

**City of Tenaha**  
**RN102844560**  
Docket No. 2022-0960-MWD-E

**Order Type:**  
Agreed Order

**Media:**  
MWD

**Small Business:**  
N/A

**Location Where Violations Occurred:**  
Adjacent to Hillard Creek, approximately 2,400 feet south of United States Highway 84 and 400 feet east United States Highway 96, near Tenaha, Shelby County

**Type of Operation:**  
wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions:	Yes; 2024-1685-MWD-E
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third Parties:	None

**Texas Register Publication Date:** November 22, 2024

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$161,825

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

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

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$161,825

Name of SEP: Clarifier Construction

**Compliance History Classifications:**

Person/CN – Satisfactory  
Site/RN – Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** January 28, 2021

**Investigation Information**

**Complaint Date(s):** December 14, 2021; December 17, 2021

**Complaint Information:** December 14, 2021: Alleged the city sewer has been running into the ditch across the street located along the side of Baraks apartments for two months.

December 17, 2021: Alleged the drinking water at their residence has floating particles in it and has a high chlorine smell.

**Date of Investigation:** December 20, 2021

**Dates of NOVs:** “See Compliance History 9 related NOVs”

**Date of NOE:** February 17, 2022

**City of Tenaha**  
**RN102844560**  
**Docket No. 2022-0960-MWD-E**

**Violation Information**

1. Failed to submit a complete annual sludge report (“ASR”) to the TCEQ by September 30<sup>th</sup> of each year [30 TEX. ADMIN. CODE § 305.125(1) and (17) and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0010818001, Sludge Provisions, Section III, G].
2. Failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative for a period of three years [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 319.7(a) and (c) and TPDES Permit No. WQ0010818001, Monitoring and Reporting Requirements No. 3.b].
3. Failed to ensure 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 317.3(a) and (e)(5) and TPDES Permit No. WQ0010818001, Operational Requirements No. 1].
4. Failed to ensure 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 TPDES Permit No. WQ0010818001, Operational Requirements No. 1].
5. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.4(b)(4), and TPDES Permit No. WQ0010818001, Operational Requirements No. 1].
6. Failed to ensure 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 TPDES Permit No. WQ0010818001, Operational Requirements No. 1].
7. Failed to ensure 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 TPDES Permit No. WQ0010818001, Operational Requirements No. 1].
8. Failed to provide atmospheric vacuum breakers on all potable water washdown hoses [30 TEX. ADMIN. CODE §§ 317.4(a)(8) and 317.7(i)].
9. Failed to submit quarterly progress reports to show the steps that have been taken towards ensuring continued compliance with the total suspended solids, carbonaceous biological oxygen demand, ammonia-nitrogen, and *Escherichia coli* permit limits [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010818001, Other Requirements No. 6].
10. Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), and TPDES Permit No. WQ0010818001, Permit Conditions No. 2.d].
11. Failed to have automative flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less often than annually [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0010818001, Monitoring and Reporting Requirements No. 5].
12. Failed to report to the TCEQ in writing any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010818001, Monitoring and Reporting Requirements No. 7.c].
13. Failed to ensure 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 TPDES Permit No. WQ0010818001, Operational Requirements No. 1].
14. Failed to prevent an 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. WQ0010818001, Permit Conditions No. 2.g].

**City of Tenaha**  
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**Corrective Actions/Technical Requirements**

**Corrective Actions Completed:**

Respondent ceased the discharge of sewage from the sewer main line break located at Church Street, removed and properly disposed of the sewage, and cleaned and disinfected the affected areas by July 18, 2019.

**Technical Requirements:**

1. Within 30 Days:
  - a. Ensure flow meter calibration records and sludge trip tickets are maintained at the Facility and available for review;
  - b. Remove and properly dispose of the excessive grease in the Fallin Lift Station wet well;
  - c. Remove and properly dispose of the surface scum from the Imhoff tank and the debris from the ground on the north side of the Imhoff tank;
  - d. Calibrate the flow measuring device by a trained person;
  - e. Update procedures and conduct employee training to ensure:
    - i. Solids removed from the Imhoff tank are properly disposed of in covered containers;
    - ii. Automatic flow measuring devices are accurately calibrated by a trained person annually;
    - iii. Any effluent violation which deviates from the permitted effluent limitation by more than 40% is reported to the TCEQ in writing within five working days of becoming aware of noncompliance;
    - iv. Quarterly progress reports are submitted to the TCEQ Regional Office and the Enforcement Division; and
    - v. ASRs are submitted in a timely manner;
  - f. Properly dispose of the solids and begin maintaining the two roll-off boxes;
  - g. Install an atmospheric vacuum breaker on all the potable water spigots at the Facility; and
  - h. Remove and properly dispose of the sludge from the receiving stream.
2. Within 45 days submit written certification of compliance with Technical Requirements Nos. 1.a. through 1.e.
3. Within 60 days:
  - a. Repair or replace Pump No. 2, the audiovisual alarms, and the perimeter fencing barbed wire at the Fallin Lift Station;
  - b. Repair or replace the backup generator that serves as emergency power for the Facility;
  - c. Remove the woody vegetation from the south perimeter fence, and make any necessary repairs to the fencing; and
  - d. Remove the algae and floating solids from the clarifier and weir teeth.
4. Within 75 days submit written certification to demonstrate compliance with Technical Requirements Nos. 3.a. through 3.d.

**Litigation Information**

**Settlement Date:**

October 18, 2024

**City of Tenaha**  
**RN102844560**  
**Docket No. 2022-0960-MWD-E**

**Contact Information**

**TCEQ Attorneys:** Casey Kurnath, Litigation Division, (512) 239-3400  
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

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

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

**TCEQ Enforcement Coordinator:** Mistie Gonzales, Enforcement Division, (254) 761-3056

**TCEQ Regional Contact:** Ronald Hebert, Beaumont Regional Office, (409) 898-3838

**Respondent Contact:** O'Neal Jones Jr., Mayor, City of Tenaha, P.O. Box 70, Tenaha, Texas 75974

**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>	22-Feb-2022	<b>Screening</b>	15-Mar-2022	<b>EPA Due</b>	
	<b>PCW</b>	9-Aug-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Tenaha
<b>Reg. Ent. Ref. No.</b>	RN102844560
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	62111	<b>No. of Violations</b>	14
<b>Docket No.</b>	2022-0960-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>	Cheryl Thompson
		<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>	<b>\$154,750</b>
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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>45.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$69,637</b>
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<b>Notes</b>	Enhancement for nine self-reported effluent violations.
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<b>Culpability</b>	No	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$937</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$3,086	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$16,438	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$223,450</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>-27.6%</b> Adjustment	<b>-\$61,625</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Recommended reduction to prevent self-reporting violations from overly impacting the penalty amount.
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<b>Final Penalty Amount</b>	<b>\$161,825</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$161,825</b>
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<b>DEFERRAL</b>	<b>0.0%</b> Reduction Adjustment	
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral not offered for non-expedited settlement.
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<b>PAYABLE PENALTY</b>	<b>\$161,825</b>
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**Screening Date** 15-Mar-2022

**Docket No.** 2022-0960-MWD-E

**PCW**

**Respondent** City of Tenaha

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 62111

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN102844560

**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> )	9	45%
	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)** 45%

**>> 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 nine self-reported effluent violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 45%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 45%

**Screening Date** 15-Mar-2022  
**Respondent** City of Tenaha  
**Case ID No.** 62111  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Docket No.** 2022-0960-MWD-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 1

**Rule Cite(s)**

30 Tex. Admin. Code § 305.125(1) and (17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010818001, Sludge Provisions, Section III, G

**Violation Description**

Failed to submit a complete annual sludge report ("ASR") to the TCEQ by September 30th of each year. Specifically, the 2018 and 2019 ASRs were not submitted to the TCEQ.

**Base Penalty** \$25,000

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

**Percent** 0.0%

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor
		X		

**Percent** 10.0%

Matrix Notes

100% of the rule requirements were not met.

**Adjustment** \$22,500

\$2,500

**Violation Events**

Number of Violation Events 2

85 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

**Violation Base Penalty** \$5,000

Two single events are recommended, one for each ASR.

**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** \$5,000

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

**Statutory Limit Test**

**Estimated EB Amount** \$145

**Violation Final Penalty Total** \$5,251

**This violation Final Assessed Penalty (adjusted for limits)** \$5,251

## Economic Benefit Worksheet

**Respondent** City of Tenaha  
**Case ID No.** 62111  
**Reg. Ent. Reference No.** RN102844560  
**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	\$250	20-Dec-2021	22-Feb-2024	2.18	\$27	n/a	\$27
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 Training/Sampling cost to develop and implement procedures and conduct employee training to ensure the ASRs is submitted in its entirety and in a timely manner. 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	\$50	30-Sep-2018	15-Mar-2022	3.46	\$9	\$50	\$59
Other (as needed)	\$50	30-Sep-2018	15-Mar-2022	3.46	\$9	\$50	\$59

**Notes for AVOIDED costs**

Estimated cost to submit the 2018 and 2019 ASRs (\$50 per report). The Dates Required are the ASR due dates, and the Final Dates are the screening date.

Approx. Cost of Compliance

\$350

**TOTAL**

\$145



**Screening Date** 15-Mar-2022 **Docket No.** 2022-0960-MWD-E **PCW**  
**Respondent** City of Tenaha *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62111 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 305.125(1) and (11)(B) and 319.7(a) and (c) and TPDES Permit No. WQ0010818001, Monitoring and Reporting Requirements No. 3.b

**Violation Description** Failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative for a period of three years. Specifically, the 2021 flow meter calibration record and sludge trip tickets were not maintained at the Facility and were not available for review.

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="1.0%"/>

**Matrix Notes** Less than 30% of the rule requirements were not met.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<input type="text"/>

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** City of Tenaha  
**Case ID No.** 62111  
**Reg. Ent. Reference No.** RN102844560  
**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	\$100	20-Dec-2021	22-Feb-2024	2.18	\$11	n/a	\$11
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
<b>Notes for DELAYED costs</b>	Estimated Record Keeping System cost to ensure flow meter calibration records and sludge trip tickets are maintained at the Facility and available for review, in accordance with TPDES Permit No. WQ0010818001, Monitoring and Reporting Requirements No. 3.b. 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
<b>ONE-TIME avoided costs</b>				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
<b>Notes for AVOIDED costs</b>							

Approx. Cost of Compliance \$100

**TOTAL** \$11

**Screening Date** 15-Mar-2022 **Docket No.** 2022-0960-MWD-E **PCW**  
**Respondent** City of Tenaha *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62111 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number** 3

**Rule Cite(s)** 30 Tex. Admin. Code §§ 305.125(1) and (5) and 317.3(a) and (e)(5), and TPDES Permit No. WQ0010818001, Operational Requirements No. 1

**Violation Description** Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Fallin Lift Station had excessive amount of floating solids/grease in the wet well; Pump No. 2 was not operational; the audiovisual alarms were not operational; and the perimeter fencing barbed wire needed repair.

**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 3 85 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$11,250

Three monthly events are recommended, calculated from the investigation date (December 20, 2021) to the screening date (March 15, 2022).

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$11,250

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$815 **Violation Final Penalty Total** \$11,814

**This violation Final Assessed Penalty (adjusted for limits)** \$11,814

## Economic Benefit Worksheet

**Respondent** City of Tenaha  
**Case ID No.** 62111  
**Reg. Ent. Reference No.** RN102844560  
**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	\$5,000	20-Dec-2021	22-Feb-2024	2.18	\$36	\$725	\$761
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	\$500	20-Dec-2021	22-Feb-2024	2.18	\$54	n/a	\$54
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated Equipment cost to repair or replace Pump No. 2, the audiovisual alarms, and the west barbed wire on the perimeter fencing of the Fallin Lift Station, in accordance with TPDES Permit No. WQ0010818001, Operational Requirements No. 1. Date Required is the investigation date, and the Final Date is the estimated date of compliance.

Estimated Remediation/Disposal cost to remove and properly dispose of the excessive amount of floating solids/grease in the wet well of the Fallin Lift Station, in accordance with TPDES Permit No. WQ0010818001, Operational Requirements No. 1. 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

\$5,500

**TOTAL**

\$815

**Screening Date** 15-Mar-2022 **Docket No.** 2022-0960-MWD-E **PCW**  
**Respondent** City of Tenaha *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62111 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number** 4  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0010818001, Operational Requirements No. 1  
**Violation Description** Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the wastewater treatment facility backup generator that serves as emergency power was not operational.

**Base Penalty** \$25,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential	X			

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 3 85 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$11,250

Three monthly events are recommended, calculated from the investigation date (December 20, 2021) to the screening date (March 15, 2022).

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$11,250

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$305 **Violation Final Penalty Total** \$11,814

**This violation Final Assessed Penalty (adjusted for limits)** \$11,814

## Economic Benefit Worksheet

**Respondent** City of Tenaha  
**Case ID No.** 62111  
**Reg. Ent. Reference No.** RN102844560  
**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	\$2,000	20-Dec-2021	22-Feb-2024	2.18	\$15	\$290	\$305
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
<b>Notes for DELAYED costs</b>	Estimated Equipment cost to repair or replace the backup generator that serves as emergency power for the Facility, in accordance with TPDES Permit No. WQ0010818001, Operational Requirements No. 1. 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
<b>ONE-TIME avoided costs</b>				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
<b>Notes for AVOIDED costs</b>							

Approx. Cost of Compliance \$2,000

**TOTAL** \$305

**Screening Date** 15-Mar-2022 **Docket No.** 2022-0960-MWD-E **PCW**  
**Respondent** City of Tenaha *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62111 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number** 5

**Rule Cite(s)** 30 Tex. Admin. Code §§ 305.125(1) and (5) and 317.4(b)(4), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010818001, Operational Requirements No. 1

**Violation Description** Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Imhoff tank had an excessive amount of surface scum. Grease and other solids were not removed properly, resulting in grease/debris being spilled on the ground on the north side of the Imhoff tank. Additionally, the solids removed from the Imhoff tank were placed into containers located near the Imhoff tank and left uncovered without vector control.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	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.

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 1 85 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$3,750

One quarterly event is recommended, calculated from the investigation date (December 20, 2021) to the screening date (March 15, 2022).

**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** \$3,750

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$136 **Violation Final Penalty Total** \$3,938

**This violation Final Assessed Penalty (adjusted for limits)** \$3,938

## Economic Benefit Worksheet

**Respondent** City of Tenaha  
**Case ID No.** 62111  
**Reg. Ent. Reference No.** RN102844560  
**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	\$250	20-Dec-2021	22-Feb-2024	2.18	\$27	n/a	\$27
Remediation/Disposal	\$1,000	20-Dec-2021	22-Feb-2024	2.18	\$109	n/a	\$109
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated Training/Sampling cost to update procedures and conduct employee training to ensure solids removed from the Imhoff tank are properly disposed of in covered containers, in accordance with TPDES Permit No. WQ0010818001, Operational Requirements No. 1. Date Required is the investigation date, and the Final Date is the estimated date of compliance.

Estimated Remediation/Disposal cost to remove and properly dispose of the surface scum from the Imhoff tank, and the grease/debris from the ground on the north side of the Imhoff tank, in accordance with TPDES Permit No. WQ0010818001, Operational Requirements No. 1. 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

\$1,250

**TOTAL**

\$136



**Screening Date** 15-Mar-2022 **Docket No.** 2022-0960-MWD-E **PCW**  
**Respondent** City of Tenaha *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62111 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number** 6  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0010818001, Operational Requirements No. 1  
**Violation Description** Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, excessive woody vegetation, obstructing the integrity of the fence, was noted at the Facility.

**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 3 85 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$11,250

Three monthly events are recommended, calculated from the investigation date (December 20, 2021) to the screening date (March 15, 2022).

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$11,250

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$76 **Violation Final Penalty Total** \$11,814

**This violation Final Assessed Penalty (adjusted for limits)** \$11,814

## Economic Benefit Worksheet

**Respondent** City of Tenaha  
**Case ID No.** 62111  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$500	21-Dec-2021	22-Feb-2024	2.17	\$4	\$72	\$76
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
<b>Notes for DELAYED costs</b>	Estimated Engineering/Construction cost to remove and properly dispose of the excessive vegetation from the south perimeter fence and make any necessary repairs to the fencing, in accordance with TPDES Permit No. WQ0010818001, Operational Requirements No. 1. 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
<b>Notes for AVOIDED costs</b>							

Approx. Cost of Compliance \$500

**TOTAL** \$76

**Screening Date** 15-Mar-2022 **Docket No.** 2022-0960-MWD-E **PCW**  
**Respondent** City of Tenaha *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62111 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number** 7  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0010818001, Operational Requirements No. 1  
**Violation Description** Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, two roll-off boxes contained sludge and excessive vegetation growth.

**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

**Matrix Notes** Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$24,250

\$750

**Violation Events**

Number of Violation Events 1 85 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

**Violation Base Penalty** \$750

One single event is recommended.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$750

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$109 **Violation Final Penalty Total** \$788

**This violation Final Assessed Penalty (adjusted for limits)** \$788

## Economic Benefit Worksheet

**Respondent** City of Tenaha  
**Case ID No.** 62111  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Violation No.** 7

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$1,000	20-Dec-2021	22-Feb-2024	2.18	\$109	n/a	\$109
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
<b>Notes for DELAYED costs</b>	Estimated Remediation/Disposal cost to remove and properly dispose of the excessive vegetation in the two roll-off boxes, in accordance with TPDES Permit No. WQ0010818001, Operational Requirements No. 1. 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
<b>ONE-TIME avoided costs</b>				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
<b>Notes for AVOIDED costs</b>							

Approx. Cost of Compliance \$1,000

**TOTAL** \$109

**Screening Date** 15-Mar-2022 **Docket No.** 2022-0960-MWD-E **PCW**  
**Respondent** City of Tenaha *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62111 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number** 8

**Rule Cite(s)** 30 Tex. Admin. Code §§ 317.4(a)(8) and 317.7(i)

**Violation Description** Failed to provide atmospheric vacuum breakers on all potable water washdown hoses. Specifically, atmospheric vacuum breakers were not installed on the potable water spigots at the Facility.

**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 3 85 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$11,250

Three monthly events are recommended, calculated from the investigation date (December 20, 2021) to the screening date (March 15, 2022).

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$11,250

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$4 **Violation Final Penalty Total** \$11,814

**This violation Final Assessed Penalty (adjusted for limits)** \$11,814

## Economic Benefit Worksheet

**Respondent** City of Tenaha  
**Case ID No.** 62111  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Violation No.** 8

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$25	20-Dec-2021	22-Feb-2024	2.18	\$0	\$4	\$4
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

#### Notes for DELAYED costs

Estimated Equipment cost to install an atmospheric vacuum breaker on all the potable water spigots at the Facility, in accordance with 30 Tex. Admin. Code § 317.4(a)(8). 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

**TOTAL**

\$4

**Screening Date** 15-Mar-2022 **Docket No.** 2022-0960-MWD-E **PCW**  
**Respondent** City of Tenaha *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62111 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number** 9  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0010818001, Other Requirements No. 6  
**Violation Description** Failed to submit quarterly progress reports to show the steps that have been taken towards ensuring continued compliance with the total suspended solids, carbonaceous biological oxygen demand, ammonia-nitrogen, and Escheria coli permit limits. Specifically, the Respondent did not submit the quarterly progress reports for January 1, 2019, April 1, 2019, July 1, 2019, October 1, 2019, January 2020, April 1, 2020, July 1, 2020, and October 1, 2020.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		X			10.0%

**Matrix Notes** 100% of the rule requirements were not met.

**Adjustment** \$22,500

\$2,500

**Violation Events**

Number of Violation Events 8 1155 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

**Violation Base Penalty** \$20,000

Eight single events are recommended, one for each quarterly progress report not submitted.

**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** \$20,000

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$251 **Violation Final Penalty Total** \$21,002

**This violation Final Assessed Penalty (adjusted for limits)** \$21,002

## Economic Benefit Worksheet

**Respondent** City of Tenaha  
**Case ID No.** 62111  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Violation No.** 9

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	20-Dec-2021	22-Feb-2024	2.18	\$27	n/a	\$27
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 Training/Sampling cost to update procedures and conduct employee training to ensure quarterly progress reports are submitted to the TCEQ Regional Office and Enforcement Division. 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)	\$209	15-Oct-2020	15-Mar-2022	1.41	\$15	\$209	\$224

**Notes for AVOIDED costs**

Estimated cost to submit the quarterly progress reports for January 1, 2019, April 1, 2019, July 1, 2019, October 1, 2019, January 1, 2020, April 1, 2020, July 1, 2020, and October 1, 2020. Date Required is the due date for the October 1, 2020 report, and the Final Date is the screening date.

**Approx. Cost of Compliance**

\$459

**TOTAL**

\$251



**Screening Date** 15-Mar-2022 **Docket No.** 2022-0960-MWD-E **PCW**  
**Respondent** City of Tenaha *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62111 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number** 10  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (4), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010818001, Permit Conditions No. 2.d  
**Violation Description** Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment. Specifically, a thin layer of settled sludge was noted about fifty feet downstream of the outfall.

**Base Penalty** \$25,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	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.

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 1 85 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$3,750

One quarterly event is recommended, calculated from the investigation date (December 20, 2021) to the screening date (March 15, 2022).

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$3,750

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$109 **Violation Final Penalty Total** \$3,938

**This violation Final Assessed Penalty (adjusted for limits)** \$3,938

## Economic Benefit Worksheet

**Respondent** City of Tenaha  
**Case ID No.** 62111  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Violation No.** 10

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				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	\$1,000	20-Dec-2021	22-Feb-2024	2.18	\$109	n/a	\$109
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated Remediation/Disposal cost to remove and properly dispose of the sludge from the receiving stream, in accordance with TPDES Permit No. WQ0010818001, Permit Conditions No. 2.d. 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 \$1,000

**TOTAL** \$109

**Screening Date** 15-Mar-2022 **Docket No.** 2022-0960-MWD-E **PCW**  
**Respondent** City of Tenaha *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62111 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number** 11

**Rule Cite(s)** 30 Tex. Admin. Code §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0010818001, Monitoring and Reporting Requirements No. 5

**Violation Description** Failed to have automatic flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less often than annually. Specifically, a review of records demonstrated that the secondary flow measuring device had not been calibrated since July 22, 2020. Additionally, the secondary flow measurement device had +14.7% error.

**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

**Matrix Notes** Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 3 236 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$3,750

Three quarterly events are recommended, calculated from the date the calibration was due (July 22, 2021) to the screening date (March 15, 2022).

**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** \$3,750

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$331 **Violation Final Penalty Total** \$3,938

**This violation Final Assessed Penalty (adjusted for limits)** \$3,938

# Economic Benefit Worksheet

**Respondent** City of Tenaha  
**Case ID No.** 62111  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Violation No.** 11

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$300	20-Dec-2021	22-Feb-2024	2.18	\$2	\$44	\$46
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	20-Dec-2021	22-Feb-2024	2.18	\$27	n/a	\$27
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 Training/Sampling cost to update procedures and conduct employee training to ensure automatic flow measuring devices are accurately calibrated by a trained person annually, in accordance with 30 Tex. Admin. Code § 319.11(d). Date Required is the investigation date, and the Final Date is the estimated date of compliance.

Estimated Equipment cost to calibrate the flow measuring device by a trained person. 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	\$250	22-Jul-2021	15-Mar-2022	0.65	\$8	\$250	\$258
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Estimated avoided cost to calibrate the flow measuring device annually. Date Required is the date the annual calibration was due and the Final Date is the screening date.

Approx. Cost of Compliance

\$800

**TOTAL**

\$331

**Screening Date** 15-Mar-2022 **Docket No.** 2022-0960-MWD-E **PCW**  
**Respondent** City of Tenaha *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62111 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number** 12

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010818001, Monitoring and Reporting Requirements No. 7.c

**Violation Description** Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance. Specifically, the Respondent did not provide noncompliance notifications for the exceedances during the monthly monitoring periods of May 2018, September 2018, October 2018, November 2018, December 2018, January 2019, February 2019, March 2019, August 2019, October 2019, November 2019, December 2019, January 2020, February 2020, March 2020, April 2020, December 2020, January 2021, February 2021, March 2021, April 2021, May 2021, June 2021, July 2021, August 2021, September 2021, and October 2021.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		X			10.0%

**Matrix Notes** 100% of the rule requirements were not met.

**Adjustment** \$22,500

\$2,500

**Violation Events**

Number of Violation Events 27 1359 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

**Violation Base Penalty** \$67,500

Twenty-seven single events are recommended, one for each written noncompliance report not submitted.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$67,500

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$741 **Violation Final Penalty Total** \$70,882

**This violation Final Assessed Penalty (adjusted for limits)** \$70,882

## Economic Benefit Worksheet

**Respondent** City of Tenaha  
**Case ID No.** 62111  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Violation No.** 12

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				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	20-Dec-2021	22-Feb-2024	2.18	\$27	n/a	\$27
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 Training/Sampling cost to update procedures and conduct employee training to ensure any effluent violation which deviates from the permitted effluent limitation by more than 40% is reported to the TCEQ in writing within five working days of becoming aware of noncompliance, in accordance with TPDES Permit No. WQ0010818001, Monitoring and Reporting Requirements No. 7.c. 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)	\$704	25-Nov-2021	15-Mar-2022	0.30	\$10	\$704	\$714

#### Notes for AVOIDED costs

Estimated costs to submit noncompliance notifications for the effluent exceedances that occurred during the monthly monitoring periods of May 2018, September 2018, October 2018, November 2018, December 2018, January 2019, February 2019, March 2019, August 2019, October 2019, November 2019, December 2019, January 2020, February 2020, March 2020, April 2020, December 2020, January 2021, February 2021, March 2021, April 2021, May 2021, June 2021, July 2021, August 2021, September 2021, and October 2021 at \$25/report plus accrued interest. Date Required is the date the last noncompliance notification was due, and the Final Date is the screening date.

Approx. Cost of Compliance

\$954

**TOTAL**

\$741

**Screening Date** 15-Mar-2022 **Docket No.** 2022-0960-MWD-E **PCW**  
**Respondent** City of Tenaha *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62111 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number** 13  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0010818001, Operational Requirements No. 1  
**Violation Description** Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the clarifier appeared to be turbid. Floating solids were noted on the surface, and algae was noted on the weir teeth.

**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

**Matrix Notes** Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 1 85 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$1,250

One quarterly event is recommended, calculated from the investigation date (December 20, 2021) to the screening date (March 15, 2022).

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$1,250

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$54 **Violation Final Penalty Total** \$1,313

**This violation Final Assessed Penalty (adjusted for limits)** \$1,313

## Economic Benefit Worksheet

**Respondent** City of Tenaha  
**Case ID No.** 62111  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Violation No.** 13

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				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	\$500	20-Dec-2021	22-Feb-2024	2.18	\$54	n/a	\$54
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
<b>Notes for DELAYED costs</b>	Estimated Remediation/Disposal cost to remove the algae and floating solids from the clarifier, in accordance with TPDES Permit No. WQ0010818001, Operational Requirements No. 1. 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
<b>ONE-TIME avoided costs</b>				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
<b>Notes for AVOIDED costs</b>	(This area is currently blank)						

Approx. Cost of Compliance \$500

**TOTAL** \$54



**Screening Date** 15-Mar-2022 **Docket No.** 2022-0960-MWD-E **PCW**  
**Respondent** City of Tenaha *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62111 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Enf. Coordinator** Cheryl Thompson

**Violation Number** 14  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010818001, Permit Conditions No. 2.g  
**Violation Description** Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state. Specifically, on July 18, 2019 approximately 1,000 gallons of sewage was discharged from a sewer main line break located on Church Street.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	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.

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$3,750

One quarterly event is recommended, calculated from the date of the discharge (July 18, 2019) to the date of compliance (July 18, 2019).

**Good Faith Efforts to Comply** 25.0% Reduction \$937

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

**Notes** The Respondent achieved compliance by July 18, 2019.

**Violation Subtotal** \$2,813

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$0 **Violation Final Penalty Total** \$3,259

**This violation Final Assessed Penalty (adjusted for limits)** \$3,259

## Economic Benefit Worksheet

**Respondent** City of Tenaha  
**Case ID No.** 62111  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Violation No.** 14

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$2,000	18-Jul-2019	18-Jul-2019	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 Remediation/Disposal cost to cease the unauthorized discharge of sewage from the sewer main line break located at Church Street, remove and properly dispose of the sewage, and clean and disinfect the affected areas, in accordance with Tex. Water Code § 26.121(a)(1). Date Required is the date of the discharge, 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 \$2,000

**TOTAL** \$0



# Compliance History Report

Compliance History Report for CN600338065, RN102844560, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**Customer, Respondent, or Owner/Operator:** CN600338065, City of Tenaha **Classification:** SATISFACTORY **Rating:** 6.00

**Regulated Entity:** RN102844560, TENAHA WWTP **Classification:** SATISFACTORY **Rating:** 6.00

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

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

**Location:** adjacent to Hilliard Creek, approximately 2,400 feet south of United States Highway 84 and 400 feet east of United States Highway 96, Shelby County Texas

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):**

**WASTEWATER PERMIT** WQ0010818001 **WASTEWATER EPA ID** TX0069086  
**WASTEWATER AUTHORIZATION** R10818001

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

**Date Compliance History Report Prepared:** March 16, 2023

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** March 16, 2018 to March 16, 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	September 18, 2018	(1520936)	Item 8	September 20, 2020	(1687749)
Item 2	May 22, 2019	(1584927)	Item 9	September 30, 2020	(1681180)
Item 3	June 21, 2019	(1584928)	Item 10	October 20, 2020	(1694095)
Item 4	September 30, 2019	(1600330)	Item 11	November 20, 2020	(1714942)
Item 5	October 21, 2019	(1614074)	Item 12	December 20, 2020	(1714943)
Item 6	June 20, 2020	(1667456)	Item 13	September 20, 2022	(1857045)
Item 7	July 21, 2020	(1674405)			

#### **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: 03/31/2022 (1820785)		
	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: 04/30/2022 (1829617)		
	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: 05/31/2022 (1835914)		
	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: 06/30/2022 (1843115)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
5	Date: 07/31/2022 (1849283)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
6	Date: 09/30/2022 (1863402)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
7	Date: 10/31/2022 (1870314)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
8	Date: 11/30/2022 (1876163)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
9	Date: 12/31/2022 (1882982)		
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		

#### **F. Environmental audits:**

N/A

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

N/A

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT  
ACTION CONCERNING  
CITY OF TENAHA;  
RN102844560

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER

DOCKET NO. 2022-0960-MWD-E

### I. JURISDICTION AND STIPULATIONS

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

1. Respondent owns and operates a wastewater treatment facility located adjacent to Hillard Creek, approximately 2,400 feet south of United States Highway 84 and 400 feet east of United States Highway 96 near Tenaha, Shelby County, Texas (the "Facility"). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 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 Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$161,825 is assessed by the Commission in settlement of the violations alleged in Section II. Pursuant to TEX. WATER CODE § 7.067, \$161,825 of the penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A" - incorporated herein by reference). Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes any payment schedule and the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.
5. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions contained in this Order.

7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon full compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that Respondent implemented corrective measures at the collection system by ceasing the discharge of sewage from the sewer main line break located at Church Street, removing and properly disposing of the sewage, and cleaning and disinfecting the affected areas by July 18, 2019.

## II. ALLEGATIONS

1. During an investigation conducted on December 20, 2021, an investigator documented that Respondent:
  - a. Failed to submit a complete annual sludge report ("ASR") to the TCEQ by September 30th of each year, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010818001, Sludge Provisions, Section III, G. Specifically, the 2018 and 2019 ASRs were not submitted to the TCEQ;
  - b. Failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative for a period of three years, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 319.7(a) and (c) and TPDES Permit No. WQ0010818001, Monitoring and Reporting Requirements No. 3.b. Specifically, the 2021 flow meter calibration record and sludge trip tickets were not maintained at the Facility and were not available for review;
  - c. Failed to ensure 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 317.3(a) and (e)(5) and TPDES Permit No. WQ0010818001, Operational Requirements No. 1. Specifically, the Fallin Lift Station had excessive amounts of floating solids/grease in the wet well; Pump No. 2 was not operational; the audiovisual alarms were not operational; and the perimeter fencing barbed wire needed repair;
  - d. Failed to ensure 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 TPDES Permit No. WQ0010818001, Operational Requirements No. 1. Specifically, the wastewater treatment facility backup generator that serves as emergency power was not operational;
  - e. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.4(b)(4), and TPDES Permit No. WQ0010818001, Operational Requirements No. 1. Specifically, the Imhoff tank had an excessive amount of surface scum. Grease and other solids were not removed properly, resulting in grease/debris being spilled on the ground on the north side of the Imhoff tank. Additionally, the solids removed from the Imhoff tank were placed into containers located near the Imhoff tank and left uncovered without vector control;

- f. Failed to ensure 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 TPDES Permit No. WQ0010818001, Operational Requirements No. 1. Specifically, excessive woody vegetation, obstructing the integrity of the fence, was noted at the Facility;
- g. Failed to ensure 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 TPDES Permit No. WQ0010818001, Operational Requirements No. 1. Specifically, two roll off boxes contained sludge and excessive vegetation growth;
- h. Failed to provide atmospheric vacuum breakers on all potable water washdown hoses, in violation of 30 TEX. ADMIN. CODE §§ 317.4(a)(8) and 317.7(i). Specifically, atmospheric vacuum breakers were not installed on the potable water spigots at the Facility;
- i. Failed to submit quarterly progress reports to show the steps that have been taken towards ensuring continued compliance with the total suspended solids, carbonaceous biological oxygen demand, ammonia-nitrogen, and *Escherichia coli* permit limits, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010818001, Other Requirements No. 6. Specifically, Respondent did not submit the quarterly progress reports for January 1, 2019, April 1, 2019, July 1, 2019, October 1, 2019, January 1, 2020, April 1, 2020, July 1, 2020, and October 1, 2020;
- j. Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), and TPDES Permit No. WQ0010818001, Permit Conditions No. 2.d. Specifically, a thin layer of settled sludge was noted about fifty feet downstream of the outfall;
- k. Failed to have automatic flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less often than annually, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0010818001, Monitoring and Reporting Requirements No. 5. Specifically, a review of records demonstrated that the secondary flow measuring device had not been calibrated since July 22, 2020. Additionally, the secondary flow measurement device had +14.7% error;
- l. Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010818001, Monitoring and Reporting Requirements No. 7.c. Specifically, the Respondent did not provide noncompliance notifications for the exceedances during the monthly monitoring periods of May 2018, September 2018, October 2018, November 2018, December 2018, January 2019, February 2019, March 2019, August 2019, October 2019, November 2019, December 2019, January 2020, February 2020, March 2020, April 2020, December 2020, January 2021, February 2021, March 2021, April 2021, May 2021, June 2021, July 2021, August 2021, September 2021, and October 2021;
- m. Failed to ensure 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 TPDES Permit No. WQ0010818001, Operational Requirements No. 1. Specifically, the clarifier appeared to be turbid. Floating solids were noted on the surface, and algae was noted on the weir teeth; and



- n. Failed to prevent an 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. WQ0010818001, Permit Conditions No. 2.g. Specifically, on July 18, 2019, approximately 1,000 gallons of sewage was discharged from a sewer main line break located on Church Street.

### III. DENIALS

Respondent generally denies each Allegation in Section II.

### IV. ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondent's compliance with all of the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. Respondent shall implement and complete a SEP as set forth in Section I, Paragraph 4. The amount of \$161,825 of the assessed administrative penalty is conditionally offset based on Respondent's implementation and completion of a SEP pursuant to the terms and conditions contained in the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Ensure flow meter calibration records and sludge trip tickets are maintained at the Facility and available for review, in accordance with 30 TEX. ADMIN. CODE § 319.7(a) and (c);
    - ii. Remove and properly dispose of the excessive grease in the Fallin Lift Station wet well, in accordance with 30 TEX. ADMIN. CODE § 317.3(a) and (e)(5);
    - iii. Remove and properly dispose of the surface scum from the Imhoff tank, and the debris from the ground on the north side of the Imhoff tank, in accordance with 30 TEX. ADMIN. CODE § 317.4(b)(4);
    - iv. Calibrate the flow measuring device by a trained person, in accordance with 30 TEX. ADMIN. CODE § 319.11(d);
    - v. Update procedures and conduct employee training to ensure:
      1. Solids removed from the Imhoff tank are properly disposed of in covered containers;
      2. Automatic flow measuring devices are accurately calibrated by a trained person annually;
      3. Any effluent violation which deviates from the permitted effluent limitation by more than 40% is reported to the TCEQ in writing within five working days of becoming aware of noncompliance;

4. Quarterly progress reports are submitted to the TCEQ Regional Office and the Enforcement Division; and
5. ASRs are submitted in a timely manner.
- vi. Properly dispose of the solids and begin maintaining the two roll-off boxes;
- vii. Install an atmospheric vacuum breaker on all the potable water spigots at the Facility, in accordance with 30 TEX. ADMIN. CODE §§ 317.4(a)(8) and 317.7(i); and
- viii. Remove and properly dispose of the sludge from the receiving stream.
- b. Within 45 days after the effective date of this Order submit written certification of compliance with Ordering Provision Nos. 3.a.i through 3.a.viii, in accordance with Ordering Provision No. 3.d.
- c. Within 60 days after the effective date of this Order:
  - i. Repair or replace Pump No. 2, the audiovisual alarms, and the perimeter fencing barbed wire at the Fallin Lift Station, in accordance with 30 TEX. ADMIN. CODE § 317.3(a) and (e)(5);
  - ii. Repair or replace the backup generator that serves as emergency power for the Facility;
  - iii. Remove the woody vegetation from the south perimeter fence, and make any necessary repairs to the fencing; and
  - iv. Remove the algae and floating solids from the clarifier and weir teeth.
- d. Within 75 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.c.i. through 3.c.iv. The certifications shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by 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 fine and imprisonment for knowing violations.”

The written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

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

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
8. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
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



\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date

December 10, 2024

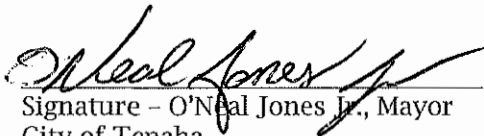
\_\_\_\_\_  
Date

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

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

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



Signature - O'Neal Jones Jr., Mayor  
City of Tenaha  
P.O.Box 70  
Tenaha, Texas 75974

18 OCT 2024

\_\_\_\_\_  
Date

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

\_\_\_\_\_

## **Attachment A**

**Attachment A**

**Docket Number: 2022-0960-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Tenaha
<b>Penalty Amount:</b>	\$161,825
<b>SEP Offset Amount:</b>	\$161,825
<b>Type of SEP:</b>	Compliance
<b>Project Name:</b>	Clarifier Construction
<b>Location of SEP:</b>	Shelby County

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.

**I. Project Description**

*A. Project*

Respondent shall hire a contractor to build and install an additional clarifier at the Facility. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for construction of a new clarifier (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 treatment for 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**

<b>Item</b>	<b>Total</b>
Construction of Additional Clarifier	\$600,000
<b>Total</b>	<b>\$600,000</b>

**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 75 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](mailto: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 75 days Respondent shall submit a Final Report to the TCEQ containing detailed information on all actions completed on the project.

**Reporting Schedule**

<b>Days from Effective Order Date</b>	<b>Information Required</b>
<b>30</b>	Notice of Commencement describing actions taken to begin project
<b>75</b>	Notice of SEP completion

*B. Final Report*

Within 75 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to TCEQ, which shall include the following:

1. An itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
4. Copies of proof of advertisement of invitation for bids, if applicable;
5. A certified statement of SEP completion and document authentication;
6. A detailed map showing the specific location of the project site(s);
7. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;
8. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
9. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

*C. Submittals*

Respondent shall submit all SEP reports and any additional information as requested to the SEP Coordinator at the address provided above.

**4. Additional Information and Access**

Respondent shall provide additional information as requested by TCEQ staff and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

**5. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described above in Sections 2 through 4, the ED may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to the SEP Coordinator at the address provided above.

**6. Publicity**

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by TCEQ**. Such statements include advertising, public relations, and press releases.

**7. Recognition**



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

**8. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with TCEQ or any other agency of the state or federal government.