

**Executive Summary – Enforcement Matter – Case No. 62503**

**Stonetown Benbrook, LLC**

**RN102963238**

**Docket No. 2022-0754-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:**

Yes

**Location(s) Where Violation(s) Occurred:**

Benbrook Village MHP, 5130 Ben Day Murrin Road, Fort Worth, Tarrant 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:** August 2, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$29,687

**Total Paid to General Revenue:** \$29,687

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** March 21, 2022

**Date(s) of NOE(s):** May 25, 2022

**Executive Summary – Enforcement Matter – Case No. 62503  
Stonetown Benbrook, LLC  
RN102963238  
Docket No. 2022-0754-MWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for total suspended solids, daily average flow, dissolved oxygen, total residual chlorine, and biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014792001, Interim Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014792001, 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:** Taylor Williamson, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-2097; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Roy Lapidus, Manager, Stonetown Benbrook, LLC, 55 Madison Street, Suite 260, Denver, Colorado 80206

Aaron Bruce, Director of Utilities, Stonetown Benbrook, LLC, 55 Madison Street, Suite 260, Denver, Colorado 80206

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	13-Jun-2022		
	<b>PCW</b>	15-Jun-2022	<b>Screening</b>	14-Jun-2022
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>				
<b>Respondent</b>	Stonetown Benbrook, LLC			
<b>Reg. Ent. Ref. No.</b>	RN102963238			
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor	

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	62503	<b>No. of Violations</b>	2	
<b>Docket No.</b>	2022-0754-MWD-E	<b>Order Type</b>	Findings	
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Taylor Williamson	
		<b>EC's Team</b>	Enforcement Team 1	
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000	

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$23,750
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>25.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$5,937
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Notes: Enhancement for four months of self-reported effluent violations and one NOV with same/similar violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$904  
Estimated Cost of Compliance: \$5,000  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$29,687
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$29,687
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$29,687
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<b>DEFERRAL</b>	<b>0.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$29,687
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Screening Date

14-Jun-2022

Docket No.

2022-0754-MWD-E

PCW

Respondent

Stonetown Benbrook, LLC

Case ID No.

62503

Reg. Ent. Reference No.

RN102963238

Media

Water Quality

Enf. Coordinator

Taylor Williamson

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	5	25%
	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)

25%

>> 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 four months of self-reported effluent violations and one NOV with same/similar violations.

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

25%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%

25%

Screening Date

14-Jun-2022

Docket No.

2022-0754-MWD-E

PCW

Respondent

Stonetown Benbrook, LLC

Case ID No.

62503

Reg. Ent. Reference No.

RN102963238

Media

Water Quality

Enf. Coordinator

Taylor Williamson

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014792001, Interim Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6

Violation Description

Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty

\$25,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

x

Potential

Percent

15.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

A simplified model was utilized to evaluate biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids, dissolved oxygen, chlorine residual, and flow were also evaluated. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

\$21,250

\$3,750

Violation Events

Number of Violation Events

3

215

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$11,250

Three quarterly events are recommended for the quarters containing the months of May, July, August, September, October, November, and December 2021.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

\$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$904

Violation Final Penalty Total

\$14,063

This violation Final Assessed Penalty (adjusted for limits)

\$14,063

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Stonetown Benbrook, LLC 62503 RN102963238 Water Quality 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	31-May-2021	10-Jan-2025	3.62	\$904	n/a	\$904

Notes for DELAYED costs Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility to achieve compliance with the permitted limitations of TPDES Permit No. WQ0014792001. The Date Required is the end date of the first month of noncompliance, and the Final Date is the estimated date of compliance.

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$5,000	TOTAL	\$904
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<b>Screening Date</b>	14-Jun-2022	<b>Docket No.</b>	2022-0754-MWD-E	<b>PCW</b>
<b>Respondent</b>	Stonetown Benbrook, LLC	<i>Policy Revision 5 (January 28, 2021)</i>		
<b>Case ID No.</b>	62503	<i>PCW Revision February 11, 2021</i>		
<b>Reg. Ent. Reference No.</b>	RN102963238			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Taylor Williamson			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0014792001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 6			
<b>Violation Description</b>	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.			
<b>Base Penalty</b>				\$25,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Release</b>	<b>Harm</b>		
		Major	Moderate	Minor
	Actual	x		
	Potential			
<b>Percent</b>				50.0%
<b>&gt;&gt; Programmatic Matrix</b>				
<b>Matrix Notes</b>	<b>Falsification</b>	Major	Moderate	Minor
<b>Percent</b>				0.0%
A simplified model was utilized to evaluate biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. Dissolved oxygen and flow were also evaluated. Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.				
<b>Adjustment</b>				\$12,500
				\$12,500
<b>Violation Events</b>				
Number of Violation Events		1	30	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
<b>Violation Base Penalty</b>				\$12,500
One monthly event is recommended for the month of June 2021.				
<b>Good Faith Efforts to Comply</b>		0.0%	Reduction	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary			
	N/A	x		
	Notes	The Respondent does not meet the good faith criteria for this violation.		
<b>Violation Subtotal</b>				\$12,500
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		\$0	<b>Violation Final Penalty Total</b>	
			\$15,625	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$15,625

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Stonetown Benbrook, LLC 62503 RN102963238 Water Quality 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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility to achieve compliance with the permitted effluent limitations of TPDES Permit No. WQ0014792001 is captured in the Economic Benefit Worksheet for Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$0	TOTAL	\$0
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Stonetown Benbrook, LLC  
Docket No. 2022-0754-MWD-E  
TPDES Permit No. WQ0014792001

Effluent Violation Table

Monitoring Period	BOD5 Daily Avg. Conc.  Limit 10 mg/L	BOD5 Single Grab Conc.  Limit 35 mg/L	BOD5 Daily Avg. Load.  Limit 2.9 mg/L	TRC Mon. Min. Conc.  Limit 1.0 mg/L	TRC Mon. Max. Conc.  Limit 4.0 mg/L	Flow Daily Avg.  Limit 0.035 MGD	DO Mon. Min. Conc.  Limit 6.0 mg/L	TSS Daily Avg. Conc.  Limit 15 mg/L	TSS Daily Avg. Load.  Limit 4.4 lbs/day
May 2021	c	c	c	c	c	0.044	c	c	c
June 2021	82.1	394	23.75	c	c	0.044	3.4	c	c
July 2021	c	c	c	c	c	c	5.9	c	c
August 2021	c	c	c	c	c	c	5.7	c	c
September 2021	c	c	c	c	c	c	5.7	19.5	c
October 2021	c	c	c	c	7.3	c	4.7	15.5	4.52
November 2021	c	c	c	0.56	6.4	c	5.9	21	4.96
December 2021	11.25	c	3.29	c	c	c	c	36.75	10.93

Avg. = average

BOD5 = biochemical oxygen demand (5-day)

c = compliant

Conc. = concentration

DO = dissolved oxygen

lb/day = pounds per day

Load. = loading

Max. = maximum

mg/L = milligrams per Liter

MGD = million gallons per day

Min. = minimum

Mon. = monthly

TRC = total residual chlorine

TSS = Total Suspended Solids



# Compliance History Report

Compliance History Report for CN605162411, RN102963238, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN605162411, Stonetown Benbrook, LLC  
**Classification:** SATISFACTORY **Rating:** 3.56  
**Regulated Entity:** RN102963238, BENBROOK VILLAGE MHP  
**Classification:** SATISFACTORY **Rating:** 3.56  
**Complexity Points:** 5 **Repeat Violator:** NO  
**CH Group:** 14 - Other  
**Location:** 5130 BEN DAY MURRIN ROAD, IN THE CITY OF FORT WORTH, IN TARRANT COUNTY, TEXAS  
**TCEQ Region:** REGION 04 - DFW METROPLEX  
**ID Number(s):**  
**WASTEWATER PERMIT** WQ0014792001 **WASTEWATER EPA ID** TX0093092  
**Compliance History Period:** September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023  
**Date Compliance History Report Prepared:** June 07, 2024  
**Agency Decision Requiring Compliance History:** Enforcement  
**Component Period Selected:** June 07, 2019 to June 07, 2024  
**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Taylor Williamson **Phone:** (512) 239-2097

## 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	June 12, 2019	(1585842)	Item 16	September 22, 2020	(1681615)
Item 2	July 15, 2019	(1594475)	Item 17	October 19, 2020	(1694550)
Item 3	August 06, 2019	(1600769)	Item 18	November 19, 2020	(1716251)
Item 4	September 10, 2019	(1607684)	Item 19	December 16, 2020	(1716252)
Item 5	October 09, 2019	(1614554)	Item 20	January 18, 2021	(1716253)
Item 6	November 14, 2019	(1620343)	Item 21	February 16, 2021	(1729333)
Item 7	December 18, 2019	(1627695)	Item 22	March 17, 2021	(1729334)
Item 8	January 16, 2020	(1635323)	Item 23	April 17, 2021	(1729335)
Item 9	February 12, 2020	(1641938)	Item 24	May 18, 2021	(1741964)
Item 10	March 17, 2020	(1648451)	Item 25	February 16, 2023	(1891226)
Item 11	April 19, 2020	(1654805)	Item 26	October 07, 2023	(1947268)
Item 12	May 14, 2020	(1661370)	Item 27	November 09, 2023	(1952955)
Item 13	June 18, 2020	(1667897)	Item 28	December 18, 2023	(1962733)
Item 14	July 17, 2020	(1674845)	Item 29	January 19, 2024	(1969316)
Item 15	September 15, 2020	(1688192)	Item 30	March 12, 2024	(1984955)

**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:      06/30/2023      (1927346)  
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:      07/31/2023      (1934288)  
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:      08/31/2023      (1940465)  
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:      01/08/2024      (1937743)  
Self Report?   NO      Classification:      Moderate  
Citation:      30 TAC Chapter 217, SubChapter M 217.330(d)  
                 TX0093092 PERMIT  
                 WQ0014792-001 PERMIT  
Description:      Failure to equip washdown hoses with atmospheric vacuum breakers.  
                 Specifically, a vacuum breaker was not installed on the bibs of the water  
                 hoses using potable water for washdown purposes at the wastewater  
                 treatment plant.  
Self Report?   NO      Classification:      Moderate  
Citation:      30 TAC Chapter 305, SubChapter F 305.125(1)  
                 TX0093092 PERMIT  
                 WQ0014792-001 PERMIT  
Description:      Failure to submit the closure plan for the old wastewater treatment plant.  
                 Specifically, a closure plan was not submitted for review and approval for any  
                 closure plan activity at least 90 days prior to conducting such activity.  
Self Report?   NO      Classification:      Moderate  
Citation:      30 TAC Chapter 305, SubChapter F 305.125(1)  
                 TX0093092 PERMIT  
                 WQ0014792-001 PERMIT  
Description:      Failure to provide and maintain adequate safeguards to prevent the discharge  
                 of untreated or inadequately treated wastes during electrical power failures.  
                 Specifically, the new control panel has connections for a generator; however,  
                 documentation indicating that either pump and haul services or a backup  
                 portable generator, either owned or rented, was available for use.  
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)  
                 TX0093092 PERMIT  
                 WQ0014792-001 PERMIT  
Description:      Failure to prevent the unauthorized discharge of wastewater. Specifically, two  
                 unauthorized discharges occurred at the wastewater treatment plant on  
                 March 29, 2022, due to an equipment failure at the lift station, and on  
                 October 25, 2023, due to equipment issues at the effluent filter, totaling 1,050  
                 gallons. There shall be no unauthorized discharge of wastewater.  
Self Report?   NO      Classification:      Moderate  
Citation:      30 TAC Chapter 305, SubChapter F 305.125(1)  
                 TX0093092 PERMIT  
                 WQ0014792-001 PERMIT  
Description:      Failure to maintain compliance with the permitted effluent limits. Specifically,  
                 the grab sample collected during the investigation was not compliant with the  
                 single grab maximum limit of 4.0 mg/l for total chlorine residual. The result of  
                 the total chlorine residual analysis was 4.51 mg/l. Compliance with the  
                 permitted effluent limits must be maintained.  
Self Report?   NO      Classification:      Moderate  
Citation:      30 TAC Chapter 305, SubChapter F 305.125(1)  
                 30 TAC Chapter 319, SubChapter A 319.5(b)  
                 TX0093092 PERMIT  
                 WQ0014792-001 PERMIT

Description: Failure to collect and analyze samples at the required frequency. Specifically, an E. coli sample was not collected during the period of February 2021 to April 2021. E. coli samples are required to be collected and analyzed once per quarter.

5 Date: 01/31/2024 (1978382)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

**F. Environmental audits:**

N/A

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

N/A

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
STONETOWN BENBROOK, LLC  
RN102963238

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

## AGREED ORDER DOCKET NO. 2022-0754-MWD-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Stonetown Benbrook, LLC (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 5130 Ben Day Murrin Road in Fort Worth, Tarrant 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 a record review for the Facility conducted on March 21, 2022, an investigator documented that the Respondent failed to comply with permitted effluent limitations, as shown in the effluent violation table below:

Effluent Violation Table

Monitoring Period	BOD5 Daily Avg. Conc.  Limit 10 mg/L	BOD5 Single Grab Conc.  Limit 35 mg/L	BOD5 Daily Avg. Load.  Limit 2.9 mg/L	TRC Mon. Min. Conc.  Limit 1.0 mg/L	TRC Mon. Max. Conc.  Limit 4.0 mg/L	Flow Daily Avg.  Limit 0.035 MGD	DO Mon. Min. Conc.  Limit 6.0 mg/L	TSS Daily Avg. Conc.  Limit 15 mg/L	TSS Daily Avg. Load.  Limit 4.4 lbs/day
May 2021	c	c	c	c	c	0.044	c	c	c
June 2021	82.1	394	23.75	c	c	0.044	3.4	c	c
July 2021	c	c	c	c	c	c	5.9	c	c
August 2021	c	c	c	c	c	c	5.7	c	c
September 2021	c	c	c	c	c	c	5.7	19.5	c
October 2021	c	c	c	c	7.3	c	4.7	15.5	4.52
November 2021	c	c	c	0.56	6.4	c	5.9	21	4.96
December 2021	11.25	c	3.29	c	c	c	c	36.75	10.93

Avg. = average

BOD5 = biochemical oxygen demand (5-day)

c = compliant

Conc. = concentration

DO = dissolved oxygen

lbs/day = pounds per day

Load. = loading

Max. = maximum

mg/L = milligrams per Liter

MGD = million gallons per day

Min. = minimum

Mon. = monthly

TRC = total residual chlorine

TSS = Total Suspended Solids

## II. CONCLUSIONS OF LAW

- 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.
- As evidenced by Finding of Fact No. 2, the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014792001, Interim Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6.
- 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.

4. An administrative penalty in the amount of \$29,687 is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$29,687 penalty.

### **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. 4 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: Stonetown Benbrook, LLC, Docket No. 2022-0754-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 within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014792001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

Enforcement Division, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

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

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 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.
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 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.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. 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.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively,



the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission

-----  
Date

  
-----  
For the Executive Director

7/30/2024  
-----  
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.

  
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Signature

7/8/24  
-----  
Date

AARON BRUCE  
-----  
Name (Printed or typed)  
Authorized Representative of  
Stonetown Benbrook, LLC

DIRECTOR OF UTILITIES  
-----  
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.