

**Executive Summary – Enforcement Matter – Case No. 62558**  
**City of Belton and City of Temple**  
**RN102097193**  
**Docket No. 2022-0799-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

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

Temple Belton Regional, 2405 East 6th Avenue, Belton, Bell 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:** January 3, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$22,500

**Amount Deferred for Expedited Settlement:** \$4,500

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

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$18,000

Name of SEP: Aeration Improvements (Compliance)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**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:** June 1, 2022

**Date(s) of NOE(s):** June 13, 2022

**Executive Summary – Enforcement Matter – Case No. 62558**  
**City of Belton and City of Temple**  
**RN102097193**  
**Docket No. 2022-0799-MWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for 2-hour peak flow and ammonia nitrogen [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011318001, Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By October 31, 2022, the Respondents achieved compliance with all permitted effluent limitations in TPDES Permit No. WQ0011318001.

**Technical Requirements:**

The Order will require the Respondents to implement and complete a SEP (see SEP Attachment A).

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Samantha Smith, Enforcement Division, Enforcement Team 7, MC R-12, (512) 239-2099; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

**Respondents:** The Honorable David Leigh, Mayor, City of Belton, P.O. Box 120, Belton, Texas 76513-0120

Sam A. Listi, City Manager, City of Belton, P.O. Box 120, Belton, Texas 76513-0120

Don Bond, Public Works Director, City of Temple, P.O. Box 207, Temple, Texas 76503-0207

**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>	20-Jun-2022	<b>Screening</b>	23-Jun-2022	<b>EPA Due</b>	5-Sep-2022
	<b>PCW</b>	23-Jul-2024				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Belton and City of Temple				
<b>Reg. Ent. Ref. No.</b>	RN102097193				
<b>Facility/Site Region</b>	9-Waco	<b>Major/Minor Source</b>	Major		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	62558	<b>No. of Violations</b>	1
<b>Docket No.</b>	2022-0799-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Samantha Smith
		<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>	\$22,500
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	10.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$2,250
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<b>Notes</b>	Enhancement for two months of self-reported effluent violations.			
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<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondents do not meet the culpability criteria.			
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$2,250
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$319	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$4,491	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$22,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>			
	<b>Final Penalty Amount</b>	\$22,500	

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$22,500
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<b>DEFERRAL</b>	20.0%	<b>Reduction</b>	<b>Adjustment</b>	-\$4,500
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.		
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<b>PAYABLE PENALTY</b>	\$18,000
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<b>Screening Date</b>	23-Jun-2022	<b>Docket No.</b>	2022-0799-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Belton and City of Temple			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	62558			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN102097193			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Samantha Smith			

## 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> )	2	10%
	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)** 10%

### >> 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 two months of self-reported effluent violations.

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

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 10%

<b>Screening Date</b>	23-Jun-2022	<b>Docket No.</b>	2022-0799-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Belton and City of Temple	Policy Revision 5 (January 28, 2021)		
<b>Case ID No.</b>	62558	PCW Revision February 11, 2021		
<b>Reg. Ent. Reference No.</b>	RN102097193			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Samantha Smith			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011318001, Effluent Limitations and Monitoring Requirements No. 1			
<b>Violation Description</b>	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.			
		<b>Base Penalty</b>	\$25,000	

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

<b>OR</b>		<b>Release</b>	<b>Harm</b>		
		Major	Moderate	Minor	
	Actual			x	
	Potential				
					<b>Percent</b> 30.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes	A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. Flow was 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.
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<b>Adjustment</b>	\$17,500
\$7,500	

**Violation Events**

Number of Violation Events	3	Number of violation days	151
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	daily		weekly		monthly		quarterly	x		semiannual		annual		single event	

<b>Violation Base Penalty</b>	\$22,500
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Three quarterly events are recommended for the quarters containing the months of May 2021, June 2021, January 2022, February 2022, and March 2022.

**Good Faith Efforts to Comply**

	<b>10.0%</b>		Reduction	
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary				
Ordinary			X	
N/A				
Notes	The Respondent achieved compliance by October 31, 2022.			
<b>Violation Subtotal</b>				\$20,250

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

<b>Estimated EB Amount</b>	\$319	<b>Violation Final Penalty Total</b>	\$22,500
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$22,500	

# Economic Benefit Worksheet

**Respondent** City of Belton and City of Temple  
**Case ID No.** 62558  
**Reg. Ent. Reference No.** RN102097193  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$4,491	31-May-2021	31-Oct-2022	1.42	\$319	n/a	\$319

Notes for DELAYED costs

Reported 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. WQ0011318001. Date required is the end date of the first month of noncompliance, and the final date is the date of compliance.

## Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,491

**TOTAL**

\$319

City of Belton and City of Temple  
 TPDES Permit No. WQ0011318001  
 Docket No. 2022-0799-MWD-E  
 Case No. 62558

Effluent Violation Table

Monitoring Period	Flow 2 Hour Peak  Limit =20,834 gal/min	Ammonia Nitrogen Daily Average Concentration  Limit =2 mg/L	Ammonia Nitrogen Daily Maximum Concentration  Limit =10 mg/L	Ammonia Nitrogen Daily Average Concentration  Limit =167 lbs/day
May 2021	22,333	c	c	c
June 2021	23,667	c	c	c
January 2022	c	3.69	c	188.36
February 2022	c	4.91	c	243.51
March 2022	c	5.41	10.6	285.47

gal/min= gallons per minute  
 mg/L= milligrams per liter  
 lbs/day= pounds per day  
 c= compliant



# Compliance History Report

Compliance History Report for CN600246367, RN102097193, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN600246367, City of Belton

**Classification:** SATISFACTORY

**Rating:** 0.16

**Regulated Entity:** RN102097193, TEMPLE BELTON REGIONAL

**Classification:** SATISFACTORY

**Rating:** 0.36

**Complexity Points:** 5

**Repeat Violator:** NO

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

**Location:** FM 93 RT 2 BOX 230 BELL, TX, BELL COUNTY

**TCEQ Region:** REGION 09 - WACO

**ID Number(s):**

**PRETREATMENT** EPA ID TX0058378000

**PRETREATMENT** PERMIT WQ0011318001

**WASTEWATER** PERMIT WQ0011318001

**WASTEWATER** EPA ID TX0058378

**WASTEWATER** AUTHORIZATION R11318001

**Compliance History Period:** September 01, 2018 to August 31, 2023

**Rating Year:** 2023

**Rating Date:** 09/01/2023

**Date Compliance History Report Prepared:** July 22, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 02, 2019 to July 02, 2024

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

**Name:** Samantha Smith

**Phone:** (512) 239-2099

**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	September 20, 2019	(1607114)	Item 12	May 20, 2020	(1660817)
Item 2	September 27, 2019	(1600220)	Item 13	June 19, 2020	(1667348)
Item 3	October 18, 2019	(1613966)	Item 15	July 16, 2020	(1674299)
Item 4	November 20, 2019	(1619777)	Item 16	September 18, 2020	(1687642)
Item 5	December 20, 2019	(1627139)	Item 17	September 30, 2020	(1681066)
Item 6	January 20, 2020	(1634775)	Item 19	October 20, 2020	(1693985)
Item 7	February 18, 2020	(1630879)	Item 20	November 19, 2020	(1714619)
Item 8	February 19, 2020	(1641383)	Item 21	December 21, 2020	(1714620)
Item 9	March 02, 2020	(1630420)	Item 22	January 14, 2021	(1714621)
Item 10	March 20, 2020	(1647897)	Item 23	February 02, 2021	(1697170)
Item 11	April 20, 2020	(1654251)	Item 24	February 19, 2021	(1727685)





# Compliance History Report

Compliance History Report for CN600246367, RN102097193, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN600246367, City of Belton **Classification:** SATISFACTORY **Rating:** 0.16

**Regulated Entity:** RN102097193, TEMPLE BELTON REGIONAL **Classification:** SATISFACTORY **Rating:** 0.36

**Complexity Points:** 5 **Repeat Violator:** NO

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

**Location:** 2405 East 6th Avenue, City of Belton, Bell County, Texas

**TCEQ Region:** REGION 09 - WACO

**ID Number(s):**

**PRETREATMENT** EPA ID TX0058378000 **PRETREATMENT PERMIT** WQ0011318001

**WASTEWATER** PERMIT WQ0011318001 **WASTEWATER** EPA ID TX0058378

**WASTEWATER** AUTHORIZATION R11318001

**Compliance History Period:** September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

**Date Compliance History Report Prepared:** July 22, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 02, 2019 to July 02, 2024

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

**Name:** Samantha Smith **Phone:** (512) 239-2099

## 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	September 20, 2019	(1607114)	Item 12	May 20, 2020	(1660817)
Item 2	September 27, 2019	(1600220)	Item 13	June 19, 2020	(1667348)
Item 3	October 18, 2019	(1613966)	Item 15	July 16, 2020	(1674299)
Item 4	November 20, 2019	(1619777)	Item 16	September 18, 2020	(1687642)
Item 5	December 20, 2019	(1627139)	Item 17	September 30, 2020	(1681066)
Item 6	January 20, 2020	(1634775)	Item 19	October 20, 2020	(1693985)
Item 7	February 18, 2020	(1630879)	Item 20	November 19, 2020	(1714619)
Item 8	February 19, 2020	(1641383)	Item 21	December 21, 2020	(1714620)
Item 9	March 02, 2020	(1630420)	Item 22	January 14, 2021	(1714621)
Item 10	March 20, 2020	(1647897)	Item 23	February 02, 2021	(1697170)
Item 11	April 20, 2020	(1654251)	Item 24	February 19, 2021	(1727685)

Item 25	May 20, 2021	(1741138)	Item 41	December 19, 2022	(1876054)
Item 26	August 19, 2021	(1757854)	Item 42	January 19, 2023	(1882875)
Item 27	September 20, 2021	(1767073)	Item 43	February 20, 2023	(1890687)
Item 28	October 19, 2021	(1777550)	Item 44	March 17, 2023	(1899253)
Item 29	October 29, 2021	(1771260)	Item 45	April 19, 2023	(1906058)
Item 30	November 10, 2021	(1771358)	Item 46	June 19, 2023	(1919823)
Item 31	November 19, 2021	(1784349)	Item 47	July 12, 2023	(1911847)
Item 32	December 17, 2021	(1791379)	Item 48	July 19, 2023	(1916496)
Item 33	December 21, 2021	(1781790)	Item 49	August 18, 2023	(1933746)
Item 34	January 20, 2022	(1799161)	Item 50	September 19, 2023	(1939890)
Item 35	May 17, 2022	(1829512)	Item 51	October 19, 2023	(1946732)
Item 36	June 20, 2022	(1835806)	Item 52	November 17, 2023	(1952422)
Item 37	July 19, 2022	(1843007)	Item 53	December 19, 2023	(1962193)
Item 38	September 20, 2022	(1856936)	Item 54	January 19, 2024	(1968784)
Item 39	October 20, 2022	(1863294)	Item 55	March 20, 2024	(1984423)
Item 40	November 17, 2022	(1870206)	Item 56	April 19, 2024	(1990945)

**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: 01/31/2024 (1977847)   |                 |          |
|   | Self Report? YES   | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                 |          |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                 |          |
| 2 | Date: 04/30/2024 (1997400)   |                 |          |
|   | Self Report? YES   | Classification: | Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                 |          |
|   | Description: Failure to meet the limit for one or more permit parameter                            |                 |          |

#### F. Environmental audits:

N/A

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

N/A

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

N/A

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

N/A

## J. Early compliance:

N/A

### Sites Outside of Texas:

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF BELTON AND  
CITY OF TEMPLE  
RN102097193

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

## AGREED ORDER DOCKET NO. 2022-0799-MWD-E

### I. JURISDICTION AND STIPULATIONS

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 Belton and the City of Temple (the "Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents together stipulate that:

1. The Respondents own and operate a wastewater treatment facility located at 2405 East 6th Avenue in Belton, Bell 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. The Executive Director and the Respondents agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondents are subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$22,500 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$4,500 is deferred contingent upon the Respondents' timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondents fail to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to Tex. Water Code § 7.067, \$18,000 of the penalty shall be conditionally offset by the Respondents' timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondents' 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.

5. The Executive Director and the Respondents agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondents have not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that by October 31, 2022, the Respondents achieved compliance with all permitted effluent limitations in Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011318001.

## II. ALLEGATIONS

During a record review conducted at the facility on June 1, 2022, an investigator documented that the Respondents 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 TPDES Permit No. WQ0011318001, Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below:

Effluent Violation Table

Monitoring Period	Flow 2 Hour Peak  Limit =20,834 gal/min	Ammonia Nitrogen Daily Average Concentration  Limit =2 mg/L	Ammonia Nitrogen Daily Maximum Concentration  Limit =10 mg/L	Ammonia Nitrogen Daily Average Concentration  Limit =167 lbs/day
May 2021	22,333	c	c	c
June 2021	23,667	c	c	c
January 2022	c	3.69	c	188.36
February 2022	c	4.91	c	243.51
March 2022	c	5.41	10.6	285.47

gal/min= gallons per minute  
mg/L= milligrams per liter  
lbs/day= pounds per day  
c= compliant

### **III. DENIALS**

The Respondents generally deny each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

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

1. The Respondents are assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondents' compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Belton and City of Temple, Docket No. 2022-0799-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 Respondents shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$18,000 of the assessed penalty is conditionally offset based on the Respondents' 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 Respondents are jointly and severally liable for the violations documented in this Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Order.
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 Respondents. The Respondents are 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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Order, issued by the Commission, shall not be admissible against the Respondents 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.

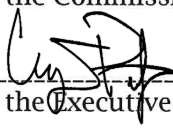
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission

-----  
Date

  
-----  
For the Executive Director

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1/31/2025

-----  
Date

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

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the 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

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12/05/2024

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Date

SAM A. LISTI  
-----

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

CITY MANAGER  
-----

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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission

-----  
Date

  
-----  
For the Executive Director

1/31/2025

-----  
Date

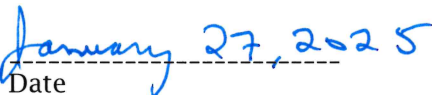
I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the 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

  
-----  
Date

  
-----  
Name (Printed or typed)

  
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Title

Authorized Representative of  
City of Temple

☐ 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: 2022-0799-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondents:</b>	City of Belton and City of Temple
<b>Penalty Amount:</b>	\$18,000
<b>SEP Offset Amount:</b>	\$18,000
<b>Type of SEP:</b>	Compliance
<b>Project Name:</b>	<i>Aeration Improvements</i>
<b>Location of SEP:</b>	Bell 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”).

Respondents are Local Governments that qualify under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at their wastewater treatment facility (the “Facility”), which are described in this Agreed Order.

**1. Project Description**

*A. Project*

Respondents purchased a plate aerator system for the Facility. Specifically, the SEP Offset Amount was used for the purchase of 128 plate aerators and 8 plate aerator frames and piping (the “Project”), and Respondent is in the process of having them installed. The SEP was performed in accordance with all federal, state, and local environmental laws and regulations.

Respondents used 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. Expenses. No portion of the SEP Offset Amount was spent on administrative costs, including operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondents’ signatures affixed to the attached Agreed Order certify that Respondents had no prior commitment to perform this Project and that the SEP was 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 treatment by providing oxygen delivery to the process and increasing the breakdown of organic matter. Inadequately treated wastewater 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. Expenses*

Respondents spent at least the SEP Offset Amount to complete the project described in Section 1.A., above, and they complied with all other provisions of this SEP. Respondents understood that they may have costs more than the SEP Offset Amount to complete the Project.

**Expenses**

<b>Item</b>	<b>Total</b>
Plate Aerator System	\$493,600
<b>Total</b>	<b>\$493,600</b>

**2. Records**

As of October 2, 2024, Respondents provided TCEQ the following documentation as proof of completion of the proposed SEP:

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 2.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 2.1., above;
4. A certified statement of SEP completion and document authentication;
5. A detailed map showing the specific location of the project site(s); and
6. Photographs of the purchased materials and supplies.

**3. Additional Information and Access**

Respondents shall provide additional information as requested by TCEQ staff and shall allow immediate (*i.e.*, within 24 hours) access to all records related to the SEP Offset Amount. Respondents 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.

**4. Failure to Fully Perform**

If Respondents do not perform their obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("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 Respondents failed to fully implement and complete the Project, Respondents 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, Respondents 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 below:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this Project made by or on behalf of either or both Respondents 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.

**6. Recognition**

Respondents may not seek recognition for this project in any other state or federal regulatory program.

**7. 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.