

**Executive Summary – Enforcement Matter – Case No. 61012**

**City of Milford**

**RN102080934**

**Docket No. 2021-0886-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 Milford WWTF, located west of the Missouri-Kansas-Texas Railroad crossing of Mill Creek, approximately 1.0 mile south of the intersection of Farm-to-Market Road 308 and IH-35, and approximately 0.5 mile northwest of the intersection of Farm-to-Market Road 566 and U.S. Highway 77, Milford, Ellis County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** January 19, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$47,400

**Amount Deferred for Expedited Settlement:** \$9,480

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

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$37,920

Name of SEP: WWTP 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):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** June 14, 2021

**Date(s) of NOE(s):** June 24, 2021

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**City of Milford**

**RN102080934**

**Docket No. 2021-0886-MWD-E**

***Violation Information***

1. Failed to test the reduced-pressure backflow assembly ("RPBA") annually. Specifically, the RBPA to the public drinking water supply system had not been tested within the previous 12 months [30 TEX. ADMIN. CODE § 317.4(a)(8)].
2. Failed to submit a complete annual sludge report ("ASR") to the TCEQ by September 30th of each year. Specifically, the ASRs for report years 2015, 2016, 2017, 2018, and 2019 were not submitted to the TCEQ Regional Office [30 TEX. ADMIN. CODE § 305.125(1) and (17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013937001, Sludge Provisions Section III(G)].
3. Failed to have automatic flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less often than annually. Specifically, the flow measuring device had not been tested within the previous 12 months [30 TEX. ADMIN. CODE §§ 217.33(a) and 305.125(1) and TPDES Permit No. WQ0013937001, Monitoring Requirements No. 5].
4. Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance. Specifically, the Respondent did not provide noncompliance notifications for the exceedances during the monitoring periods of October 2015 through July 2020 [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0013937001, Monitoring and Reporting Requirements No. 7.c].
5. Failed to maintain forced mechanical ventilation in the chlorination room. Specifically, the ventilation fan in the chlorination room was inoperable [30 TEX. ADMIN. CODE § 317.6(b)(1)(E)].
6. Failed to install the flow measurement device in accordance with the Water Measurement Manual, U.S. Department of the Interior, Bureau of Reclamation. Specifically, the gauge was installed less than a tenth of a foot away from the weir blade when it is required to be located four to six times the measuring head upstream from the center of the weir blade [30 TEX. ADMIN. CODE § 319.11(d)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. By submitting RPBA records for a backflow test conducted on July 2, 2021 by September 9, 2021;
- b. By submitting a complete ASR for each of the reporting years 2015, 2016, 2017, 2018, and 2019 to the TCEQ Dallas/Fort Worth Regional Office by September 9, 2021;

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**City of Milford**

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c. By developing and implementing procedures to submit noncompliance notifications to the TCEQ for any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance by September 9, 2021; and

d. By installing the flow measurement device in accordance with the Water Measurement Manual, U.S. Department of the Interior, Bureau of Reclamation by March 25, 2022.

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

2. The Order will also require the Respondent to:

a. Within 30 days:

i. Accurately calibrate the automatic flow measuring device; and

ii. Repair/replace the ventilation fan in the chlorine room to ensure complete air exchange every three minutes.

b. Within 45 days, submit written certification to demonstrate compliance with a.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Cheryl Thompson, Enforcement Division, Enforcement Team 1, MC R-04, (817) 588-5865; 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 Bruce Perryman, Mayor, City of Milford, P.O. Box 538, Milford, Texas 76670

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	28-Jun-2021	<b>Screening</b>	7-Jul-2021	<b>EPA Due</b>	
	<b>PCW</b>	11-Apr-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Milford
<b>Reg. Ent. Ref. No.</b>	RN102080934
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	61012	<b>No. of Violations</b>	6	
<b>Docket No.</b>	2021-0886-MWD-E	<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Cheryl Thompson	
		<b>EC's Team</b>	Enforcement Team 1	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$85,000</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>44.0%</b>	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$37,400</b>
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Notes: Enhancement for two months of self-reported effluent violations and two agreed orders containing a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$8,000</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$1,043  
 Estimated Cost of Compliance: \$1,925  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$114,400</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>-58.6%</b>	Adjustment	<b>-\$67,000</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction so that the reporting violations for Violation No. 4 do not overly impact the penalty: [(\$2,500 per violation x 20 violations) + 44% Compliance History enhancement] - \$5,000 for the Good Faith Efforts to Comply reduction already granted = \$67,000.

<b>Final Penalty Amount</b>	<b>\$47,400</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$47,400</b>
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<b>DEFERRAL</b>	<b>20.0%</b>	Reduction	<b>Adjustment</b>	<b>-\$9,480</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$37,920</b>
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Screening Date 7-Jul-2021

Docket No. 2021-0886-MWD-E

PCW

Respondent City of Milford

Policy Revision 5 (January 28, 2021)

Case ID No. 61012

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102080934

Media Water Quality

Enf. Coordinator Cheryl Thompson

### 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	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	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) 44%

#### >> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

#### >> Compliance History Summary

Compliance History Notes

Enhancement for two months of self-reported effluent violations and two agreed orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 44%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 44%

Screening Date 7-Jul-2021

Docket No. 2021-0886-MWD-E

PCW

Respondent City of Milford

Policy Revision 5 (January 28, 2021)

Case ID No. 61012

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102080934

Media Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 317.4(a)(8)

Violation Description Failed to test the reduced-pressure backflow assembly ("RPBA") annually. Specifically, the RBPA to the public drinking water supply system had not been tested within the previous 12 months.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (15.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0.0%).

Matrix Notes Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 23

Table with frequency options: daily, weekly, monthly, quarterly, semiannual, annual, single event. 'single event' is marked with 'x'.

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$375

Table with columns: Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer. Rows: Extraordinary, Ordinary (marked with 'x'), N/A.

Notes The Respondent submitted compliance documentation on September 9, 2021.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$2,082

This violation Final Assessed Penalty (adjusted for limits) \$2,082

# Economic Benefit Worksheet

**Respondent** City of Milford  
**Case ID No.** 61012  
**Reg. Ent. Reference No.** RN102080934  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	18-Aug-2020	9-Sep-2021	1.06	\$13	n/a	\$13

**Notes for DELAYED costs**

Estimated Other cost to test the RPBA at the Facility by a licensed tester. The Date Required is the date the violation was initially documented, and the Final Date is the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$250

**TOTAL**

\$13

**Screening Date** 7-Jul-2021 **Docket No.** 2021-0886-MWD-E **PCW**  
**Respondent** City of Milford *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61012 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102080934  
**Media** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013937001, Sludge Provisions Section III(G)  
**Violation Description** Failed to submit a complete annual sludge report ("ASR") to the TCEQ by September 30th of each year. Specifically, the ASRs for report years 2015, 2016, 2017, 2018, and 2019 were not submitted to the TCEQ Regional Office.

**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

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

**Adjustment** \$22,500

\$2,500

**Violation Events**

Number of Violation Events 5 1827 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$12,500

Five single events are recommended for report years 2015, 2016, 2017, 2018, and 2019.

**Good Faith Efforts to Comply** 10.0% Reduction \$1,250

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

**Notes** The Respondent submitted compliance documentation on September 9, 2021.

**Violation Subtotal** \$11,250

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

**Estimated EB Amount** \$74 **Violation Final Penalty Total** \$6,940

**This violation Final Assessed Penalty (adjusted for limits)** \$6,940

# Economic Benefit Worksheet

**Respondent** City of Milford  
**Case ID No.** 61012  
**Reg. Ent. Reference No.** RN102080934  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-Sep-2015	9-Sep-2021	5.95	\$74	n/a	\$74

**Notes for DELAYED costs**  
 Estimated Other cost to submit complete ASRs for the years 2015, 2016, 2017, 2018, and 2019 (\$50 per year). The Date Required is the due date of the first missing report, and the Final Date is the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance** \$250

**TOTAL** \$74

**Screening Date** 7-Jul-2021 **Docket No.** 2021-0886-MWD-E **PCW**  
**Respondent** City of Milford *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61012 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102080934  
**Media** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 217.33(a) and 305.125(1) and TPDES Permit No. WQ0013937001, Monitoring Requirements No. 5  
**Violation Description** Failed to have automatic flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less often than annually. Specifically, the flow measuring device had not been tested within the previous 12 months.

**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 1 23 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

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

One single event is recommended.

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

	Before NOE/NOV	NOE/NOV to 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** \$24 **Violation Final Penalty Total** \$746

**This violation Final Assessed Penalty (adjusted for limits)** \$746

# Economic Benefit Worksheet

**Respondent** City of Milford  
**Case ID No.** 61012  
**Reg. Ent. Reference No.** RN102080934  
**Media** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	18-Aug-2020	2-Aug-2022	1.96	\$24	n/a	\$24
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated Training/Sampling cost to annually calibrate the flow measuring device. The Date Required is the date the violation was initially documented, and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$250

**TOTAL**

\$24

**Screening Date** 7-Jul-2021 **Docket No.** 2021-0886-MWD-E **PCW**  
**Respondent** City of Milford *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61012 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102080934  
**Media** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number** 4  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (9)(A) and TPDES Permit No. WQ0013937001, Monitoring and Reporting Requirements No. 7.c.  
**Violation Description** Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance. Specifically, the Respondent did not provide noncompliance notifications for the exceedances during the monitoring periods of October 2015 through July 2020.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

**>> Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10.0%
	100% of the rule requirements were not met.				

**Adjustment** \$22,500

\$2,500

**Violation Events**

Number of Violation Events 25 750 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$62,500

Twenty-five single events are recommended for the missing notices between the months of October 2015 and July 2020.

**Good Faith Efforts to Comply** 10.0% Reduction \$6,250

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

**Notes** The Respondent submitted compliance documentation on September 9, 2021.

**Violation Subtotal** \$56,250

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

**Estimated EB Amount** \$895 **Violation Final Penalty Total** \$34,701

**This violation Final Assessed Penalty (adjusted for limits)** \$34,701

# Economic Benefit Worksheet

**Respondent** City of Milford  
**Case ID No.** 61012  
**Reg. Ent. Reference No.** RN102080934  
**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)	\$250	15-Nov-2015	9-Sep-2021	5.82	\$73	n/a	\$73

**Notes for DELAYED costs**

Estimated Other cost to develop and implement procedures and conduct employee training to submit noncompliance notifications to the TCEQ for effluent exceedances. The Date Required is the due date of the first missing noncompliance notification, and the Final Date is the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$625	25-Nov-2015	7-Jul-2021	5.62	\$197	\$625	\$822

**Notes for AVOIDED costs**

Estimated avoided cost to submit a non-compliance notification for the effluent exceedances that occurred during the monthly monitoring periods from October 2015 through July 2020 (\$25 per report, 25 total missing reports). The Date Required is the date the last noncompliance notification was due (the 25th day of the next month), and the Final date is the screening date.

**Approx. Cost of Compliance** \$875

**TOTAL** \$895

**Screening Date** 7-Jul-2021 **Docket No.** 2021-0886-MWD-E **PCW**  
**Respondent** City of Milford *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61012 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102080934  
**Media** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number** 5  
**Rule Cite(s)** 30 Tex. Admin. Code § 317.6(b)(1)(E)  
**Violation Description** Failed to maintain forced mechanical ventilation in the chlorination room. Specifically, the ventilation fan in the chlorination room was inoperable.

**Base Penalty** \$25,000

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 15.0%
Potential	x				

**>> Programmatic Matrix**

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

**Matrix Notes** Human health or the environment will or could be exposed to 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 Number of violation days 23

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$3,750

One monthly event is recommended from the record review date (June 14, 2021) to the screening date (July 7, 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** \$35 **Violation Final Penalty Total** \$2,237

**This violation Final Assessed Penalty (adjusted for limits)** \$2,237

# Economic Benefit Worksheet

**Respondent** City of Milford  
**Case ID No.** 61012  
**Reg. Ent. Reference No.** RN102080934  
**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	\$250	18-Aug-2020	2-Aug-2022	1.96	\$2	\$33	\$35
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 ventilation fan in the chlorine room to ensure complete air exchange every three minutes. The Date Required is the date the violation was initially documented, and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$250

**TOTAL** \$35

**Screening Date** 7-Jul-2021 **Docket No.** 2021-0886-MWD-E **PCW**  
**Respondent** City of Milford *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61012 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102080934  
**Media** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number** 6  
**Rule Cite(s)** 30 Tex. Admin. Code § 319.11(d)  
**Violation Description** Failed to install the flow measurement device in accordance with the Water Measurement Manual, United States Department of the Interior, Bureau of Reclamation. Specifically, the gauge was installed less than a tenth of a foot away from the weir blade when it is required to be located four to six times the measuring head upstream from the center of the weir blade.

**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 1 23 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

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

One quarterly event is recommended from the record review date (June 14, 2021) to the screening date (July 7, 2021).

**Good Faith Efforts to Comply** 10.0% Reduction \$125

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

**Notes** The Respondent submitted compliance documentation on March 25, 2022.

**Violation Subtotal** \$1,125

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

**Estimated EB Amount** \$2 **Violation Final Penalty Total** \$694

**This violation Final Assessed Penalty (adjusted for limits)** \$694

# Economic Benefit Worksheet

**Respondent** City of Milford  
**Case ID No.** 61012  
**Reg. Ent. Reference No.** RN102080934  
**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				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)	\$50	14-Jun-2021	25-Mar-2022	0.78	\$2	n/a	\$2

**Notes for DELAYED costs**  
 Estimated Other cost to install the flow measurement device in accordance with the Water Measurement Manual, United States Department of the Interior, Bureau of Reclamation. The Date Required is the investigation date, and the Final Date is the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$50

**TOTAL** \$2

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 CN600341317, RN102080934, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN600341317, City of Milford **Classification:** SATISFACTORY **Rating:** 10.45  
**Regulated Entity:** RN102080934, CITY OF MILFORD **Classification:** SATISFACTORY **Rating:** 10.45  
**Complexity Points:** 7 **Repeat Violator:** NO  
**CH Group:** 08 - Sewage Treatment Facilities  
**Location:** West of the Missouri-Kansas-Texas Railroad crossing of Mill Creek, approximately 1.0 mile south of the intersection of Farm-to-Market Road 308 and Interstate Highway 35, and approximately 0.5 mile northwest of the intersection of Farm-to-Market Road 566 and United States Highway 77 in Milford, Ellis County, Texas  
**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**

**WASTEWATER PERMIT** WQ0013937001

**WASTEWATER EPA ID** TX0020290

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

**Date Compliance History Report Prepared:** April 11, 2022

**Agency Decision Requiring Compliance History:** Enforcement

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

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

**Name:** 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:**

1 Effective Date: 09/03/2019 ADMINORDER 2018-1205-MWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 30, SubChapter J 30.350(j)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: WQ0013937-001 PERMIT

Description: Failed to employ or contract with one or more licensed wastewater treatment facility operators holding the appropriate level of license to operate a wastewater treatment facility, in violation of 30 TEX. ADMIN. CODE §§ 30.350(d) and (j) and 305.125(1) and TPDES Permit No. WQ0013937001, Other Requirements No. 1. Specifically, the licensed operator was not on-site at least five days per week and process control activities at the Facility were being conducted by an individual that has an expired

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(11)(B)

30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: WQ0013937-001 PERMIT

Description: Failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 319.7(c) and TPDES Permit No. WQ0013937001, Monitoring and Reporting Requirements No. 3(b). Specifically, none of the required monitoring and reporting records were available for review.

2 Effective Date: 01/19/2022 ADMINORDER 2020-0957-MWD-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

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

Rqmt Prov: EFFLUENT LIMITS PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	April 18, 2017	(1417699)	Item 17	June 19, 2019	(1583397)
Item 2	June 15, 2017	(1431291)	Item 18	September 19, 2019	(1599553)
Item 3	July 13, 2017	(1439906)	Item 19	December 06, 2019	(1619118)
Item 4	August 11, 2017	(1443591)	Item 20	October 20, 2020	(1693325)
Item 5	September 18, 2017	(1450216)	Item 21	November 17, 2020	(1712665)
Item 6	October 16, 2017	(1456036)	Item 22	December 15, 2020	(1712666)
Item 7	May 16, 2018	(1493742)	Item 23	March 29, 2021	(1725721)
Item 8	June 02, 2018	(1493743)	Item 24	April 13, 2021	(1725722)
Item 9	June 07, 2018	(1500660)	Item 25	May 18, 2021	(1740162)
Item 10	June 12, 2018	(1500659)	Item 26	July 16, 2021	(1751774)
Item 11	June 18, 2018	(1507776)	Item 27	August 20, 2021	(1757237)
Item 12	October 02, 2018	(1520156)	Item 28	September 10, 2021	(1766321)
Item 13	October 11, 2018	(1533678)	Item 29	October 12, 2021	(1776902)
Item 14	December 05, 2018	(1541513)	Item 30	November 18, 2021	(1783692)
Item 15	February 12, 2019	(1559864)	Item 31	January 18, 2022	(1798513)
Item 16	March 18, 2019	(1559865)			

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

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

- 1 Date: 05/31/2021 (1747618)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 11/30/2021 (1790720)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF MILFORD  
RN102080934**

**§  
§  
§  
§  
§**

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2021-0886-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 Milford (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 west of the Missouri-Kansas-Texas Railroad crossing of Mill Creek, approximately 1.0 mile south of the intersection of Farm-to-Market Road 308 and Interstate Highway 35, and approximately 0.5 mile northwest of the intersection of Farm-to-Market Road 566 and United States Highway 77 in Milford, Ellis 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 \$47,400 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$9,480 of the penalty 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, \$37,920 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental

Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
  - a. By submitting reduced-pressure backflow assembly ("RPBA") records for a backflow test conducted on July 2, 2021 by September 9, 2021;
  - b. By submitting a complete annual sludge report ("ASR") for each of the reporting years 2015, 2016, 2017, 2018, and 2019 to the TCEQ Dallas/Fort Worth Regional Office by September 9, 2021;
  - c. By developing and implementing procedures to submit noncompliance notifications to the TCEQ for any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance by September 9, 2021; and
  - d. By installing the flow measurement device in accordance with the Water Measurement Manual, United States Department of the Interior, Bureau of Reclamation by March 25, 2022.

## **II. ALLEGATIONS**

During a record review for the Facility conducted on June 14, 2021, an investigator documented that the Respondent:

1. Failed to test the RPBA annually, in violation of 30 TEX. ADMIN. CODE § 317.4(a)(8). Specifically, the RBPA to the public drinking water supply system had not been tested within the previous 12 months.
2. Failed to submit a complete ASR to the TCEQ by September 30th of each year, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013937001, Sludge Provisions Section III(G). Specifically, the ASRs for report years 2015, 2016, 2017, 2018, and 2019 were not submitted to the TCEQ Regional Office.
3. Failed to have automatic flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less often than annually, in violation of 30 TEX. ADMIN. CODE §§ 217.33(a) and 305.125(1) and TPDES Permit No. WQ0013937001, Monitoring Requirements No. 5. Specifically, the flow measuring device had not been tested within the previous 12 months.
4. Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0013937001, Monitoring and Reporting Requirements No. 7.c. Specifically, the Respondent did not provide noncompliance notifications for the exceedances during the monitoring periods of October 2015 through July 2020.
5. Failed to maintain forced mechanical ventilation in the chlorination room, in violation of 30 TEX. ADMIN. CODE § 317.6(b)(1)(E). Specifically, the ventilation fan in the chlorination room was inoperable.
6. Failed to install the flow measurement device in accordance with the Water Measurement Manual, United States Department of the Interior, Bureau of Reclamation, in violation of 30 TEX. ADMIN. CODE § 319.11(d). Specifically, the gauge was installed less than a tenth of a foot away from the weir blade when it is required to be located four to six times the measuring head upstream from the center of the weir blade.

### **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 Milford, Docket No. 2021-0886-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 \$37,920 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order,
    - i. Accurately calibrate the automatic flow measuring device, in accordance with 30 TEX. ADMIN CODE § 217.33(a); and
    - ii. Repair/replace the ventilation fan in the chlorine room to ensure complete air exchange every three minutes.
  - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i and 3.a.ii. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

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.

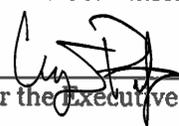
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
1/25/2024

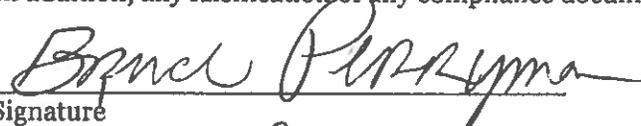
\_\_\_\_\_  
Date

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.

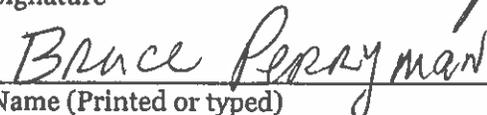
I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- 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

\_\_\_\_\_  
12/22/23  
Date

  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Milford

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

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

**Instructions:** Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.

**Attachment A**

**Docket Number: 2021-0886-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Milford
<b>Penalty Amount:</b>	\$37,920
<b>SEP Offset Amount:</b>	\$37,920
<b>Type of SEP:</b>	Compliance
<b>Project Name:</b>	<i>WWTP Collection System Improvements</i>
<b>Location of SEP:</b>	Ellis County

The Texas Commission on Environmental Quality (“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”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

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’s collection system, which are related to issues described in this Agreed Order. This Agreed Order cites violations at Respondent’s wastewater treatment facility (the “Facility”).

**1. Project Description**

*A. Project*

Respondent shall hire a contractor to purchase and install a power surge protector to protect its collection system’s lift stations and perform smoke testing to identify where the sewer system suffers from inflow and infiltration. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for smoke testing to be performed and purchase of power surge protector (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement, including publication, related to the SEP must include the enforcement statement as stated below in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP. The Commission’s approval and issuance of this Agreed Order shall not itself be construed to authorize any activity for which Respondent is required by statute or rule to obtain authorization from the Commission.

Respondent shall use 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. Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be 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 has no prior commitment to perform this Project and that the SEP is being 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 identifying inflow and infiltration (where water is unintentionally entering the sewer system) and making lift station failures less likely. Inflow and infiltration could lead to high flows, inadequate treatment, and discharge of inadequately treated wastewater during storm events. Prevention of list station failures will also

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. Minimum Expenditure*

Respondent shall spend at least the SEP Offset Amount to complete the project described above in Section 1.A, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project. Costs in excess of the SEP Offset Amount shall not be grounds to relieve Respondent of its obligations to perform this SEP.

**Estimated Cost Schedule**

<b>Item</b>	<b>Total</b>
Smoke Testing	\$35,000
Power Surge Protector	\$15,000
<b>Total</b>	<b>\$50,000</b>

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 45 days after the effective date of this Agreed Order.

Executive Director (“ED”) staff may grant an extension to any deadline for Respondent’s performance of the SEP described herein, upon a written and substantiated showing of good cause. All requests for extensions must be made by Respondent and shall be made in writing to ED staff. Extensions are not effective until Respondent receives written approval from ED staff. The determination of what constitutes good cause rests solely with ED staff. Extension requests shall be sent to the SEP Coordinator by first class mail and electronic mail, at:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087  
Email: [sepreports@tceq.texas.gov](mailto:sepreports@tceq.texas.gov)

**3. Records and Reporting**

*A. Progress Report*

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to TCEQ describing actions performed to date to implement the Project. Within 45 days, Respondent shall submit a Final Report to the TCEQ containing detailed information on all actions completed on the project.

**Reporting Schedule**

<b>Days from Effective Order Date</b>	<b>Information Required</b>
30	Notice of Commencement describing actions taken to begin project
45	Notice of SEP completion

*B. Final Report*

Within 45 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to TCEQ, which shall include the following:

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 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
4. Copies of proof of advertisement of invitation for bids, if applicable;
5. A certified statement of SEP completion and document authentication;
6. A detailed map showing the specific location of the Project site(s);
7. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;
8. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
9. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

*C. Submittals*

Respondent shall submit all SEP reports and any additional information as requested to the SEP Coordinator at the address provided above.

**4. Additional Information and Access**

Respondent shall provide additional information as requested by TCEQ staff and shall allow 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.

**5. 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 above in Sections 2 through 4, the 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 above.

**6. 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.

**7. Recognition**

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

**8. 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.