

Executive Summary – Enforcement Matter – Case No. 61285

City of Huntington

RN102184355

Docket No. 2021-1169-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Huntington WWTF, 1110 Lowery Sawmill Road, Angelina County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 25, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$227,500

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$227,500

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: July 6, 2021

Date(s) of NOE(s): August 25, 2021

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Violation Information

1. Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010191001, Permit Conditions No. 2.d and Operational Requirements No. 1, and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision Nos. 3.d.viii and 3.f].
2. Failed to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0010191001, Permit Conditions No. 2.g, and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision No. 3.f].
3. Failed to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0010191001, Permit Conditions No. 2.g, and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision No. 3.d.iv].
4. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5), TPDES Permit No. WQ0010191001, Operational Requirements No. 1, and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision No. 3.d.ii].
5. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE §§ 305.125(1) and (5), 317.3(e)(5), and 317.3(b)(4) and TPDES Permit No. WQ0010191001, Operational Requirements Nos. 1 and 4, and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision Nos. 3.d.v, 3.d.x, 3.d.xi, and 3.d.xiii].
6. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.4(b)(4) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1, and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision No. 3.d.iii].
7. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5), TPDES Permit No. WQ0010191001, Operational Requirements No. 1].
8. Failed to report any effluent violation which deviates from the permitted effluent limitations by more than 40% in writing to the TCEQ Beaumont Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A), TPDES Permit No.

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WQ0010191001, Monitoring and Reporting Requirements No. 7(c), and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision No. 3.a.i].

9. Failed to submit the annual sludge reports to the TCEQ Beaumont Regional Office and the Enforcement Division by September 30 of each year [30 TEX. ADMIN. CODE § 305.125(1) and (17), TPDES Permit No. WQ0010191001, Sludge Provisions, and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision Nos. 3.a.ii and 3.d.vi].

10. Failed to provide AVBs on all potable water washdown hoses [30 TEX. ADMIN. CODE §§ 305.125(1) and 317.7(i) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1].

11. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1].

12. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1].

13. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1].

14. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1].

15. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1].

16. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures by March 27, 2023:

- a. Completed the needed repairs of East Clarifier No. 1;
- b. Repaired/replaced the pumps leading to the influent wet well, and brought them to full operational capacity;

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City of Huntington

RN102184355

Docket No. 2021-1169-MWD-E

c. Replaced the bar screen; and

d. Obtained and placed a suitable container with lid for bar screenings at the Facility headworks.

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. Update the Facility's operational guidance and conduct employee training to ensure:

1. Effluent violations which deviate from the permitted limit by more than 40% are reported in writing to the TCEQ Beaumont Regional Office and the Enforcement Division within five days of becoming aware of the noncompliance; and

2. All reporting procedures are properly accomplished for annual sludge reports.

ii. Clean and disinfect the area around the manhole located near 1110 Lowery Sawmill Road;

iii. Remove and properly dispose of the sewage debris and grease, and disinfect the area around the Lift Station No. 4 wet well;

iv. Install AVBs on all treatment Facility potable water spigots and at Lift Station Nos. 4 and 9;

v. Evaluate the causes of the suspected leak and loss of prime at the influent Lift Station;

vi. Bring East Clarifier No. 1 back online;

vii. Remove and properly dispose of the heavy grease accumulation at Lift Station No. 7; and

viii. Submit the complete 2020 annual sludge report.

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

c. Within 60 days:

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- i. Conduct an engineering evaluation of the Facility and wastewater collection system to determine the cause of, and necessary corrective actions to minimize or prevent, the discharge of sludge from the Facility and unauthorized discharges due to inflow and infiltration. The evaluation shall be prepared by a Texas Registered professional engineer and shall include a plan and schedule for the completion of necessary corrective actions within 365 days;
- ii. Conduct an evaluation of the receiving stream to determine the extent of the discharge, and remove and properly dispose of sludge from the impacted area;
- iii. Repair/replace the scum box and skimmer arms in West Clarifier No. 2;
- iv. Remove and properly dispose of the algae, surface scum and grease from West Clarifier No. 2;
- v. Replace and secure the wet well lid at Lift Station No. 1. Replace and install a pump, and repair the audio/visual alarm at Lift Station No. 3;
- vi. Remove and properly dispose of the excessive grease at Lift Station Nos. 3 and 4;
- vii. Remove and properly dispose of the sludge and vegetation from Sludge Drying Bed No. 2 and the roll-off box;
- viii. Install a lock and repair the barbed wire on the security gate at Lift Station No. 3; repair/replace the audio/visual alarm and Pump No. 2 at Lift Station No. 1; repair / replace Pump No. 2 at Lift Station No. 2; repair the audio/visual alarm at Lift Station No. 4; repair/replace the pump float on the current pump and install a backup grinder pump at Lift Station No. 5; replace the missing boards in the security fence, and repair / replace Pump No. 2 at Lift Station No. 6; repair/replace the non-functional pump and audio/visual alarm at Lift Station No. 7; repair/replace the non-functional pump at Lift Station No. 8; and install a lock on the security gate, and replace the battery in the backup generator at Lift Station No. 9;
- ix. Repair/replace influent Lift Station Pump No. 2 and complete the needed repairs for the causes found in a.v;
- x. Remove and properly dispose of the heavy accumulation of grease from the influent Lift Station wet well;
- xi. Repair/replace the floating aerator in the equalization basin;
- xii. Replace the broken valve at the West Chlorine Contact Basin;
- xiii. Remove and properly dispose of the floating grease from the East Chlorine Contact Basin;

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- xiv. Repair/replace the forced air ventilation system in the chlorine room; and
- xv. Repair/replace the sludge wasting pumps.
- d. Within 75 days, submit written certification to demonstrate compliance with c.ii. through c.xv.
- e. Within 380 days, submit written certification to demonstrate compliance with c.i.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Harley Hobson, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1337; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

Respondent: The Honorable Todd Ricks, Mayor, City of Huntington, P.O. Box 349, Huntington, Texas 75949

Bill Stewart, City Administrator, City of Huntington, P.O. Box 349, Huntington, Texas 75949

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	30-Aug-2021	Screening	3-Sep-2021	EPA Due	
	PCW	8-Sep-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Huntington
Reg. Ent. Ref. No.	RN102184355
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	61285	No. of Violations	16
Docket No.	2021-1169-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Harley Hobson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$175,000
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ADJUSTMENTS (+ / -) TO SUBTOTAL 1

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

Compliance History	30.0 %	Adjustment	Subtotals 2, 3, & 7	\$52,500
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Notes	Enhancement for five months of self-reported effluent violations and one order containing a denial of liability.
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Culpability	No	0.0 %	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0 %	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$49,327
Estimated Cost of Compliance \$152,531
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$227,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0 %	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$227,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$227,500
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DEFERRAL	0.0 %	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$227,500
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Screening Date	3-Sep-2021	Docket No.	2021-1169-MWD-E	PCW
Respondent	City of Huntington			
Case ID No.	61285			
Reg. Ent. Reference No.	RN102184355			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	5	10%
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) 30%

>> 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 five months of self-reported effluent violations and one order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date 3-Sep-2021 Respondent City of Huntington Case ID No. 61285 Reg. Ent. Reference No. RN102184355 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1169-MWD-E <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>	PCW														
Violation Number 1																
Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and (4), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010191001, Permit Conditions No. 2.d and Operational Requirements No. 1, and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision Nos. 3.d.viii and 3.f																
Violation Description Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment. Specifically, sludge had accumulated downstream of Outfall No. 1.																
Base Penalty		\$25,000														
>> Environmental, Property and Human Health Matrix																
OR	Harm <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%; text-align: left;">Release</th> <th style="width: 25%;">Major</th> <th style="width: 25%;">Moderate</th> <th style="width: 35%;">Minor</th> </tr> <tr> <td>Actual</td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black; text-align: center;">X</td> </tr> <tr> <td>Potential</td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> </tr> </table>			Release	Major	Moderate	Minor	Actual			X	Potential				
	Release	Major	Moderate	Minor												
	Actual			X												
Potential																
Percent 15.0%																
>> Programmatic Matrix																
Matrix Notes	<table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">Falsification</th> <th style="width: 25%;">Major</th> <th style="width: 25%;">Moderate</th> <th style="width: 35%;">Minor</th> </tr> <tr> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> </tr> </table>			Falsification	Major	Moderate	Minor									
	Falsification	Major	Moderate	Minor												
Percent 0.0%																
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.																
Adjustment		\$21,250														
		\$3,750														
Violation Events																
Number of Violation Events 6		479 Number of violation days														
<table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 20%;">daily</td><td style="border: 1px solid black;"></td></tr> <tr><td>weekly</td><td style="border: 1px solid black;"></td></tr> <tr><td>monthly</td><td style="border: 1px solid black;"></td></tr> <tr><td>quarterly</td><td style="border: 1px solid black; text-align: center;">X</td></tr> <tr><td>semiannual</td><td style="border: 1px solid black;"></td></tr> <tr><td>annual</td><td style="border: 1px solid black;"></td></tr> <tr><td>single event</td><td style="border: 1px solid black;"></td></tr> </table>		daily		weekly		monthly		quarterly	X	semiannual		annual		single event		Violation Base Penalty \$22,500
daily																
weekly																
monthly																
quarterly	X															
semiannual																
annual																
single event																
Six quarterly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2018-1034-MWD-E (May 12, 2020) to the screening date (September 3, 2021).																
Good Faith Efforts to Comply		Reduction \$0														
<table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;"></th> <th style="width: 35%; text-align: center;">Before NOE/NOV</th> <th style="width: 35%; text-align: center;">NOE/NOV to EDPRP/Settlement Offer</th> </tr> <tr> <td>Extraordinary</td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> </tr> <tr> <td>Ordinary</td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> </tr> <tr> <td>N/A</td> <td style="border: 1px solid black; text-align: center;">X</td> <td style="border: 1px solid black;"></td> </tr> </table>			Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	X				
	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		\$22,500														
Economic Benefit (EB) for this violation																
Statutory Limit Test																
Estimated EB Amount \$25,556		Violation Final Penalty Total \$29,250														
This violation Final Assessed Penalty (adjusted for limits)		\$29,250														

Economic Benefit Worksheet

Respondent City of Huntington
Case ID No. 61285
Reg. Ent. Reference No. RN102184355
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	\$50,000	12-May-2020	29-Dec-2025	5.64	\$939	\$18,785	\$19,724
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	\$25,000	12-May-2020	9-Jan-2025	4.67	\$5,832	n/a	\$5,832
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Engineering/Construction cost is the estimated amount to conduct an engineering evaluation of the Facility and wastewater collection system to determine the cause of, and necessary corrective actions to minimize or prevent, the discharge of sludge from the Facility and unauthorized discharges due to inflow and infiltration. The Date Required is the effective date of TCEQ Agreed Order Docket No. 2018-1034-MWD-E. The Final Date is the estimated date of compliance.

Remediation/Disposal cost is the estimated amount to conduct an evaluation of the receiving stream to determine the extent of the discharge, and remove and properly dispose of sludge from the impacted area. The Date Required is the effective date of TCEQ Agreed Order Docket No. 2018-1034-MWD-E. 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

\$75,000

TOTAL

\$25,556

Screening Date 3-Sep-2021 Respondent City of Huntington Case ID No. 61285 Reg. Ent. Reference No. RN102184355 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1169-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>	
Violation Number 2			
Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. WQ0010191001, Permit Conditions No. 2.g, and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision No. 3.f			
Violation Description Failed to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to water in the state. Specifically, on May 20, 2021, approximately 80 gallons of wastewater overflowed from the manhole located near 1110 Lowery Sawmill Road as a result of inflow and infiltration.			
Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual Potential	 X	Percent 15.0%
>> Programmatic Matrix			
	Falsification Major Moderate Minor		
	 	Percent 0.0%	
Matrix Notes	Human health or the environment 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.		
Adjustment		\$21,250	
		\$3,750	
Violation Events			
Number of Violation Events		6	
		479	Number of violation days
	daily weekly monthly quarterly semiannual annual single event	 X 	Violation Base Penalty \$22,500
Six quarterly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2018-1034-MWD-E (May 12, 2020) to the screening date (September 3, 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		\$22,500	
Economic Benefit (EB) for this violation Statutory Limit Test			
Estimated EB Amount		\$1,106	
Violation Final Penalty Total		\$29,250	
This violation Final Assessed Penalty (adjusted for limits)		\$29,250	

Economic Benefit Worksheet

Respondent City of Huntington
Case ID No. 61285
Reg. Ent. Reference No. RN102184355
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	\$4,000	20-May-2020	29-Nov-2025	5.53	\$1,106	n/a	\$1,106
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Engineering/Construction cost captured in Economic Benefit No. 1.

Notes for DELAYED costs

Remediation/Disposal cost is the estimated amount to clean and disinfect the area around the manhole located near 1110 Lowery Sawmill Road. Date required is the date of the unauthorized discharge. 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

\$4,000

TOTAL

\$1,106

Screening Date 3-Sep-2021 Respondent City of Huntington Case ID No. 61285 Reg. Ent. Reference No. RN102184355 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1169-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>			
Violation Number 3					
Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. WQ0010191001, Permit Conditions No. 2.g, and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision No. 3.d.iv					
Violation Description Failed to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to water in the state. Specifically, on July 6, 2021, evidence of an unauthorized discharge, including sewer solids, was documented at Lift Station No. 4.					
Base Penalty		\$25,000			
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major Moderate Minor			
	Actual		X		
	Potential			Percent 15.0%	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	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.				
Adjustment \$21,250					
\$3,750					
Violation Events					
Number of Violation Events 6		479 Number of violation days			
	daily				
	weekly				
	monthly				
	quarterly	X	Violation Base Penalty \$22,500		
	semiannual				
	annual				
	single event				
Six quarterly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2018-1034-MWD-E (May 12, 2020) to the screening date (September 3, 2021).					
Good Faith Efforts to Comply		0.0%	Reduction \$0		
	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer			
	Extraordinary				
	Ordinary				
	N/A	X			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal			\$22,500		
Economic Benefit (EB) for this violation Statutory Limit Test					
Estimated EB Amount		\$1,111	Violation Final Penalty Total \$29,250		
This violation Final Assessed Penalty (adjusted for limits)			\$29,250		

Economic Benefit Worksheet

Respondent City of Huntington
Case ID No. 61285
Reg. Ent. Reference No. RN102184355
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering / Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training / Sampling				0.00	\$0	n/a	\$0
Remediation / Disposal	\$4,000	12-May-2020	29-Nov-2025	5.55	\$1,111	n/a	\$1,111
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Remediation/Disposal cost is the estimated amount to remove and properly dispose of the sewage debris and grease, and disinfect the area around the Lift Station No. 4 wet well. The Date Required is the effective date of the TCEQ Agreed Order Docket No. 2018-1034-MWD-E. 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

\$4,000

TOTAL

\$1,111

Screening Date 3-Sep-2021 Respondent City of Huntington Case ID No. 61285 Reg. Ent. Reference No. RN102184355 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1169-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	4	
Rule Cite(s)		30 Tex. Admin. Code § 305.125(1) and (5), TPDES Permit No. WQ0010191001, Operational Requirements No. 1, and TPDES Order Docket No. 2018-1034-MWD-E, Ordering Provision No. 3.d.ii
Violation Description		Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the West Clarifier No. 2 scum box was non-functional, and the skimmer arms had been removed. Excessive grease and scum were noted on the clarifier surface, and excessive algae was noted on the saw-toothed weir. Additionally, East Clarifier No. 1 was offline due to suspected transmission failure.

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

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$21,250
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	\$3,750
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Violation Events

Number of Violation Events	16	479	Number of violation days
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	daily						
	weekly						
	monthly	X					
	quarterly						
	semiannual						
	annual						
	single event						

Violation Base Penalty	\$60,000
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	Sixteen monthly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2018-1034-MWD-E (May 12, 2020) to the screening date (September 3, 2021).
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Good Faith Efforts to Comply

	0.0 %	
		Reduction \$0

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

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$60,000
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$4,017	
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Statutory Limit Test

Violation Final Penalty Total	\$78,000
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This violation Final Assessed Penalty (adjusted for limits)	\$78,000
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Economic Benefit Worksheet

Respondent City of Huntington
Case ID No. 61285
Reg. Ent. Reference No. RN102184355
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$10,000	6-Jul-2021	29-Dec-2025	4.48	\$149	\$2,990	\$3,139
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$1,000	6-Jul-2021	29-Dec-2025	4.48	\$15	\$299	\$314
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	\$2,000	12-May-2020	29-Dec-2025	5.64	\$564	n/a	\$564
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Equipment cost is the estimated amount to repair/replace the scum box and skimmer arms in West Clarifier No. 2. The Date Required is the investigation date. The Final Date is the estimated date of compliance.

Engineering/Construction cost is the estimated amount to evaluate why East Clarifier No. 1 was offline, complete the needed repairs, and bring it back online. The Date Required is the investigation date. The Final Date is the estimated date of compliance.

Remediation/Disposal cost is the estimated amount to remove and properly dispose of the algae surface scum and grease from West Clarifier No. 2. The Date Required is the effective date of TCEQ Agreed Order Docket No. 2018-1034-MWD-E. 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

\$13,000

TOTAL

\$4,017

Screening Date 3-Sep-2021 Respondent City of Huntington Case ID No. 61285 Reg. Ent. Reference No. RN102184355 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1169-MWD-E Violation Number 5 Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (5), 317.3(e)(5), and 317.3(b)(4), TPDES Permit No. WQ0010191001, Operational Requirements Nos. 1 and 4, and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision Nos. 3.d.v, 3.d.x, 3.d.xi, and 3.d.xiii Violation Description Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Lift Station No. 1 wet well was missing a lid and was covered by two street signs. The Lift Station No. 3 wet well was missing Pump No. 2, and the audio/visual alarm was non-functional. Additionally, Lift Station Nos. 3 and 4 had heavy grease accumulation.	PCW <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		
OR	Release Major Moderate Minor Actual Potential ☒	Percent 5.0%
	>> Programmatic Matrix	
	Falsification Major Moderate Minor 	Percent 0.0%
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.	
Adjustment \$23,750		\$1,250
Violation Events		
Number of Violation Events 6 479 Number of violation days		
	daily weekly monthly quarterly ☒ semiannual annual single event	Violation Base Penalty \$7,500
Six quarterly events are recommended from the effective date of the TCEQ Agreed Order Docket No. 2018-1034-MWD-E (May 12, 2020) to the screening date (September 3, 2021).		
Good Faith Efforts to Comply		Reduction \$0
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A ☒	
	Notes The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal		\$7,500
Economic Benefit (EB) for this violation		Statutory Limit Test
Estimated EB Amount	\$10,427	Violation Final Penalty Total \$9,750
This violation Final Assessed Penalty (adjusted for limits)		\$9,750

Economic Benefit Worksheet

Respondent City of Huntington
Case ID No. 61285
Reg. Ent. Reference No. RN102184355
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	\$25,000	12-May-2020	29-Dec-2025	5.64	\$470	\$9,393	\$9,863
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	\$2,000	12-May-2020	29-Dec-2025	5.64	\$564	n/a	\$564
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Equipment cost is the estimated amount to replace and secure the wet well lid at Lift Station No. 1. Replace and install a pump and repair the audio/visual alarm at Lift Station No. 3. The Date Required is the effective date of TCEQ Agreed Order Docket No. 2018-1034-MWD-E. The Final Date is the estimated date of compliance.

Remediation/Disposal cost is the estimated amount to remove and properly dispose of the excessive grease at Lift Station Nos. 3 and 4. The Date Required is the effective date of TCEQ Agreed Order Docket No. 2018-1034-MWD-E. 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

\$27,000

TOTAL

\$10,427

Screening Date 3-Sep-2021 Respondent City of Huntington Case ID No. 61285 Reg. Ent. Reference No. RN102184355 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1169-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	6	Rule Cite(s)	
		30 Tex. Admin. Code §§ 305.125(1) and (5) and 317.4(b)(4), TPDES Permit No. WQ0010191001, Operational Requirements No. 1, and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision No. 3.d.iii	
Violation Description		Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, screenings were on the ground or not properly disposed of in a suitable container with a lid.	

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

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 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.
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Adjustment	\$23,750
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	\$1,250
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Violation Events

Number of Violation Events	6	479	Number of violation days
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	daily		Violation Base Penalty \$7,500
	weekly		
	monthly		
	quarterly	X	
	semiannual		
	annual		
	single event		

Six quarterly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2018-1034-MWD-E (May 12, 2020) to the screening date (September 3, 2021).
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Good Faith Efforts to Comply

0.0 %	Reduction \$0
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	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	X		

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$7,500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$402	Statutory Limit Test
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Violation Final Penalty Total	\$9,750
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This violation Final Assessed Penalty (adjusted for limits)	\$9,750
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Economic Benefit Worksheet

Respondent City of Huntington
Case ID No. 61285
Reg. Ent. Reference No. RN102184355
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	\$2,000	12-May-2020	27-Mar-2023	2.87	\$19	\$383	\$402
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

Equipment cost is the estimated amount to obtain and and place a suitable container with lid for bar screenings at the Facility headworks. The Date Required is effective date of TCEQ Agreed Order Docket No. 2018-1034-MWD-E. 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

\$2,000

TOTAL

\$402

Screening Date 3-Sep-2021 Respondent City of Huntington Case ID No. 61285 Reg. Ent. Reference No. RN102184355 Media Water Quality Enf. Coordinator Harley Hobson Violation Number 7 Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5), TPDES Permit No. WQ0010191001, Operational Requirements No. 1 Violation Description Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, Sludge Drying Bed No. 2 contained six to eight feet of old sludge, and a roll-off box next to the sludge beds was full of dried sludge.	Docket No. 2021-1169-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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	Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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	Adjustment	\$23,750
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	Adjustment	\$1,250
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Violation Events

Number of Violation Events	1	59	Number of violation days
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	daily		
	weekly		
	monthly		
	quarterly	<input checked="" type="text"/>	Violation Base Penalty
	semiannual		\$1,250
	annual		
	single event		

One quarterly event is recommended from the investigation date (July 6, 2021) to the screening date (September 3, 2021).

Good Faith Efforts to Comply

	0.0 %	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	<input checked="" type="text"/>	

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

	Statutory Limit Test
Estimated EB Amount	\$400
	Violation Final Penalty Total
	\$1,625
This violation Final Assessed Penalty (adjusted for limits)	
\$1,625	

Economic Benefit Worksheet

Respondent City of Huntington
Case ID No. 61285
Reg. Ent. Reference No. RN102184355
Media Water Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering / Construction				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	\$2,000	6-Jul-2021	6-Jul-2025	4.00	\$400	n/a	\$400
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Remediation/Disposal cost is the estimated amount to remove and properly dispose of the sludge and vegetation from Sludge Drying Bed No. 2 and the roll-off box. The Date Required is the investigation date. The Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$400

Screening Date 3-Sep-2021 Respondent City of Huntington Case ID No. 61285 Reg. Ent. Reference No. RN102184355 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1169-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	8	
Rule Cite(s)		30 Tex. Admin. Code § 305.125(1) and (9)(A), TPDES Permit No. WQ0010191001, Monitoring and Reporting Requirements No. 7(c), and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision No. 3.a.i
Violation Description		Failed to report any effluent violation which deviates from the permitted effluent limitations by more than 40% in writing to the Texas Commission on Environmental Quality ("TCEQ") Beaumont Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance. Specifically, the Respondent did not submit non-compliance notifications for non-compliance events in June 2020, March 2021, and April 2021.

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

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

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

Adjustment	\$22,500
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	\$2,500
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Violation Events

Number of Violation Events	3	430	Number of violation days
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	daily						
	weekly						
	monthly						
	quarterly						
	semiannual						
	annual						
	single event		X				

Violation Base Penalty	\$7,500
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Three single events are recommended, one for each missing notification.	
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Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal	\$7,500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$143	Statutory Limit Test
		Violation Final Penalty Total
		\$9,750
This violation Final Assessed Penalty (adjusted for limits)		\$9,750

Economic Benefit Worksheet

Respondent City of Huntington
Case ID No. 61285
Reg. Ent. Reference No. RN102184355
Media Water Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering / Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training / Sampling	\$250	12-May-2020	10-Aug-2025	5.25	\$66	n/a	\$66
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

Training/Sampling cost is the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that all monitoring and reporting requirements are properly accomplished, including the timely submittal of annual sludge reports and non-compliance notifications for effluent exceedances. The Date Required is the effective date of TCEQ Agreed Order Docket No. 2018-1034-MWD-E. 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	\$76	25-May-2021	3-Sep-2021	0.28	\$1	\$76	\$77
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Avoided cost is the estimated amount to report in writing any effluent violation which deviates from the permitted effluent limitations by more than 40% to the TCEQ Beaumont Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance (\$25 per notification x three missed notifications plus accrued interest). The Date Required is the date the last non-compliance notification was due. The Final Date is the screening date.

Approx. Cost of Compliance

\$326

TOTAL

\$143

Screening Date 3-Sep-2021 Respondent City of Huntington Case ID No. 61285 Reg. Ent. Reference No. RN102184355 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1169-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>	
Violation Number 9			
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17), TPDES Permit No. WQ0010191001, Sludge Provisions, and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision Nos. 3.a.ii and 3.d.vi			
Violation Description Failed to submit the annual sludge reports to the TCEQ Beaumont Regional Office and the Enforcement Division by September 30 of each year. Specifically, the Respondent did not submit the annual sludge report for the monitoring period ending July 31, 2020 to the TCEQ Beaumont Regional Office.			
Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual		
	Potential		
		Percent	0.0%
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
		X	
		Percent	10.0%
Matrix Notes	100% of the rule requirements were not met.		
Adjustment		\$22,500	
		\$2,500	
Violation Events			
Number of Violation Events		1	338 Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	X	
		Violation Base Penalty	\$2,500
One single event is recommended.			
Good Faith Efforts to Comply		0.0%	Reduction \$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary		
	Ordinary		
	N/A	X	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		\$2,500	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$6	Violation Final Penalty Total	\$3,250
This violation Final Assessed Penalty (adjusted for limits)		\$3,250	

Economic Benefit Worksheet

Respondent City of Huntington
Case ID No. 61285
Reg. Ent. Reference No. RN102184355
Media Water Quality
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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	30-Sep-2020	6-Jun-2025	4.68	\$6	n/a	\$6

Notes for DELAYED costs

Other cost is the estimated amount to submit the annual sludge report for the monitoring period ending July 31, 2020 to the TCEQ Beaumont Regional Office. The Date Required is the date the annual sludge report was due. The Final Date is the estimated date of compliance.

Training/Sampling cost captured in Economic Benefit No. 8.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$6

Screening Date 3-Sep-2021 Respondent City of Huntington Case ID No. 61285 Reg. Ent. Reference No. RN102184355 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1169-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	10		Rule Cite(s)
			30 Tex. Admin. Code §§ 305.125(1) and 317.7(i) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1
Violation Description	Failed to provide atmospheric vacuum breakers ("AVBs") on all potable water washdown hoses. Specifically, the potable water spigots located at the Facility and at Lift Station Nos. 4 and 9 did not have atmospheric vacuum breakers ("AVBs").		

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

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

>> Programmatic Matrix

OR	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.
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Adjustment	\$21,250
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	\$3,750
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Violation Events

Number of Violation Events	2	59	Number of violation days
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	daily		Violation Base Penalty
	weekly		
	monthly	X	
	quarterly		
	semiannual		
	annual		
	single event		
Two monthly events are recommended from the investigation date (July 6, 2021) to the screening date (September 3, 2021).			

Good Faith Efforts to Comply	0.0 %	Reduction	\$0
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	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	X		
Notes	The Respondent does not meet the good faith criteria for this violation.		

Violation Subtotal	\$7,500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$22	Statutory Limit Test
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Violation Final Penalty Total	\$9,750
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This violation Final Assessed Penalty (adjusted for limits)	\$9,750
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Economic Benefit Worksheet

Respondent City of Huntington
Case ID No. 61285
Reg. Ent. Reference No. RN102184355
Media Water Quality
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$80	6-Jul-2021	6-Jun-2025	3.92	\$1	\$21	\$22
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 install AVBs on all treatment Facility potable water spigots and at Lift Station Nos. 4 and 9. The Date Required is the investigation date. 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

\$80

TOTAL

\$22

Screening Date 3-Sep-2021 Respondent City of Huntington Case ID No. 61285 Reg. Ent. Reference No. RN102184355 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1169-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
Violation Number 11		
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1		
Violation Description Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, fences at Lift Station Nos. 3, 6, and 9 were not maintained in an intruder-resistant manner. Non-functional audio/visual alarms were noted at Lift Station Nos. 1, 4, and 7. Inoperable pumps were noted at Lift Station Nos. 1, 2, 6, 7, and 8. Excessive grease was noted at Lift Station No. 7, and the backup generator at Lift Station No. 9 was not functional. Due to faulty pump floats, Lift Station No. 5 required daily manual operation.		
Base Penalty		\$25,000
>> Environmental, Property and Human Health Matrix		
OR	Release	Harm Major Moderate Minor
	Actual	
	Potential	X
		Percent 5.0%
>> Programmatic Matrix		
	Falsification	Major Moderate Minor
	Percent 0.0%	
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.	
Adjustment		\$23,750
		\$1,250
Violation Events		
Number of Violation Events 1		59 Number of violation days
	daily	
	weekly	
	monthly	
	quarterly X	
	semiannual	
	annual	
	single event	
Violation Base Penalty		\$1,250
One quarterly event is recommended from the investigation date (July 6, 2021) to the screening date (September 3, 2021).		
Good Faith Efforts to Comply		0.0%
		Reduction \$0
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
Extraordinary		
Ordinary		
N/A	X	
Notes	The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal		\$1,250
Economic Benefit (EB) for this violation Statutory Limit Test		
Estimated EB Amount		\$2,718
Violation Final Penalty Total		\$1,625
This violation Final Assessed Penalty (adjusted for limits)		\$1,625

Economic Benefit Worksheet

Respondent City of Huntington
Case ID No. 61285
Reg. Ent. Reference No. RN102184355
Media Water Quality
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$9,000	6-Jul-2021	6-Jul-2025	4.00	\$120	\$2,402	\$2,522
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	\$1,000	6-Jul-2021	6-Jun-2025	3.92	\$196	n/a	\$196
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Equipment cost is the estimated amount to install a lock and repair the barbed wire on the security gate at Lift Station No. 3; repair/replace the audio/visual alarm and Pump No. 2 at Lift Station No. 1; repair/replace Pump No. 2 at Lift Station No. 2; repair the audio/visual alarm at Lift Station No. 4; repair/replace the pump float on the current pump and install a backup grinder pump at Lift Station No. 5; replace the missing boards in the security fence, and repair/replace Pump No. 2 at Lift Station No. 6; repair/replace the non-functional pump and audio/visual alarm at Lift Station No. 7; repair/replace the non-functional pump at Lift Station No. 8; and install a lock on the security gate, and replace the battery in the backup generator at Lift Station No. 9. The Date Required is the investigation date. The Final Date is the estimated date of compliance.

Remediation/Disposal cost is the estimated amount to remove and properly dispose of the heavy grease accumulation at Lift Station No. 7. The Date Required is the investigation date. The Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$2,718

Screening Date 3-Sep-2021 Respondent City of Huntington Case ID No. 61285 Reg. Ent. Reference No. RN102184355 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1169-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	12	
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1	
Violation Description	Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, bar screen in the influent wet well was flooded. Additionally, the influent lift station contained a heavy accumulation of grease, and influent Pump No. 2 was non-functional. Also, the wet well pumps lost prime when left on.	

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

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$23,750
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	\$1,250
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Violation Events

Number of Violation Events 1	59	Number of violation days
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daily		Violation Base Penalty \$1,250
weekly		
monthly		
quarterly	X	
semiannual		
annual		
single event		

One quarterly event is recommended from the investigation date (July 6, 2021) to the screening date (September 3, 2021).
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Good Faith Efforts to Comply

0.0%		Reduction \$0
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
Extraordinary		
Ordinary		
N/A	X	
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal	\$1,250
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Economic Benefit (EB) for this violation

Estimated EB Amount \$1,511	Statutory Limit Test
Violation Final Penalty Total	\$1,625
This violation Final Assessed Penalty (adjusted for limits) \$1,625	

Economic Benefit Worksheet

Respondent City of Huntington
Case ID No. 61285
Reg. Ent. Reference No. RN102184355
Media Water Quality
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$2,000	6-Jul-2021	6-Jul-2025	4.00	\$27	\$534	\$561
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$1,000	6-Jul-2021	3-Sep-2025	4.16	\$14	\$278	\$292
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	\$2,000	6-Jul-2021	6-Jul-2025	4.00	\$400	n/a	\$400
Remediation/Disposal	\$3,000	6-Jul-2021	27-Mar-2023	1.72	\$258	n/a	\$258
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Equipment cost is the estimated amount to repair/replace influent Lift Station Pump No. 2. The Date Required is the investigation date. The Final Date is the estimated date of compliance.

Engineering/Construction cost is the estimated amount to evaluate the causes of the suspected leak and loss of prime at the influent Lift Station and complete the needed repairs. The Date Required is the investigation date. The Final Date is the estimated date of compliance.

Remediation/Disposal cost is the estimated amount to remove and properly dispose of the heavy accumulation of grease from the influent Lift Station wet well. The Date Required is the investigation date. The Final Date is the estimated date of compliance.

Remediation/Disposal cost is the estimated amount to repair/replace the pumps leading to the influent wet well, bring the pumps up to full operation capacity, and replace the bar screen. The Date Required is the investigation date. 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

\$8,000

TOTAL

\$1,511

Screening Date 3-Sep-2021 Respondent City of Huntington Case ID No. 61285 Reg. Ent. Reference No. RN102184355 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1169-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	13	
Rule Cite(s)		30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1
Violation Description		Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the equalization basin floating aerator was non-functional.

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

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

> > Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$23,750
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	\$1,250
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Violation Events

Number of Violation Events	1		59	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly	X			
	semiannual				
	annual				
	single event				

Violation Base Penalty	\$1,250
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One quarterly event is recommended from the investigation date (July 6, 2021) to the screening date (September 3, 2021).
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Good Faith Efforts to Comply

	0.0%				
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
Extraordinary					
Ordinary					
N/A	X				
Notes	The Respondent does not meet the good faith criteria for this violation.				

Violation Subtotal	\$1,250
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$280				
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Statutory Limit Test

Violation Final Penalty Total	\$1,625				
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This violation Final Assessed Penalty (adjusted for limits)	\$1,625
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Economic Benefit Worksheet

Respondent City of Huntington
Case ID No. 61285
Reg. Ent. Reference No. RN102184355
Media Water Quality
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$1,000	6-Jul-2021	6-Jul-2025	4.00	\$13	\$267	\$280
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

Equipment cost is the estimated amount to repair/replace the floating aerator in the equalization basin. The Date Required is the investigation date. 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

\$1,000

TOTAL

\$280

Screening Date 3-Sep-2021 Respondent City of Huntington Case ID No. 61285 Reg. Ent. Reference No. RN102184355 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1169-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>														
Violation Number 14																
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1																
Violation Description Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the West Chlorine Contact Basin was empty and offline due to a broken valve, and the East Chlorine Contact Basin contained floating grease.																
Base Penalty		\$25,000														
> > Environmental, Property and Human Health Matrix																
OR	Release Actual Potential	Harm Major Moderate Minor <table border="1" style="margin: auto;"> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> <td></td> </tr> </table>					X		Percent 5.0%							
		X														
	> > Programmatic Matrix															
Falsification Major Moderate Minor <table border="1" style="margin: auto;"> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table>					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		59 Number of violation days														
	<table border="1" style="margin: auto;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">X</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly		quarterly	X	semiannual		annual		single event		Violation Base Penalty \$1,250
daily																
weekly																
monthly																
quarterly	X															
semiannual																
annual																
single event																
One quarterly event is recommended from the investigation date (July 6, 2021) to the screening date (September 3, 2021).																
Good Faith Efforts to Comply		0.0%														
		Reduction \$0														
	<table border="1" style="margin: auto;"> <tr> <td></td> <td style="text-align: center;">Before NOE/NOV</td> <td style="text-align: center;">NOE/NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">X</td> <td></td> </tr> </table>		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	X				
	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 \$228		Violation Final Penalty Total \$1,625														
This violation Final Assessed Penalty (adjusted for limits)		\$1,625														

Economic Benefit Worksheet

Respondent City of Huntington
Case ID No. 61285
Reg. Ent. Reference No. RN102184355
Media Water Quality
Violation No. 14

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	\$100	6-Jul-2021	6-Jul-2025	4.00	\$1	\$27	\$28
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	\$1,000	6-Jul-2021	6-Jul-2025	4.00	\$200	n/a	\$200
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Equipment cost is the estimated amount to replace the broken valve at the West Chlorine Contact Basin. The Date Required is the investigation date. The Final Date is the estimated date of compliance.

Remediation/Disposal cost is the estimated amount to remove and properly dispose of the floating grease from the East Chlorine Contact Basin. The Date Required is the investigation date. 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

\$1,100

TOTAL

\$228

Screening Date 3-Sep-2021 Respondent City of Huntington Case ID No. 61285 Reg. Ent. Reference No. RN102184355 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1169-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
Violation Number 15		
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1		
Violation Description Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the chlorine room had a non-functional forced air ventilation system.		
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2	59	Number of violation days
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	daily		
	weekly		
	monthly	X	
	quarterly		
	semiannual		
	annual		
	single event		

Violation Base Penalty \$7,500

Two monthly events are recommended from the investigation date (July 6, 2021) to the screening date (September 3, 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 \$7,500

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount \$561	Violation Final Penalty Total \$9,750
This violation Final Assessed Penalty (adjusted for limits) \$9,750	

Economic Benefit Worksheet

Respondent City of Huntington
Case ID No. 61285
Reg. Ent. Reference No. RN102184355
Media Water Quality
Violation No. 15

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	\$2,000	6-Jul-2021	6-Jul-2025	4.00	\$27	\$534	\$561
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

Equipment cost is the estimated amount to repair/replace the forced air ventilation system in the chlorine room. The Date Required is the investigation date. The Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$561

Screening Date 3-Sep-2021 Respondent City of Huntington Case ID No. 61285 Reg. Ent. Reference No. RN102184355 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2021-1169-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	16	
Rule Cite(s)		30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1
Violation Description		Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the sludge wasting pumps were non-functional, and a portable pump was being used to waste sludge from the digester to the drying beds.

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

OR		Release	Harm		
			Major Moderate Minor		
	Actual				Percent 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.
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Adjustment	\$23,750
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	\$1,250
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Violation Events

Number of Violation Events	1	59	Number of violation days
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	daily			
	weekly			
	monthly			
	quarterly	X		Violation Base Penalty \$1,250
	semiannual			
	annual			
	single event			

One quarterly event is recommended from the investigation date (July 6, 2021) to the screening date (September 3, 2021).
--

Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal	\$1,250
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$841	Statutory Limit Test
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Violation Final Penalty Total	\$1,625
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This violation Final Assessed Penalty (adjusted for limits)	\$1,625
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Economic Benefit Worksheet

Respondent City of Huntington
Case ID No. 61285
Reg. Ent. Reference No. RN102184355
Media Water Quality
Violation No. 16

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	\$3,000	6-Jul-2021	6-Jul-2025	4.00	\$40	\$801	\$841
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

Equipment cost is the estimated amount to repair/replace the sludge wasting pumps. The Date Required is the investigation date. 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

\$3,000

TOTAL

\$841



Compliance History Report

Compliance History Report for CN600738157, RN102184355, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN600738157, City of Huntington **Classification:** SATISFACTORY **Rating:** 33.71

Regulated Entity: RN102184355, CITY OF HUNTINGTON **Classification:** SATISFACTORY **Rating:** 42.14

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: 1110 Lowery Sawmill Road in Angelina County, Texas

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

WASTEWATER PERMIT WQ0010191001

WASTEWATER EPA ID TX0053422

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: January 26, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 26, 2018 to January 26, 2023

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

Name: Harley Hobson

Phone: (512) 239-1337

Site and Owner/Operator History:

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

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

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

1 Effective Date: 05/12/2020 ADMINORDER 2018-1034-MWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OPR Pg. 13, No. 1 PERMIT

Description: Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1. Specifically, the Facility was operating in septic conditions. Excessive amounts of floating scum, solids, and gray water were present throughout the Facility. Additionally, the rubber rake in Clarifier No. 1 was not operating properly and failed to make contact

Classification: Minor

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

30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.3(e)(5)

30 TAC Chapter 317 317.4(b)(4)

Rqmt Prov: TPDES Permit Operational Requirements PERMIT

Description: Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5), 317.3(e)(5), and 317.4(b)(4) and TPDES Permit No. WQ0010191001, Operational Requirements Nos. 1 and 4.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PC Pg. 10, No. 2(g) PERMIT

Description: Failed to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010191001, Permit Conditions No. 2.g.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: SP, III, G, Pg. 30 PERMIT

Description: Failed to submit the annual sludge reports to the TCEQ Beaumont Regional Office and the Enforcement Division by September 30 of each year, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010191001, Sludge Provisions. Specifically, the Respondent did not submit the annual sludge reports for the monitoring periods ending July 31, 2016 and July 31, 2017 to the TCEQ Beaumont Regional Office.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(11)(A)
30 TAC Chapter 319, SubChapter A 319.1
30 TAC Chapter 319, SubChapter A 319.4
30 TAC Chapter 319, SubChapter A 319.5(b)

Rqmt Prov: TPDES Permit PERMIT

Description: Failed to collect and analyze effluent samples at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(A), 319.1, 319.4, and 319.5(b) and TPDES Permit No. WQ0010191001, Interim Effluent Limitations and Monitoring Reporting Requirement No. 1 and Monitoring and Reporting Requirements Nos. 1 and 3(a). Specifically, the Respondent did not collect and analyze a grab sample for Escherichia coli for the monthly monitoring period ending November 30, 2017.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(9)(A)

Rqmt Prov: MRR Pg. 7 No. 7(C) PERMIT

Description: Failed to report any effluent violation which deviates from the permitted effluent limitations by more than 40% in writing to the TCEQ Beaumont Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010191001, Monitoring and Reporting Requirements No. 7(c).

Classification: Minor

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

Description: Failed to annually test the RPBA, in violation of 30 TEX. ADMIN. CODE § 317.4(a)(8). Specifically, the RPBA for the chlorinator room was tested on February 14, 2017, and was not tested again until May 26, 2018.

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4)

Rqmt Prov: PC Pg. 9, No. 2d PERMIT

TPDES Permit PERMIT

Description: Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010191001, Permit Conditions No. 2.d and Operational Requirements No. 1.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	October 17, 2018	(1534227)	Item 11	June 14, 2021	(1740961)
Item 2	May 20, 2020	(1660701)	Item 12	July 12, 2021	(1752304)
Item 3	June 18, 2020	(1667226)	Item 13	August 19, 2021	(1757747)
Item 4	August 18, 2020	(1680947)	Item 14	October 06, 2021	(1764384)
Item 5	September 17, 2020	(1687519)	Item 15	October 19, 2021	(1777433)
Item 6	October 19, 2020	(1693865)	Item 16	February 14, 2022	(1806919)
Item 7	November 23, 2020	(1714261)	Item 17	March 28, 2022	(1813986)
Item 8	December 18, 2020	(1714262)	Item 18	April 21, 2022	(1820558)
Item 9	January 15, 2021	(1714263)	Item 19	August 17, 2022	(1849017)
Item 10	February 12, 2021	(1727326)	Item 20	November 15, 2022	(1870089)

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

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

1 Date: 04/30/2022 (1829394)

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter	
2	Date: 05/31/2022 (1835688)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter	
3	Date: 06/30/2022 (1842890)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter	
4	Date: 08/31/2022 (1856819)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter	
5	Date: 09/30/2022 (1863177)		
	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 HUNTINGTON
RN102184355

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

AGREED ORDER DOCKET NO. 2021-1169-MWD-E

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 Huntington (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 presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located at 1110 Lowery Sawmill Road in Angelina 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. During an investigation at the Facility conducted on July 6, 2021, an investigator documented that:
 - a. Sludge had accumulated downstream of Outfall No. 1.
 - b. On May 20, 2021, approximately 80 gallons of wastewater overflowed from the manhole located near 1110 Lowery Sawmill Road as a result of inflow and infiltration.
 - c. Evidence of an unauthorized discharge, including sewer solids, was documented at Lift Station No. 4.
 - d. The West Clarifier No. 2 scum box was non-functional, and the skimmer arms had been removed. Excessive grease and scum were noted on the clarifier

surface, and excessive algae was noted on the saw-toothed weir. Additionally, East Clarifier No. 1 was offline due to suspected transmission failure.

- e. The Lift Station No. 1 wet well was missing a lid and was covered by two street signs. The Lift Station No. 3 wet well was missing Pump No. 2, and the audio/visual alarm was non-functional. Additionally, Lift Station Nos. 3 and 4 had heavy grease accumulation.
 - f. Screenings were on the ground or not properly disposed of in a suitable container with a lid.
 - g. Sludge Drying Bed No. 2 contained six to eight feet of old sludge, and a roll-off box next to the sludge beds was full of dried sludge.
 - h. The Respondent did not submit non-compliance notifications for non-compliance events in June 2020, March 2021, and April 2021.
 - i. The Respondent did not submit the annual sludge report for the monitoring period ending July 31, 2020, to the TCEQ Beaumont Regional Office.
 - j. The potable water spigots located at the Facility and at Lift Station Nos. 4 and 9 did not have atmospheric vacuum breakers ("AVBs").
 - k. The fences at Lift Station Nos. 3, 6, and 9 were not maintained in an intruder-resistant manner. Non-functional audio/visual alarms were noted at Lift Station Nos. 1, 4, and 7. Inoperable pumps were noted at Lift Station Nos. 1, 2, 6, 7, and 8. Excessive grease was noted at Lift Station No. 7, and the backup generator at Lift Station No. 9 was not functional. Due to faulty pump floats, Lift Station No. 5 required daily manual operation.
 - l. The bar screen in the influent wet well was flooded. Additionally, the influent lift station contained a heavy accumulation of grease, and influent Pump No. 2 was non-functional. Also, the wet well pumps lost prime when left on.
 - m. The equalization basin floating aerator was non-functional.
 - n. The West Chlorine Contact Basin was empty and offline due to a broken valve, and the East Chlorine Contact Basin contained floating grease.
 - o. The chlorine room had a non-functional forced air ventilation system.
 - p. The sludge wasting pumps were non-functional, and a portable pump was being used to waste sludge from the digester to the drying beds.
3. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility by March 27, 2023:
- a. Completed the needed repairs of East Clarifier No. 1;

- b. Repaired/replaced the pumps leading to the influent wet well, and brought them to full operational capacity;
- c. Replaced the bar screen; and
- d. Obtained and placed a suitable container with lid for bar screenings at the Facility headworks, in accordance with 30 TEX. ADMIN. CODE § 317.4.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010191001, Permit Conditions No. 2.d and Operational Requirements No. 1, and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision Nos. 3.d.viii and 3.f.
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0010191001, Permit Conditions No. 2.g, and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision No. 3.f.
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0010191001, Permit Conditions No. 2.g, and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision No. 3.d.iv.
5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), TPDES Permit No. WQ0010191001, Operational Requirements No. 1, and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision No. 3.d.ii.
6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5), 317.3(e)(5), and 317.3(b)(4) and TPDES Permit No. WQ0010191001, Operational Requirements Nos. 1 and 4, and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision Nos. 3.d.v, 3.d.x, 3.d.xi, and 3.d.xiii.

7. As evidenced by Finding of Fact No. 2.f, the Respondent failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.4(b)(4) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1, and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision No. 3.d.iii.
8. As evidenced by Finding of Fact No. 2.g, the Respondent failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), TPDES Permit No. WQ0010191001, Operational Requirements No. 1.
9. As evidenced by Finding of Fact No. 2.h, the Respondent failed to report any effluent violation which deviates from the permitted effluent limitations by more than 40% in writing to the TCEQ Beaumont Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A), TPDES Permit No. WQ0010191001, Monitoring and Reporting Requirements No. 7(c), and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision No. 3.a.i.
10. As evidenced by Finding of Fact No. 2.i, the Respondent failed to submit the annual sludge reports to the TCEQ Beaumont Regional Office and the Enforcement Division by September 30 of each year, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17), TPDES Permit No. WQ0010191001, Sludge Provisions, and TCEQ Agreed Order Docket No. 2018-1034-MWD-E, Ordering Provision Nos. 3.a.ii and 3.d.vi.
11. As evidenced by Finding of Fact No. 2.j, the Respondent failed to provide AVBs on all potable water washdown hoses, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 317.7(i) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1.
12. As evidenced by Finding of Fact No. 2.k, the Respondent failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1.
13. As evidenced by Finding of Fact No. 2.l, the Respondent failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1.
14. As evidenced by Finding of Fact No. 2.m, the Respondent failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1.
15. As evidenced by Finding of Fact No. 2.n, the Respondent failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1.

16. As evidenced by Finding of Fact No. 2.o, the Respondent failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1.
17. As evidenced by Finding of Fact No. 2.p, the Respondent failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010191001, Operational Requirements No. 1.
18. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
19. An administrative penalty in the amount of \$227,500 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Pursuant to TEX. WATER CODE § 7.067, \$227,500 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.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 19 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Huntington, Docket No. 2021-1169-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 Conclusion of Law No. 19. The amount of \$227,500 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. Update the Facility's operational guidance and conduct employee training to ensure:
 1. Effluent violations which deviate from the permitted limit by more than 40% are reported in writing to the TCEQ Beaumont Regional Office and the Enforcement Division within five days of becoming aware of the noncompliance; and
 2. All reporting procedures are properly accomplished for annual sludge reports.
 - ii. Clean and disinfect the area around the manhole located near 1110 Lowery Sawmill Road;
 - iii. Remove and properly dispose of the sewage debris and grease, and disinfect the area around the Lift Station No. 4 wet well;
 - iv. Install AVBs on all treatment Facility potable water spigots and at Lift Station Nos. 4 and 9, in accordance with 30 TEX. ADMIN. CODE § 317.7;
 - v. Evaluate the causes of the suspected leak and loss of prime at the influent Lift Station;
 - vi. Bring East Clarifier No. 1 back online;
 - vii. Remove and properly dispose of the heavy grease accumulation at Lift Station No. 7; and
 - viii. Submit the complete 2020 annual sludge report to the addresses listed in Ordering Provision No. 3.e below.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i through 3.a.viii, in accordance with Ordering Provision No. 3.e.
 - c. Within 60 days after the effective date of this Order:
 - i. Conduct an engineering evaluation of the Facility and wastewater collection system to determine the cause of, and necessary corrective actions to minimize or prevent, the discharge of sludge from the Facility and unauthorized discharges due to inflow and infiltration. The

evaluation shall be prepared by a Texas Registered professional engineer and shall include a plan and schedule for the completion of necessary corrective actions within 365 days after the effective date of this order;

- ii. Conduct an evaluation of the receiving stream to determine the extent of the discharge, and remove and properly dispose of sludge from the impacted area;
- iii. Repair/replace the scum box and skimmer arms in West Clarifier No. 2;
- iv. Remove and properly dispose of the algae, surface scum and grease from West Clarifier No. 2;
- v. Replace and secure the wet well lid at Lift Station No. 1. Replace and install a pump, and repair the audio/visual alarm at Lift Station No. 3, in accordance with 30 TEX. ADMIN. CODE § 317.3;
- vi. Remove and properly dispose of the excessive grease at Lift Station Nos. 3 and 4, in accordance with 30 TEX. ADMIN. CODE § 317.3;
- vii. Remove and properly dispose of the sludge and vegetation from Sludge Drying Bed No. 2 and the roll-off box;
- viii. Install a lock and repair the barbed wire on the security gate at Lift Station No. 3; repair/replace the audio/visual alarm and Pump No. 2 at Lift Station No. 1; repair/replace Pump No. 2 at Lift Station No. 2; repair the audio/visual alarm at Lift Station No. 4; repair/replace the pump float on the current pump and install a backup grinder pump at Lift Station No. 5; replace the missing boards in the security fence, and repair/replace Pump No. 2 at Lift Station No. 6; repair/replace the non-functional pump and audio/visual alarm at Lift Station No. 7; repair/replace the non-functional pump at Lift Station No. 8; and install a lock on the security gate, and replace the battery in the backup generator at Lift Station No. 9;
- ix. Repair/replace influent Lift Station Pump No. 2, and complete the needed repairs for the causes found in Ordering Provision No. 3.a.v;
- x. Remove and properly dispose of the heavy accumulation of grease from the influent Lift Station wet well;
- xi. Repair/replace the floating aerator in the equalization basin;
- xii. Replace the broken valve at the West Chlorine Contact Basin;
- xiii. Remove and properly dispose of the floating grease from the East Chlorine Contact Basin;
- xiv. Repair/replace the forced air ventilation system in the chlorine room; and

- xv. Repair/replace the sludge wasting pumps.
- d. Within 75 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, manifests, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.c.ii through 3.c.xv, in accordance with Ordering Provision No. 3.e.
- e. Within 380 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c.i. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

- 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. 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 in this Order.
9. 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.
10. 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.
11. 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.
12. 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

Kristi Mello-Jurach

For the Executive Director

09/07/2025

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]

Signature

Aug 13, 2025

Date

Bill Stewart

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

City Administrator

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: 2021-1169-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Huntington
Penalty Amount:	\$227,500
SEP Offset Amount:	\$227,500
Type of SEP:	Compliance
Project Name:	<i>WWTP Collection System Improvements</i>
Location of SEP:	Angelina County

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

1. Project Description

A. Project

Respondent shall hire a contractor to upgrade and rehabilitate two of the lift stations at the Facility. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for two lift stations and their components (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement or invitation for bids, 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 preventing wastewater discharges being released into the environment during the collection process due to overflow of the lift stations. 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

Item	Total
Lift Station #3 Rehab	\$182,114
Lift Station #4 Rehab	\$182,114
Total	\$364,228

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 380 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 or 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

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 90 days after the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 380-day timeframe set forth above in Section 2, Performance Schedule. Thereafter, Respondent shall submit progress reports to TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth below in the Reporting Schedule table:

Reporting Schedule

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
270	Actions completed during previous 90-day period
380	Notice of SEP completion

B. Final Report

Within 380 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.