

City of Gunter
RN105115125 & RN101917904
Docket No. 2022-0170-MWD-E

Order Type:
Agreed Order

Media:
MWD

Small Business:
N/A

Locations Where Violations Occurred:

Facility 1: Gunter Creek Wastewater Treatment Facility: located approximately 2,300 feet northwest of the intersection of State Highway 289 and Farm-to-Market Road 121, Gunter, Grayson County

Facility 2: Stanley Creek Wastewater Treatment Facility: located approximately 1,800 feet east of the intersection of J.C. Maples Road and Farm-to-Market Road 121, Gunter, Grayson County (the “Facilities”)

Type of Operation:
wastewater treatment facilities

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Case No. 67033

Past-Due Penalties: None

Past-Due Fees: None

Other: None

Interested Third-Parties: None

Texas Register Publication Date: June 27, 2025

Comments Received: None

Penalty Information

Total Penalty Assessed: \$28,125

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Supplemental Environmental Project

(“SEP”) Conditional Offset: \$28,125

Name of SEP: Air Monitor Installation

Compliance History Classifications:

Person/CNs – Satisfactory (CN600641690); (CN600641690)

Site/RNs – Satisfactory (RN105115125); (RN101917904)

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date(s): N/A

Date of Investigation: December 20, 2021

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

Date of NOE: January 19, 2022

City of Gunter
RN105115125 & RN101917904
Docket No. 2022-0170-MWD-E

Violation Information

Failed to maintain authorization to discharge wastewater into or adjacent to any water in the state, [TEX. WATER CODE § 26.121(a)(1) and TEX. ADMIN. CODE §§ 305.65 and 305.125(2)].

Corrective Actions/Technical Requirements

Corrective Actions Completed:

Respondent implemented the following corrective measures at the Facilities:

1. At Facility 1:
 - a. October 20, 2022, Respondent obtained authorization to discharge wastewater; and
 - b. January 2, 2023, Respondent transferred the permit to Mustang Special Utility District ("SUD").
2. At Facility 2:
 - a. October 11, 2022, Respondent transferred ownership to Mustang SUD.

Technical Requirements:

None

Litigation Information

Date Petition Filed: November 9, 2023
Date of Service: unclaimed
Settlement Date: May 12, 2025

Contact Information

TCEQ Attorneys: Marilyn Norrod, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

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

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

TCEQ Enforcement Coordinator: Sarah Castillo, Enforcement Division, (817) 588-5865

TCEQ Regional Contact: Erin Gorman, Dallas/Fort Worth Regional Office, (817) 588-5800

Respondent Contact: Mark A. Milar, Mayor, City of Gunter, P.O. Box 349, Gunter, Texas 75058-0349

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	31-Jan-2022	Screening	2-Feb-2022	EPA Due	
	PCW	11-Aug-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Gunter	
Reg. Ent. Ref. No.	RN105115125	
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No.	61899	No. of Violations	1
Docket No.	2022-0170-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Cheryl Thompson
		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	\$12,500
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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	35.0%	Adjustment	Subtotals 2, 3, & 7	\$4,375
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Notes: Enhancement for three months of self-reported effluent violations and one order containing a denial of liability

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

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	\$1,284
Estimated Cost of Compliance	\$25,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$16,875
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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

Final Penalty Amount	\$16,875
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$16,875
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DEFERRAL		Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$16,875
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Screening Date	2-Feb-2022	Docket No.	2022-0170-MWD-E	PCW
Respondent	City of Gunter			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61899			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN105115125			
Media	Water Quality			
Enf. Coordinator	Cheryl Thompson			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 35%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

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

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 35%

Screening Date 2-Feb-2022 Respondent City of Gunter Case ID No. 61899 Reg. Ent. Reference No. RN105115125 Media Water Quality Enf. Coordinator Cheryl Thompson Violation Number 1	Docket No. 2022-0170-MWD-E Rule Cite(s) Tex. Admin. Code §§ 305.65 and 305.125(2) and Tex. Water Code § 26.121(a)(1)	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																
Violation Description Failed to maintain authorization to discharge wastewater into or adjacent to any water in the state. Specifically, the Texas Pollutant Discharge Elimination System Permit No. WQ0010569002 expired on October 1, 2021, and the Respondent continued to operate the wastewater treatment facility without authorization.																		
Base Penalty		\$25,000																
>> Environmental, Property and Human Health Matrix																		
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <td>Release</td> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </table>		Harm			Release	Major	Moderate	Minor	Actual				Potential				Percent 0.0%
		Harm																
	Release	Major	Moderate	Minor														
Actual																		
Potential																		
>> Programmatic Matrix																		
	<table border="1" style="margin: auto;"> <tr> <td></td> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td>Falsification</td> <td>x</td> <td></td> <td></td> </tr> </table>		Major	Moderate	Minor	Falsification	x			Percent 10.0%								
	Major	Moderate	Minor															
Falsification	x																	
Matrix Notes	100% of the rule requirements were not met.																	
Adjustment		\$22,500																
		\$2,500																
Violation Events																		
Number of Violation Events 5		124 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>x</td></tr> <tr><td>quarterly</td><td></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	x	quarterly		semiannual		annual		single event		Violation Base Penalty \$12,500		
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Five monthly events are recommended from the October 1, 2021 permit expiration date to the February 2, 2022 screening date.																		
Good Faith Efforts to Comply		0.0% Reduction \$0																
	<table border="1" style="margin: auto;"> <tr> <td></td> <th>Before NOE/NOV</th> <th>NOE/NOV to EDPRP/Settlement Offer</th> </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>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		\$12,500																
Economic Benefit (EB) for this violation																		
Estimated EB Amount		\$1,284																
Statutory Limit Test		\$16,875																
Violation Final Penalty Total		\$16,875																
This violation Final Assessed Penalty (adjusted for limits)		\$16,875																

Economic Benefit Worksheet

Respondent City of Gunter
Case ID No. 61899
Reg. Ent. Reference No. RN105115125
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$25,000	1-Oct-2021	11-Oct-2022	1.03	\$1,284	n/a	\$1,284
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to prepare and submit an application and to obtain authorization to discharge wastewater. The Date Required is the date the permit expired, and the Final Date is the date ownership was transferred to Mustang SUD compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$1,284



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	31-Jan-2022	Screening	2-Feb-2022	EPA Due	
	PCW	11-Aug-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Gunter
Reg. Ent. Ref. No.	RN101917904
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	61899	No. of Violations	1
Docket No.	2022-0170-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Cheryl Thompson
		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	\$12,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for Compliance History.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,250
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,315
Estimated Cost of Compliance	\$25,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$11,250
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,250
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$11,250
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Screening Date	2-Feb-2022	Docket No.	2022-0170-MWD-E	PCW
Respondent	City of Gunter			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61899			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101917904			
Media	Water Quality			
Enf. Coordinator	Cheryl Thompson			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 2-Feb-2022 Respondent City of Gunter Case ID No. 61899 Reg. Ent. Reference No. RN101917904 Media Water Quality Enf. Coordinator Cheryl Thompson Violation Number 1	Docket No. 2022-0170-MWD-E Rule Cite(s) Tex. Admin. Code §§ 305.65 and 305.125(2) and Tex. Water Code § 26.121(a)(1)	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																
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Notes	The Respondent achieved compliance by October 20, 2022.																	
Violation Subtotal		\$11,250																
Economic Benefit (EB) for this violation																		
Estimated EB Amount		\$1,315																
Violation Final Penalty Total		\$11,250																
This violation Final Assessed Penalty (adjusted for limits)		\$11,250																

Economic Benefit Worksheet

Respondent City of Gunter
Case ID No. 61899
Reg. Ent. Reference No. RN101917904
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$25,000	1-Oct-2021	20-Oct-2022	1.05	\$1,315	n/a	\$1,315
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to prepare and submit an application and to obtain authorization to discharge wastewater. The Date Required is the date the permit expired, and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$1,315

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN600641690, RN105115125, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN600641690, City of Gunter **Classification:** SATISFACTORY **Rating:** 1.36

Regulated Entity: RN105115125, CITY OF GUNTER WWTP **Classification:** SATISFACTORY **Rating:** 3.79

Complexity Points: 2

CH Group: 08 - Sewage Treatment Facilities **Repeat Violator:** NO

Location: Approximately 1,800 feet east of the intersection of J.C. Maples Road and Farm-to-Market Road 121, in the City of Gunter, Grayson County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

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

Date Compliance History Report Prepared: March 12, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 12, 2018 to March 12, 2023

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

Name: Cheryl Thompson **Phone:** (817) 588-5865

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: 10/16/2018 ADMINORDER 2017-1600-MWD-E (1660 Order-Agreed Order With Denial)
- Classification: Moderate
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
- 30 TAC Chapter 305, SubChapter F 305.125(1)
- Rqmt Prov: Effluent Limits PERMIT
- Description: failed to comply with permitted effluent limitations.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 20, 2018	(1502769)	Item 8	April 19, 2019	(1573957)
Item 2	June 20, 2018	(1509862)	Item 9	July 15, 2019	(1595328)
Item 3	July 20, 2018	(1516184)	Item 10	November 14, 2019	(1621179)
Item 4	September 17, 2018	(1529421)	Item 11	January 16, 2020	(1636138)
Item 5	September 30, 2018	(1522226)	Item 12	November 17, 2021	(1785690)
Item 6	December 19, 2018	(1547304)	Item 13	December 17, 2021	(1792739)
Item 7	February 19, 2019	(1566126)	Item 14	January 17, 2022	(1800576)

Item 15	February 16, 2022	(1808404)	Item 20	June 20, 2022	(1837165)
Item 16	March 14, 2022	(1815453)	Item 21	July 20, 2022	(1844350)
Item 17	April 18, 2022	(1822015)	Item 22	August 18, 2022	(1850561)
Item 18	May 16, 2022	(1830917)	Item 23	November 16, 2022	(1871539)
Item 19	June 15, 2022	(1823427)	Item 24	December 19, 2022	(1877401)

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: 08/31/2022 (1858291) | | |
| | 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: 09/30/2022 (1864628) | | |
| | Self Report? YES | Classification: | Moderate |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| | | | |
| 3 | Date: 12/31/2022 (1884207) | | |
| | 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

Component Appendices**Appendix A****All NOVs Issued During Component Period 3/12/2018 and 3/12/2023**

- | | | | |
|---|--|-----------------|----------|
| 1 | Date: 02/28/2018 (1492509) | | |
| | 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: 03/31/2018 (1495813) | | |
| | 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: 09/30/2018 (1535728)		
	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: 10/31/2018 (1543600)		
	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: 12/31/2018 (1566128)		
	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		
6	Date: 02/28/2019 (1566127)		
	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		
7	Date: 04/30/2019 (1587502)		
	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		
8	Date: 05/31/2019 (1587503)		
	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		
9	Date: 07/31/2019 (1601597)		
	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		
10	Date: 08/31/2019 (1608504)		
	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		

11	Date: 09/30/2019 (1615378)		CH 1 of 2
	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		
12	Date: 11/07/2019 (1592701)		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(5) Operational Requirements No. 1 PERMIT		
	Description: Failure to properly maintain the treatment systems.		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Permit Sludge Provisions IV (C) PERMIT		
	Description: Failed to accurately complete the annual sludge report.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Monitoring & Reporting Requirements PERMIT		
	Description: Failed to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%. Specifically, during the record review period of May 2015 to September 2019, nine violations which exceeded the permitted limit by more than 40% were noted.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.126(a) Operational Requirements, No. 8.a PERMIT		
	Description: Failed to obtain authorization to commence construction of the necessary additional treatment and/or collection facilities when the daily average or annual average flow reaches 90% of the permitted average daily flow for three consecutive months. Specifically, the daily average flow was at least 90% of the permitted flow limit during the months of September 2018 through December 2018 and March 2019 through May 2019.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limits & Monitoring Requirement PERMIT		
	Description: Failed to maintain compliance with the permitted effluent limits. Specifically, during the record review period of May 2015 to September 2019, the daily average flow limit of 0.03 MGD was exceeded 7 times on February 2018, March 2018, September 2018, October 2018, December 2018, April 2019, and May 2019.		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 217, SubChapter C 217.63(a) TX0129224 PERMIT WQ0010569002 PERMIT		
	Description: Failed to provide the required posted emergency information at the lift station.		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(5) Operational Requirements No. 1 PERMIT		
	Description: Failed to properly operate and maintain the facility.		
13	Date: 11/30/2019 (1628517)		
	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		

14	Date: 01/31/2020 (1642760)		
	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		
15	Date: 02/29/2020 (1649263)		
	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		
16	Date: 03/31/2020 (1655629)		
	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		
17	Date: 04/30/2020 (1662172)		
	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		
18	Date: 05/31/2020 (1668715)		
	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		
19	Date: 06/30/2020 (1675665)		
	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		
20	Date: 07/31/2020 (1682437)		
	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		
21	Date: 08/31/2020 (1689002)		
	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		
22	Date: 09/30/2020 (1695367)		
	Self Report? YES	Classification: Moderate	

	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

	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

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

	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

	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

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

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

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

31	Date: 06/30/2021 (1753755)		
	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		
32	Date: 07/31/2021 (1759136)		
	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		
33	Date: 08/31/2021 (1768511)		
	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		
34*	Date: 09/30/2021 (1779263)		
	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		
35*	Date: 08/31/2022 (1858291)		
	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		
36	Date: 09/30/2022 (1864628)		
	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		
37	Date: 12/31/2022 (1884207)		
	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		

* NOVs applicable for the Compliance History rating period 9/1/2017 to 8/31/2022

Appendix B

All Investigations Conducted During Component Period March 12, 2018 and March 12, 2023

Item 1 March 15, 2018** (1492509)

Item 2	April 20, 2018**	(1495813)
Item 3*	May 20, 2018**	(1502769)
Item 4*	June 20, 2018**	(1509862)
Item 5*	July 20, 2018**	(1516184)
Item 6*	September 17, 2018**	(1529421)
Item 7*	September 30, 2018**	(1522226)
Item 8	October 20, 2018**	(1535728)
Item 9	November 19, 2018**	(1543600)
Item 10*	December 19, 2018**	(1547304)
Item 11	January 19, 2019**	(1566128)
Item 12*	February 19, 2019**	(1566126)
Item 13	March 19, 2019**	(1566127)
Item 14*	April 19, 2019**	(1573957)
Item 15	May 18, 2019**	(1587502)
Item 16	June 18, 2019**	(1587503)
Item 17*	July 15, 2019**	(1595328)
Item 18	September 16, 2019**	(1601597)
Item 19	October 17, 2019**	(1615378)
Item 20	October 31, 2019**	(1592701)
Item 21*	November 14, 2019**	(1621179)
Item 22	December 11, 2019**	(1613105)
Item 23	December 16, 2019**	(1628517)
Item 24*	January 16, 2020**	(1636138)
Item 25	February 11, 2020**	(1629986)
Item 26	February 17, 2020**	(1642760)
Item 27	March 19, 2020**	(1649263)
Item 28	April 16, 2020**	(1655629)
Item 29	May 01, 2020**	(1645861)
Item 30	May 15, 2020**	(1662172)
Item 31	June 11, 2020**	(1668715)
Item 32	July 16, 2020**	(1675665)
Item 33	August 13, 2020**	(1682437)
Item 34	September 11, 2020**	(1689002)
Item 35	October 19, 2020**	(1695367)
Item 36	November 20, 2020**	(1718698)
Item 37	December 15, 2020**	(1718699)
Item 38	January 18, 2021**	(1718700)
Item 39	February 18, 2021**	(1731761)
Item 40	March 18, 2021**	(1731762)
Item 41	April 15, 2021**	(1731763)
Item 42	May 19, 2021**	(1743163)
Item 43	June 18, 2021**	(1748642)
Item 44	July 15, 2021**	(1753755)
Item 45	August 17, 2021**	(1759136)
Item 46	September 13, 2021**	(1768511)
Item 47	October 19, 2021**	(1779263)
Item 48*	November 17, 2021**	(1785690)
Item 49*	December 17, 2021**	(1792739)

Item 50*	January 17, 2022**	(1800576)
Item 51	January 25, 2022**	(1781919)
Item 52*	February 16, 2022**	(1808404)
Item 53*	March 14, 2022**	(1815453)
Item 54*	April 18, 2022**	(1822015)
Item 55*	May 16, 2022**	(1830917)
Item 56*	June 15, 2022**	(1823427)
Item 57*	June 20, 2022**	(1837165)
Item 58*	July 20, 2022**	(1844350)
Item 59*	August 18, 2022**	(1850561)
Item 60	September 19, 2022	(1858291)
Item 61	October 11, 2022	(1864628)
Item 62*	November 16, 2022	(1871539)
Item 63*	December 19, 2022	(1877401)
Item 64	January 18, 2023	(1884207)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2017 and 08/31/2022.

The TCEQ is committed to accessibility.

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Compliance History Report

Compliance History Report for CN600641690, RN101917904, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN600641690, City of Gunter **Classification:** SATISFACTORY **Rating:** 1.36

Regulated Entity: RN101917904, CITY OF GUNTER **Classification:** SATISFACTORY **Rating:** 0.33

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

CH Group: 08 - Sewage Treatment Facilities

Location: Adjacent to the St. Louis-San Francisco and Texas Railway, approximately 2,300 feet northwest of the intersection of State Highway 289 and Farm-to-Market Road 121, in the City of Gunter, Grayson County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
WASTEWATER EPA ID TX0142280 **WASTEWATER** PERMIT WQ0010569003

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

Date Compliance History Report Prepared: March 12, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 12, 2018 to March 12, 2023

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Cheryl Thompson **Phone:** (817) 588-5865

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	March 15, 2018	(1490806)	Item 12	June 18, 2019	(1584023)
Item 2	April 20, 2018	(1494056)	Item 13	July 15, 2019	(1593546)
Item 3	May 20, 2018	(1501000)	Item 14	October 17, 2019	(1613620)
Item 4	July 20, 2018	(1514423)	Item 15	November 15, 2019	(1619434)
Item 5	September 17, 2018	(1527645)	Item 16	January 16, 2020	(1634428)
Item 6	September 30, 2018	(1520475)	Item 17	February 17, 2020	(1641044)
Item 7	October 20, 2018	(1534005)	Item 18	June 11, 2020	(1666998)
Item 8	December 19, 2018	(1545609)	Item 19	July 16, 2020	(1673947)
Item 9	January 19, 2019	(1560829)	Item 20	August 13, 2020	(1680726)
Item 10	March 07, 2019	(1560827)	Item 21	September 14, 2020	(1687295)
Item 11	May 18, 2019	(1584022)	Item 22	November 19, 2020	(1713597)
			Item 23	December 15, 2020	(1713598)

Item 24	January 18, 2021	(1713599)	Item 33	June 20, 2022	(1835469)
Item 25	August 17, 2021	(1757539)	Item 34	July 20, 2022	(1842672)
Item 26	October 14, 2021	(1777212)	Item 35	August 18, 2022	(1848802)
Item 27	November 15, 2021	(1784005)	Item 36	September 19, 2022	(1856602)
Item 28	December 17, 2021	(1791037)	Item 37	October 11, 2022	(1862960)
Item 29	January 17, 2022	(1798824)	Item 38	November 16, 2022	(1869873)
Item 30	February 16, 2022	(1806700)	Item 39	December 19, 2022	(1875722)
Item 31	April 18, 2022	(1820337)	Item 40	December 28, 2022	(1877864)
Item 32	May 17, 2022	(1829179)	Item 41	January 18, 2023	(1884676)

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices**Appendix A****All NOVs Issued During Component Period 3/12/2018 and 3/12/2023**

1	Date: 05/31/2018 (1508090)		
	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: 08/22/2018 (1504179)		
	Self Report? NO	Classification: Moderate	
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a)(1)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failed to prevent the unauthorized discharge of wastewater.		
	Self Report? NO	Classification: Moderate	
	Citation:		
	30 TAC Chapter 317 317.4(a)(8)		
	Description: Annual test certificates for the reduced-pressure principal backflow prevention assembly (RPBA) were not available for review during the inspection.		
	Self Report? NO	Classification: Minor	
	Citation:		
	30 TAC Chapter 317 317.7(e)		
	Description: Failure to provide complete plant protection.		
3	Date: 10/31/2018 (1541837)		

12	Date: 09/30/2020 (1693635)		
	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		
13	Date: 01/31/2021 (1726661)		
	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		
14	Date: 02/28/2021 (1726662)		
	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		
15	Date: 03/31/2021 (1726663)		
	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		
16	Date: 04/30/2021 (1740636)		
	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		
17	Date: 05/31/2021 (1740637)		
	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		
18	Date: 06/30/2021 (1752085)		
	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		
19	Date: 08/31/2021 (1766652)		
	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

20* Date: 02/28/2022 (1813765)

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

* NOVs applicable for the Compliance History rating period 9/1/2017 to 8/31/2022

Appendix B

All Investigations Conducted During Component Period March 12, 2018 and March 12, 2023

Item 1*	March 15, 2018**	(1490806)
Item 2*	April 20, 2018**	(1494056)
Item 3*	May 20, 2018**	(1501000)
Item 4	June 20, 2018**	(1508090)
Item 5*	July 20, 2018**	(1514423)
Item 6	August 20, 2018**	(1504179)
Item 7*	September 17, 2018**	(1527645)
Item 8*	September 30, 2018**	(1520475)
Item 9	October 12, 2018**	(1519394)
Item 10*	October 20, 2018**	(1534005)
Item 11	November 19, 2018**	(1541837)
Item 12*	December 19, 2018**	(1545609)
Item 13*	January 19, 2019**	(1560829)
Item 14*	March 07, 2019**	(1560827)
Item 15	March 19, 2019**	(1560828)
Item 16	April 19, 2019**	(1572208)
Item 17*	May 18, 2019**	(1584022)
Item 18*	June 18, 2019**	(1584023)
Item 19*	July 15, 2019**	(1593546)
Item 20	August 16, 2019**	(1599876)
Item 21	September 19, 2019**	(1606777)
Item 22*	October 17, 2019**	(1613620)
Item 23*	November 15, 2019**	(1619434)
Item 24	December 16, 2019**	(1626787)
Item 25*	January 16, 2020**	(1634428)
Item 26*	February 17, 2020**	(1641044)
Item 27	March 17, 2020**	(1647562)
Item 28	April 16, 2020**	(1653904)
Item 29	May 15, 2020**	(1660485)
Item 30*	June 11, 2020**	(1666998)
Item 31*	July 16, 2020**	(1673947)
Item 32*	August 13, 2020**	(1680726)
Item 33*	September 14, 2020**	(1687295)
Item 34	October 15, 2020**	(1693635)
Item 35*	November 19, 2020**	(1713597)
Item 36*	December 15, 2020**	(1713598)
Item 37*	January 18, 2021**	(1713599)

Item 38	February 17, 2021**	(1726661)
Item 39	March 18, 2021**	(1726662)
Item 40	April 15, 2021**	(1726663)
Item 41	May 19, 2021**	(1740636)
Item 42	June 16, 2021**	(1740637)
Item 43	July 15, 2021**	(1752085)
Item 44*	August 17, 2021**	(1757539)
Item 45	September 13, 2021**	(1766652)
Item 46*	October 14, 2021**	(1777212)
Item 47*	November 15, 2021**	(1784005)
Item 48*	December 17, 2021**	(1791037)
Item 49*	January 17, 2022**	(1798824)
Item 50	January 25, 2022**	(1781838)
Item 51*	February 16, 2022**	(1806700)
Item 52	March 10, 2022**	(1813765)
Item 53*	April 18, 2022**	(1820337)
Item 54*	May 17, 2022**	(1829179)
Item 55*	June 20, 2022**	(1835469)
Item 56*	July 20, 2022**	(1842672)
Item 57*	August 18, 2022**	(1848802)
Item 58*	September 19, 2022	(1856602)
Item 59*	October 11, 2022	(1862960)
Item 60*	November 16, 2022	(1869873)
Item 61*	December 19, 2022	(1875722)
Item 62*	December 28, 2022	(1877864)
Item 63*	January 18, 2023	(1884676)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2017 and 08/31/2022.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT
ACTION CONCERNING
CITY OF GUNTER;
RN105115125 AND RN101917904

§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2022-0170-MWD-E

I. JURISDICTION AND STIPULATIONS

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

1. Respondent owned and operated wastewater treatment facilities ("the Facilities"). The Facilities are near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
 - a. The Gunter Creek Wastewater Treatment Facility ("Facility 1") (RN101917904) is located adjacent to the St. Louis-San Francisco and Texas Railway, approximately 2,300 feet northwest of the intersection of State Highway 289 and Farm-to-Market Road 121 in the City of Gunter, in Grayson County, Texas.
 - b. The Stanley Creek Wastewater Treatment Facility ("Facility 2") (RN105115125) is located approximately 1,800 feet east of the intersection of J.C. Maples Road and Farm-to-Market Road 121 in the City of Gunter, Grayson County, Texas.
2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$28,125 is assessed by the Commission in settlement of the violations alleged in Section II. Pursuant to TEX. WATER CODE § 7.067, \$28,125 of the penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A" - incorporated herein by reference). 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 any payment schedule and the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.
5. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions contained in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon full compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facilities:
 - a. At Facility 1:
 - i. By October 20, 2022, Respondent obtained authorization to discharge wastewater;
 - ii. By January 2, 2023, Respondent transferred the permit to Mustang Special Utility District ("SUD"); and
 - b. At Facility 2: By October 11, 2022, Respondent transferred ownership to Mustang SUD.

II. ALLEGATIONS

During a record review at Facilities 1 and 2 conducted on December 20, 2021, an investigator documented that Respondent failed to maintain authorization to discharge wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1) and TEX. ADMIN. CODE §§ 305.65 and 305.125(2). Specifically, the Texas Pollutant Discharge Elimination System ("TPDES") Permit Nos. WQ0010569001 and WQ0010569002 expired on October 1, 2021, and Respondent continued to operate the wastewater treatment facilities without authorization.

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondent's compliance with all of the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: City of Gunter, Docket No. 2022-0170-MWD-E" to:

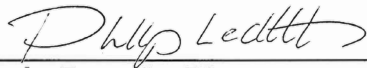
Financial Administration Division
Revenue Operations Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

2. Respondent shall implement and complete a SEP as set forth in Section 1, Paragraph 4. The amount of \$28,125 of the assessed administrative penalty is conditionally offset based on Respondent's implementation and completion of a SEP pursuant to the terms and conditions contained in 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. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date

July 7, 2025

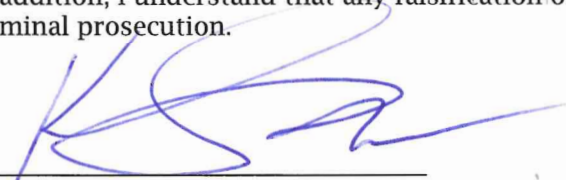
Date

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 in this Order and/or failure to timely pay the penalty amount may result in:

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

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



Signature -Karen Souther, Mayor
City of Gunter
P.O. Box 349
Gunter, Texas 75058-0349

Date

5/12/25

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

ATTACHMENT A

Attachment A

Docket Number: 2022-0170-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Gunter
Penalty Amount:	\$28,125
SEP Offset Amount:	\$28,125
Type of SEP:	Custom
Project Name:	<i>Air Monitor Installation</i>
Location of SEP:	Grayson 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.

1. Project Description

A. Project

Respondent shall hire a contractor to purchase and install an air monitoring system, that utilizes sensors to collect air quality data, within Gunter, Texas city limits. The sensors will provide measurements of airborne particulate count, size, mass concentration, wind direction and speed, humidity, pressure, carbon dioxide, and ozone. The data will be made available in real-time via the University of Texas at Dallas open online portal. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for an air monitoring system (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

Air monitoring systems provide real-time data on pollutants, allowing communities and industries to identify sources of contamination and take targeted actions to reduce emissions. By monitoring harmful particulates, they help protect public health by preventing respiratory issues, cardiovascular diseases, and other pollution-related illnesses. Overall, these systems empower informed decision-making for cleaner air and healthier environments.

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
MINTS-AI Sensing Air Monitor System	\$22,500
Tower Mount	\$9,150
Electrical	\$750
Install/Labor	\$1,650
Total	\$34,050

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 365 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 365-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
365	Notice of SEP completion

B. Final Report

Within 365 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.