

Executive Summary – Enforcement Matter – Case No. 62140

City of Orange Grove

RN101920171

Docket No. 2022-0387-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Orange Grove WWTF, 790 County Road 351, Orange Grove, Jim Wells County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 10, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$54,225

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$54,225

Name of SEP: WWTP Improvements (Compliance)

Compliance History Classifications:

Person/CN - High

Site/RN - High

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: January 12, 2022

Date(s) of NOE(s): March 25, 2022

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City of Orange Grove

RN101920171

Docket No. 2022-0387-MWD-E

Violation Information

1. Failed to ensure at all times that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010592001, Operational Requirements No. 1].

2. Failed to maintain compliance with permitted effluent limitations [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010592001, Effluent Limitations and Monitoring Requirements Nos. 2 and 6].

3. Failed to prevent the discharge of sludge into the receiving stream [30 TEX. ADMIN. CODE § 305.125(1), and (4), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010592001 Permit Conditions No. 2.d].

4. Failed to properly analyze effluent samples according to the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(b) and TPDES Permit No. WQ0010592001, Monitoring and Reporting Requirements No. 2.a].

5. Failed to complete the annual sludge report correctly [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010592001, Sludge Provisions, Section III. G. Reporting Requirements Nos. 6 and 9].

6. Failed to prevent the unauthorized discharge of sewage into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN CODE § 305.125(1) and (5), and TPDES Permit No. WQ0010592001, Permit Conditions No. 2.g and Operational Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By January 12, 2022, the Respondent repaired the activated sludge pumps.

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. Immediately:

i. Remove and properly dispose of sludge from the receiving stream. Remove excess solids from the bar screen bypass and Clarifier No. 2;

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City of Orange Grove

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- ii. Begin analyzing dissolved oxygen samples within the maximum holding time of 15 minutes; and
 - iii. Cease the unauthorized discharge of wastewater around the intake structure, take necessary corrective actions to eliminate the unauthorized discharge of untreated wastewater and clean and disinfect the area around the aeration basin intake structure.
- b. Within 15 days, submit written certification of compliance with a.
- c. Within 30 days:
- i. Update the Facility's operational guidance and conduct employee training to ensure that: steps are taken to minimize or prevent any discharge of sludge into the receiving stream, dissolved oxygen samples are analyzed within the maximum holding time, and all sludge reporting requirements are met;
 - ii. Repair or replace the on-site lift station pump and the bar screen bypass; and
 - iii. Repair or replace Clarifier No. 1.
- d. Within 45 days, submit written certification of compliance with c.
- e. Within 130 days, submit written certification to demonstrate compliance with the permitted effluent limitations of TPDES Permit No. WQ0010592001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mistie Gonzales, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3056; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

Respondent: The Honorable Carl D. Srp, Mayor, City of Orange Grove, P.O. Box 1350, Orange Grove, Texas 78372

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	28-Mar-2022	Screening	29-Mar-2022	EPA Due	
	PCW	30-Mar-2022				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Orange Grove
Reg. Ent. Ref. No.	RN101920171
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	62140	No. of Violations	6
Docket No.	2022-0387-MWD-E	Order Type	Findings
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	\$60,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$6,025
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Notes Reduction for High Performer Classification.

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 \$5,722
Estimated Cost of Compliance \$60,575
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$54,225
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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	\$54,225
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$54,225
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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.

PAYABLE PENALTY	\$54,225
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Screening Date	29-Mar-2022	Docket No.	2022-0387-MWD-E	PCW
Respondent	City of Orange Grove	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	62140	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN101920171			
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)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer Classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 29-Mar-2022 Respondent City of Orange Grove Case ID No. 62140 Reg. Ent. Reference No. RN101920171 Media Water Quality Enf. Coordinator Cheryl Thompson	Docket No. 2022-0387-MWD-E	PCW <small>Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021</small>
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Violation Number	1	
Rule Cite(s)		30 Tex. Admin. Code § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010592001, Operational Requirements No. 1
Violation Description		Failed to ensure at all times that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, one on-site lift station pump was inoperable. The barscreen bypass was inoperable and contained excessive solids. Clarifier No. 1 was inoperable, and Clarifier No. 2 contained excessive amounts of floating solids. In addition, the plant was in upset condition due to a return activated sludge pump failure, and treatment units were shut down.

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

OR	Release	Harm			
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="15.0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Percent <input type="text" value="0.0%"/>				

Matrix Notes	Human health or the environment 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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Adjustment	\$3,750
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Violation Events

Number of Violation Events <input type="text" value="3"/>	<input type="text" value="76"/>	Number of violation days
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	daily	<input type="text"/>	
	weekly	<input type="text"/>	
	monthly	<input type="text" value="x"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

Violation Base Penalty	\$11,250
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Three monthly events are recommended from the January 12, 2022 investigation date to the March 29, 2022 screening date.

Good Faith Efforts to Comply

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

Violation Subtotal	\$11,250
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$305	Statutory Limit Test
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Violation Final Penalty Total	\$10,125
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This violation Final Assessed Penalty (adjusted for limits)	\$10,125
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Economic Benefit Worksheet

Respondent City of Orange Grove
Case ID No. 62140
Reg. Ent. Reference No. RN101920171
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	\$2,000	12-Jan-2022	12-Jan-2022	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-Jan-2022	29-Nov-2023	1.88	\$23	n/a	\$23
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,000	12-Jan-2022	29-Nov-2023	1.88	\$282	n/a	\$282

Notes for DELAYED costs

Estimated Equipment cost to repair the return activated sludge pumps. The Date Required is the investigation date, and the Final Date is the date of compliance.

Estimated Other cost to remove and properly dispose of solids from the barscreen bypass and Clarifier No. 2, repair or replace Clarifier No. 1, and to repair or replace the on-site lift station pump and barscreen bypass. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

Estimated Training/Sampling cost to update the Facility's operational guidance and conduct employee training to ensure that: steps are taken to minimize or prevent any discharge of sludge into the receiving stream, dissolved oxygen ("DO") samples are analyzed within the maximum holding time, and all sludge reporting requirements are met. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,250

TOTAL

\$305

Screening Date 29-Mar-2022 Respondent City of Orange Grove Case ID No. 62140 Reg. Ent. Reference No. RN101920171 Media Water Quality Enf. Coordinator Cheryl Thompson	Docket No. 2022-0387-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	
Rule Cite(s)		30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010592001, Effluent Limitations Monitoring Requirements Nos. 2 and 6
Violation Description		Failed to maintain compliance with permitted effluent limitations. Specifically, a total chlorine residual reading of 0.21 milligrams per liter ("mg/L") was not compliant with the minimum limit of 1.0 mg/L. In addition, the DO reading of 2.96 mg/L was not compliant with the single grab minimum limit of 4.0 mg/L.

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

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

Number of Violation Events	1	76	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				

Violation Base Penalty	\$3,750
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	One quarterly event is recommended from the January 12, 2022 investigation date to the March 29, 2022 screening date.
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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	\$3,750
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$2,692	Statutory Limit Test
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Violation Final Penalty Total	\$3,375
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This violation Final Assessed Penalty (adjusted for limits)	\$3,375
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Economic Benefit Worksheet

Respondent City of Orange Grove
Case ID No. 62140
Reg. Ent. Reference No. RN101920171
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	12-Jan-2022	8-Mar-2024	2.15	\$2,692	n/a	\$2,692
Notes for DELAYED costs	Estimated delayed cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$25,000	TOTAL	\$2,692
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Screening Date 29-Mar-2022 Respondent City of Orange Grove Case ID No. 62140 Reg. Ent. Reference No. RN101920171 Media Water Quality Enf. Coordinator Cheryl Thompson	Docket No. 2022-0387-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	3	Rule Cite(s)	
		30 Tex. Admin. Code § 305.125(1) and (4), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010592001 Permit Condition No. 2.d	
Violation Description	Failed to prevent the discharge of sludge into the receiving stream. Specifically, sludge and blood worms were observed in the receiving stream. Both were observed at least 400 yards downstream of the outfall, and settled sludge was several feet in depth at the deepest observable location.		
Base Penalty		\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	x			Percent 50.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or the environment as a result of this violation.				
Adjustment					\$12,500

\$12,500

Violation Events

Number of Violation Events	3	76	Number of violation days
	daily		
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		
Violation Base Penalty			
\$37,500			
Three monthly events are recommended from the January 12, 2022 investigation date to the March 29, 2022 screening date.			

Good Faith Efforts to Comply

	0.0%		
	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		\$37,500	

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$449
Violation Final Penalty Total	\$33,750
This violation Final Assessed Penalty (adjusted for limits)	
\$33,750	

Economic Benefit Worksheet

Respondent City of Orange Grove
Case ID No. 62140
Reg. Ent. Reference No. RN101920171
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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	12-Jan-2022	30-Oct-2023	1.80	\$449	n/a	\$449
Estimated cost to remove and properly dispose of sludge from the receiving stream. The Date Required is the investigation date, and the Final Date is the estimated date of compliance. Training/Sampling cost included in Economic Benefit Violation No. 1.							
Notes for DELAYED costs							

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 \$5,000

TOTAL \$449

Screening Date 29-Mar-2022 Respondent City of Orange Grove Case ID No. 62140 Reg. Ent. Reference No. RN101920171 Media Water Quality Enf. Coordinator Cheryl Thompson	Docket No. 2022-0387-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 319.11(b) and TPDES Permit No. WQ0010592001, Monitoring and Reporting Requirements No. 2.a
Violation Description		Failed to properly analyze effluent samples according to the permit. Specifically, the Respondent failed to analyze DO effluent samples within the required holding time on January 20, 2021; May 20, 2021; July 7, 2021; July 22, 2021; and August 5, 2021.

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

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$24,250
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	\$750
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Violation Events

Number of Violation Events	5	5	Number of violation days
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	daily					
	weekly					
	monthly					
	quarterly					
	semiannual					
	annual					
	single event	x				

Violation Base Penalty	\$3,750
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Five single events are recommended, one event for January 20, 2021, May 20, 2021, July 7, 2021, July 22, 2021, and August 5, 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	\$3,750
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$2	
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Statutory Limit Test

Violation Final Penalty Total	\$3,375
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This violation Final Assessed Penalty (adjusted for limits)	\$3,375
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Economic Benefit Worksheet

Respondent City of Orange Grove
Case ID No. 62140
Reg. Ent. Reference No. RN101920171
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$25	12-Jan-2022	30-Oct-2023	1.80	\$2	n/a	\$2
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
Estimated cost to begin analyzing DO samples within the maximum holding time of 15 minutes. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.							
Notes for DELAYED costs Training cost included in Economic Benefit Violation No. 1.							

Avoided Costs

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

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

Approx. Cost of Compliance \$25

TOTAL \$2

Screening Date 29-Mar-2022 Respondent City of Orange Grove Case ID No. 62140 Reg. Ent. Reference No. RN101920171 Media Water Quality Enf. Coordinator Cheryl Thompson	Docket No. 2022-0387-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
--	-----------------------------------	--

Violation Number	5	
Rule Cite(s)		30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010592001, Sludge Provisions, Section III. G. Reporting Requirements Nos. 6 and 9
Violation Description		Failed to complete the annual sludge report correctly. Specifically, the 2021 sludge report did not contain the type of disposal utilized by the Facility and did not include a certification statement indicating that sewage sludge meets the requirements of 30 Tex. Admin. Code ch. 330.

Base Penalty	\$25,000
---------------------	----------

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				x	Percent 1.0%

Matrix Notes	Less than 30% of the rule requirement was not met.
--------------	--

Adjustment	\$24,750
-------------------	----------

	\$250
--	-------

Violation Events

Number of Violation Events	1	76	Number of violation days
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	daily		Violation Base Penalty \$250
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

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

Estimated EB Amount	\$0	Violation Final Penalty Total	\$225
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This violation Final Assessed Penalty (adjusted for limits)	\$225
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Economic Benefit Worksheet

Respondent City of Orange Grove
Case ID No. 62140
Reg. Ent. Reference No. RN101920171
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Training/Sampling cost included in Economic Benefit Violation No. 1.						

Avoided Costs

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

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

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 29-Mar-2022 Respondent City of Orange Grove Case ID No. 62140 Reg. Ent. Reference No. RN101920171 Media Water Quality Enf. Coordinator Cheryl Thompson	Docket No. 2022-0387-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)	
		Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0010592001, Permit Conditions No. 2.g and Operational Requirements No. 1	
Violation Description		Failed to prevent the unauthorized discharge of sewage into or adjacent to any water in the state, Specifically, excessive splashing at the aeration basin intake structure resulted in the discharge of wastewater to the ground.	

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> 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.
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Adjustment \$21,250
\$3,750

Violation Events

Number of Violation Events	1	76	Number of violation days
----------------------------	--	---	--------------------------

	daily		Violation Base Penalty \$3,750
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

One quarterly event is recommended from the January 12, 2022 investigation date to the March 29, 2022 screening date.

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 \$3,750

Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$2,274	\$3,375
This violation Final Assessed Penalty (adjusted for limits) \$3,375	

Economic Benefit Worksheet

Respondent City of Orange Grove
Case ID No. 62140
Reg. Ent. Reference No. RN101920171
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
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	\$300	12-Jan-2022	30-Oct-2023	1.80	\$27	n/a	\$27
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	12-Jan-2022	30-Oct-2023	1.80	\$2,247	n/a	\$2,247
Notes for DELAYED costs	Remediation/Disposal cost is the estimated amount to properly clean and disinfect the area around the aeration basin intake structure. The Date Required is the investigation date, and the Final Date is the estimated date of compliance. Other cost is the estimated amount to cease the unauthorized discharge of wastewater around the intake structure, take necessary corrective actions to eliminate the unauthorized discharge of untreated wastewater, and clean and disinfect the area around the aeration basin intake structure. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.						
Avoided Costs							
ANNUALIZE avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance	\$25,300			TOTAL		\$2,274	



Compliance History Report

Compliance History Report for CN600640437, RN101920171, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN600640437, City of Orange Grove **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN101920171, CITY OF ORANGE GROVE **Classification:** HIGH **Rating:** 0.00

Complexity Points: 8 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: 790 County Road 351 in Jim Wells County, Texas

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

WASTEWATER PERMIT WQ0010592001

WASTEWATER EPA ID TX0020397

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	April 12, 2018	(1493749)			
Item 2	June 11, 2018	(1507781)	Item 15	July 10, 2019	(1593215)
Item 3	June 14, 2018	(1500667)	Item 16	August 11, 2019	(1599559)
Item 4	July 17, 2018	(1514099)	Item 17	September 12, 2019	(1606464)
Item 5	September 14, 2018	(1527326)	Item 18	October 16, 2019	(1613310)
Item 6	October 09, 2018	(1533684)	Item 19	November 15, 2019	(1619124)
Item 7	November 13, 2018	(1541519)	Item 20	December 13, 2019	(1626476)
Item 8	December 10, 2018	(1545303)	Item 21	January 15, 2020	(1634117)
Item 9	January 11, 2019	(1559884)	Item 22	February 16, 2020	(1640736)
Item 10	February 11, 2019	(1559882)	Item 23	March 14, 2020	(1647256)
Item 11	March 14, 2019	(1559883)	Item 24	April 14, 2020	(1653592)
Item 12	April 15, 2019	(1571900)	Item 25	May 14, 2020	(1660179)
Item 13	May 15, 2019	(1583408)	Item 26	June 17, 2020	(1666683)
Item 14	June 15, 2019	(1583409)	Item 27	July 14, 2020	(1673640)

Item 28	August 12, 2020	(1680416)	Item 43	November 20, 2021	(1783698)
Item 29	September 14, 2020	(1686984)	Item 44	December 15, 2021	(1790726)
Item 30	October 19, 2020	(1693331)	Item 45	January 17, 2022	(1798519)
Item 31	November 15, 2020	(1712683)	Item 46	February 17, 2022	(1806392)
Item 32	December 13, 2020	(1712684)	Item 47	March 16, 2022	(1813461)
Item 33	January 16, 2021	(1712685)	Item 48	April 18, 2022	(1820031)
Item 34	February 15, 2021	(1725738)	Item 49	May 19, 2022	(1828869)
Item 35	March 18, 2021	(1725739)	Item 50	June 20, 2022	(1835163)
Item 36	April 19, 2021	(1725740)	Item 51	July 14, 2022	(1842366)
Item 37	May 19, 2021	(1740171)	Item 52	August 16, 2022	(1848497)
Item 38	June 15, 2021	(1740172)	Item 53	September 19, 2022	(1856297)
Item 39	July 16, 2021	(1751781)	Item 54	October 19, 2022	(1862653)
Item 40	August 19, 2021	(1757244)	Item 55	November 21, 2022	(1869566)
Item 41	September 19, 2021	(1766328)	Item 56	December 19, 2022	(1875417)
Item 42	October 19, 2021	(1776908)	Item 57	February 20, 2023	(1882238)

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF ORANGE GROVE
RN101920171

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

AGREED ORDER DOCKET NO. 2022-0387-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 Orange Grove (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 790 County Road 351 in Jim Wells County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation at the Facility conducted on January 12, 2022, an investigator documented that:
 - a. One on-site lift station pump was inoperable. The bar screen bypass was inoperable and contained excessive solids. Clarifier No. 1 was inoperable, and Clarifier No. 2 contained excessive amounts of floating solids. The plant was in upset condition due to an activated sludge pump failure, and treatment units were shut down.
 - b. A total chlorine residual reading of 0.21 milligrams per liter ("mg/L") was not compliant with the minimum limit of 1.0 mg/L. In addition, a dissolved oxygen ("DO") reading of 2.96 mg/L was not compliant with the single grab minimum limit of 4.0 mg/L.

- c. Sludge and blood worms were observed in the receiving stream. Both were observed at least 400 yards downstream of the outfall, and settled sludge was several feet in depth at the deepest observable location.
 - d. The Respondent did not analyze DO effluent samples within the required holding time on January 20, 2021; May 20, 2021; July 7, 2021; July 22, 2021; and August 5, 2021.
 - e. The 2021 sludge report did not contain the type of disposal utilized by the Facility and did not include a certification statement indicating that sewage sludge meets the requirements of 30 TEX. ADMIN. CODE ch. 330.
 - f. Excessive splashing at the aeration basin intake structure resulted in the discharge of wastewater to the ground.
3. The Executive Director recognizes that by January 12, 2022, the Respondent repaired the activated sludge pumps at the Facility.

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 ensure at all times that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010592001, Operational Requirements No. 1.
- 3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to maintain compliance with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010592001, Effluent Limitations and Monitoring Requirements Nos. 2 and 6.
- 4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to prevent the discharge of sludge into the receiving stream, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and (4), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010592001 Permit Conditions No. 2.d.
- 5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to properly analyze effluent samples according to the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(b) and TPDES Permit No. WQ0010592001, Monitoring and Reporting Requirements No. 2.a.
- 6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to complete the annual sludge report correctly, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010592001, Sludge Provisions, Section III. G. Reporting Requirements Nos. 6 and 9.

7. As evidenced by Finding of Fact No. 2.f, the Respondent failed to prevent the unauthorized discharge of sewage into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN CODE § 305.125(1) and (5), and TPDES Permit No. WQ0010592001, Permit Conditions No. 2.g and Operational Requirements No. 1.
8. 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.
9. An administrative penalty in the amount of \$54,225 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, \$54,225 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. 9 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 Orange Grove, Docket No. 2022-0387-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. 9. The amount of \$54,225 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. Immediately after the effective date of this Order:
 - i. Remove and properly dispose of sludge from the receiving stream. Remove excess solids from the bar screen bypass and Clarifier No. 2.
 - ii. Begin analyzing DO samples within the maximum holding time of 15 minutes, in accordance with 30 TEX. ADMIN. CODE § 319.11; and
 - iii. Cease the unauthorized discharge of wastewater around the intake structure, take necessary corrective actions to eliminate the unauthorized discharge of untreated wastewater and clean and disinfect the area around the aeration basin intake structure, in accordance with TEX. WATER CODE § 26.121.
- b. Within 15 days after the effective date of this Order, submit written certification of compliance with Ordering Provision Nos. 3.a.i through 3.a.iii, as described in Ordering Provision No. 3.f.
- c. Within 30 days after the effective date of this Order:
 - i. Update the Facility's operational guidance and conduct employee training to ensure that: steps are taken to minimize or prevent any discharge of sludge into the receiving stream, DO samples are analyzed within the maximum holding time, and all sludge reporting requirements are met;
 - ii. Repair or replace the on-site lift station pump and the bar screen bypass; and
 - iii. Repair or replace Clarifier No. 1.
- d. Within 45 days after the effective date of this Order, submit written certification of compliance with Ordering Provision Nos. 3.c.i through 3.c.iii, as described in Ordering Provision No. 3.f.
- e. Within 130 days after the effective date of this Order, submit written certification to demonstrate compliance with the permitted effluent limitations of TPDES Permit No. WQ0010592001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.
- f. The certifications required by Ordering Provision Nos. 3.b, 3.d, and 3.e shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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, R-04
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

with a copy to:

Water Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
500 North Shoreline Boulevard, Suite 500,
Corpus Christi, Texas 78401-0318

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. 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.
7. 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.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. 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.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

5/28/2024

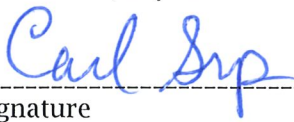
Date

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

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG 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 OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

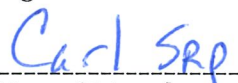
In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

4-17-24

Date



Name (Printed or typed)
Authorized Representative of
City of Orange Grove

Mayor

Title

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

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

Attachment A

Docket Number: 2022-0387-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Orange Grove
Penalty Amount:	\$54,225
SEP Offset Amount:	\$54,225
Type of SEP:	Compliance
Project Name:	<i>WWTP Improvements</i>
Location of SEP:	Jim Wells County

The Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order in exchange for Respondent’s performance of a Supplemental Environmental Project (“SEP”). 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 purchase and install a new automatic bar screen for the Facility. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for an automatic bar screen (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 improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent 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
Automatic Bar Screen	\$150,000
Total	\$150,000

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 130 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 130-day timeframe set forth above in Section 2, Performance Schedule.

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
130	Notice of SEP completion

B. Final Report

Within 130 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. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
8. 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.