

**City of Groesbeck**  
**RN101918944**  
**Docket No. 2021-0973-MWD-E**

**Order Type:**  
Agreed Order

**Media:**  
MWD

**Small Business:**  
N/A

**Location(s) Where Violation(s) Occurred:**  
approximately one mile northeast of the intersection of State Highway 14 and State Highway 164 on the north side of Farm-to-Market Road 1245 in Limestone County

**Type of Operation:**  
wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

**Texas Register Publication Date:** June 28, 2024

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$28,687

**Total Paid to General Revenue:** \$827

**Total Due to General Revenue:** \$27,860

Payment Plan: 35 payments of \$796 each

**Compliance History Classifications:**

Person/CN – Satisfactory  
Site/RN – Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** January 28, 2021

**Investigation Information**

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

**Date(s) of Investigation:** June 28, 2021

**Date(s) of NOV(s):** N/A

**Date(s) of NOE(s):** July 14, 2021

**City of Groesbeck**  
**RN101918944**  
**Docket No. 2021-0973-MWD-E**

**Violation Information**

Failed to comply with permitted effluent limitations [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0010182001, Effluent Limitations and Monitoring Requirements No. 1].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

Within 130 days submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010182001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

**Litigation Information**

**Settlement Date:**

May 31, 2024

**Contact Information**

**TCEQ Attorneys:** Taylor Pack Ellis, Litigation Division, (512) 239-6860  
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575

**TCEQ Enforcement Coordinator:** Mark Gamble, Enforcement Division, (512) 239-2587

**TCEQ Regional Contact:** Richard Monreal, Waco Regional Office, (254) 751-0335

**Respondent Contacts:** Matthew Dawley, Mayor, City of Groesbeck, P.O. Box 227, Groesbeck, Texas 76642; and Chris Henson, Chief of Police/City Administrator, City of Groesbeck, 903 West Yeagua Street, Groesbeck, Texas 76642

**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>	21-Jun-2021	<b>PCW</b>	3-Aug-2021	<b>Screening</b>	22-Jun-2021	<b>EPA Due</b>	
--------------	-----------------	-------------	------------	------------	------------------	-------------	----------------	--

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Groesbeck
<b>Reg. Ent. Ref. No.</b>	RN101918944
<b>Facility/Site Region</b>	9-Waco
<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	61089	<b>No. of Violations</b>	2
<b>Docket No.</b>	2021-0973-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>	Mark Gamble
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ 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>	\$21,250
---	-------------------	----------

## 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>35.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$7,437
---------------------------	--------------	-------------------	--------------------------------	---------

Notes

Enhancement for three months of self-reported effluent violations and one order containing a denial of liability.

<b>Culpability</b>	No	<b>0.0%</b>	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
--------------------	----	-------------	--------------------	-------------------	-----

Notes

The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
--	-------------------	-----

<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
-------------------------	-------------	---------------------	-------------------	-----

Total EB Amounts	\$2,890
Estimated Cost of Compliance	\$25,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$28,687
-----------------------------	-----------------------	----------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	\$0
---	-------------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$28,687
-----------------------------	----------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$28,687
-----------------------------------	-------------------------------	----------

<b>DEFERRAL</b>	<b>0.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	\$0
-----------------	-------------	------------------	-------------------	-----

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$28,687
------------------------	----------

<b>Screening Date</b>	22-Jun-2021	<b>Docket No.</b>	2021-0973-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Groesbeck			
<b>Case ID No.</b>	61089			
<b>Reg. Ent. Reference No.</b>	RN101918944			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Mark Gamble			

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> )	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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)** 35%

### >> Repeat Violator (Subtotal 3)

**Adjustment Percentage (Subtotal 3)** 0%

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

**Adjustment Percentage (Subtotal 7)** 0%

### >> Compliance History Summary

**Compliance History Notes**

Enhancement for three months of self-reported effluent violations and one order containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 35%

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 35%

<b>Screening Date</b> 22-Jun-2021 <b>Respondent</b> City of Groesbeck <b>Case ID No.</b> 61089 <b>Reg. Ent. Reference No.</b> RN101918944 <b>Media</b> Water Quality <b>Enf. Coordinator</b> Mark Gamble	<b>Docket No.</b> 2021-0973-MWD-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
---	-----------------------------------	--

  

<b>Violation Number</b>	1	
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010182001, Effluent Limitations and Monitoring Requirements No. 1
<b>Violation Description</b>		Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

  

<b>Base Penalty</b>	\$25,000
---------------------	----------

  

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

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

	<b>Percent</b>	15.0%
--	----------------	-------

  

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	

	<b>Percent</b>	0.0%
--	----------------	------

  

Matrix Notes	A simplified model was used to evaluate ammonia nitrogen and carbonaceous biochemical oxygen demand 5-day to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids and Escherichia coli were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
--------------	--

  

<b>Adjustment</b>	\$21,250
-------------------	----------

  

	\$3,750
--	---------

  

**Violation Events**

Number of Violation Events	4		121	Number of violation days
----------------------------	---	--	-----	--------------------------

  

	daily					
	weekly					
	monthly					
	quarterly					
	semiannual					
	annual					
	single event					

	<b>Violation Base Penalty</b>	\$15,000
--	-------------------------------	----------

  

	Four quarterly events are recommended for the quarters containing the months of May and October 2020 and January and February 2021.
--	---

  

**Good Faith Efforts to Comply**

<b>0.0%</b>	
	<b>Reduction</b>
	\$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.
--	---

  

<b>Violation Subtotal</b>	\$15,000
---------------------------	----------

  

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

<b>Estimated EB Amount</b>	\$2,890	
----------------------------	---------	--

  

**Statutory Limit Test**

<b>Violation Final Penalty Total</b>	\$20,250
--------------------------------------	----------

  

<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$20,250
--	----------

# Economic Benefit Worksheet

**Respondent** City of Groesbeck  
**Case ID No.** 61089  
**Reg. Ent. Reference No.** RN101918944  
**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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	31-May-2020	22-Sep-2022	2.31	\$2,890	n/a	\$2,890

### Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance, and the Final Date is the estimated date of compliance.

## Avoided Costs

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

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

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

**TOTAL**

\$2,890

<b>Screening Date</b> 22-Jun-2021 <b>Respondent</b> City of Groesbeck <b>Case ID No.</b> 61089 <b>Reg. Ent. Reference No.</b> RN101918944 <b>Media</b> Water Quality <b>Enf. Coordinator</b> Mark Gamble	<b>Docket No.</b> 2021-0973-MWD-E  <b>Violation Number</b> 2 <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010182001, Effluent Limitations and Monitoring Requirements No. 1  <b>Violation Description</b> Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
---	--	--

  

**Base Penalty** \$25,000

  

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

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

**Percent** 25.0%

  

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	

**Percent** 0.0%

  

**Matrix Notes** 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

\$6,250

  

**Violation Events**

Number of Violation Events 1      31 Number of violation days

	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			

**Violation Base Penalty** \$6,250

  

One monthly event is recommended for the month of March 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** \$6,250

  

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

**Statutory Limit Test**

<b>Estimated EB Amount</b> \$0	<b>Violation Final Penalty Total</b> \$8,438
--------------------------------	--

**This violation Final Assessed Penalty (adjusted for limits)** \$8,438

# Economic Benefit Worksheet

**Respondent** City of Groesbeck  
**Case ID No.** 61089  
**Reg. Ent. Reference No.** RN101918944  
**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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

## 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

The delayed cost is included in the Economic Benefit Worksheet for Violation No. 1

## Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0





# Compliance History Report

Compliance History Report for CN600241400, RN101918944, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN600241400, City of Groesbeck **Classification:** SATISFACTORY **Rating:** 1.94

**Regulated Entity:** RN101918944, CITY OF GROESBECK **Classification:** SATISFACTORY **Rating:** 5.83

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

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** approximately one mile northeast of the intersection of State Highway 14 and State Highway 164 on the north side of Farm-to-Market Road 1245, Limestone County, Texas

**TCEQ Region:** REGION 09 - WACO

**ID Number(s):**  
**WASTEWATER PERMIT** WQ0010182001 **WASTEWATER EPA ID** TX0054445

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

**Date Compliance History Report Prepared:** August 04, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** August 04, 2017 to August 04, 2022

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Mark Gamble **Phone:** (512) 239-2587

## 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: 01/28/2020 ADMINORDER 2019-0980-MWD-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: 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	September 13, 2017	(1450771)	Item 8	March 15, 2018	(1491068)
Item 2	September 20, 2017	(1444171)	Item 9	May 15, 2018	(1501265)
Item 3	October 18, 2017	(1456633)	Item 10	June 20, 2018	(1508352)
Item 4	November 22, 2017	(1462098)	Item 11	July 16, 2018	(1514684)
Item 5	December 20, 2017	(1468484)	Item 12	September 19, 2018	(1527910)
Item 6	January 23, 2018	(1475180)	Item 13	September 26, 2018	(1520740)
Item 7	February 27, 2018	(1487393)	Item 14	February 20, 2019	(1561626)

Item 15	May 02, 2019	(1584548)	Item 29	October 19, 2020	(1693904)
Item 16	June 12, 2019	(1584549)	Item 30	December 15, 2020	(1714378)
Item 17	July 10, 2019	(1593807)	Item 31	January 15, 2021	(1714379)
Item 18	September 18, 2019	(1607036)	Item 32	May 14, 2021	(1741018)
Item 19	September 25, 2019	(1600136)	Item 33	June 11, 2021	(1741019)
Item 20	November 19, 2019	(1619695)	Item 34	July 15, 2021	(1752343)
Item 21	January 15, 2020	(1634690)	Item 35	August 04, 2021	(1757780)
Item 22	February 14, 2020	(1641303)	Item 36	September 08, 2021	(1766987)
Item 23	March 13, 2020	(1647818)	Item 37	October 13, 2021	(1777471)
Item 24	April 03, 2020	(1654169)	Item 38	November 04, 2021	(1784268)
Item 25	May 14, 2020	(1660738)	Item 39	December 15, 2021	(1791298)
Item 26	July 20, 2020	(1674216)	Item 40	April 12, 2022	(1820597)
Item 27	August 13, 2020	(1680985)	Item 41	July 06, 2022	(1829432)
Item 28	September 14, 2020	(1687559)			

**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: 12/31/2021 (1799082)   |                 |          |
|   | Self Report? YES   | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                 |          |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                 |          |
| 2 | Date: 01/31/2022 (1806958)   |                 |          |
|   | Self Report? YES   | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                 |          |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                 |          |
| 3 | Date: 02/28/2022 (1814025)   |                 |          |
|   | Self Report? YES   | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>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 GROESBECK;  
RN101918944

§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER

DOCKET NO. 2021-0973-MWD-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Groesbeck ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent together stipulate that:

1. Respondent owns and operates a wastewater treatment facility located approximately one mile northeast of the intersection of State Highway 14 and State Highway 164 on the north side of Farm-to-Market Road 1245 in Limestone County, Texas (the "Facility"). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that 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 Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$28,687 is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid \$827 of the penalty. The remaining amount of \$27,860 shall be paid in 35 monthly payments of \$796 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.
5. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, 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 Respondent has not complied with one or more of the terms or conditions contained 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 full compliance with all the terms and conditions set forth in this Order, whichever is later.

## II. ALLEGATIONS

During a record review conducted on June 28, 2021, an investigator documented that Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0010182001, Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation tables:

Effluent Violation Table No. 1				
Monitoring Period	Total Suspended Solids		<i>Escherichia coli</i>	
	Daily Average Concentration	Daily Maximum Concentration	Daily Average Concentration	Daily Maximum Concentration
Month/Year	Limit = 15 mg/L	Limit = 40 mg/L	Limit = 126 CFU/100 mL	Limit = 399 CFU/100 mL
May 2020	20.75	c	c	c
October 2020	17.75	c	c	687
January 2021	24.25	54	c	c
February 2021	17.5	44	c	c
March 2021	c	c	688.4	1203

CFU/100 mL = colony forming units per 100 milliliters

c = compliant

mg/L = milligrams per liter

Effluent Violation Table No. 2			
Monitoring Period	Ammonia Nitrogen		CBOD5
	Daily Average Concentration	Daily Maximum Concentration	Daily Average Concentration
Month/Year	Limit = 2 mg/L	Limit = 10 mg/L	Limit = 10 mg/L
January 2021	5.11	c	10.5
February 2021	4.7	16.5	c

CBOD5 = carbonaceous biochemical oxygen demand (5-day)

c = compliant

mg/L = milligrams per liter

### III. DENIALS

Respondent generally denies each Allegation in Section II.

### IV. ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and 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 actions 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 Groesbeck, Docket No. 2021-0973-MWD-E" to:

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

2. Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010182001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by 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 fine and imprisonment for knowing violations."

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

Water Section Manager  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.

5. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until 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.
6. If 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, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. This Order, issued by the Commission, shall not be admissible against 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 TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

\_\_\_\_\_  
Date

Erin E. Chanallop  
\_\_\_\_\_  
For the Executive Director

7/15/24  
\_\_\_\_\_  
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 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature - Matthew Dawley, Mayor  
City of Groesbeck  
P.O. Box 227  
Groesbeck, Texas 76642

5/31/24  
\_\_\_\_\_  
Date

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

\_\_\_\_\_