fully Perform

If 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 Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, 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, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to the SEP Coordinator at the address provided below:

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

6. Recognition

Respondent may not seek recognition for this project 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 Respondent under any other Agreed Order negotiated with TCEQ or any other agency of the state or federal government.