

Executive Summary – Enforcement Matter – Case No. 62995

City of Tyler

RN101611150

Docket No. 2022-1270-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Westside Plant, 14939 County Road 46 West, Tyler, Smith County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 3, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$21,000

Amount Deferred for Expedited Settlement: \$4,200

Total Paid to General Revenue: \$16,800

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 16, 2022

Date(s) of NOE(s): September 9, 2022

Executive Summary – Enforcement Matter – Case No. 62995

City of Tyler

RN101611150

Docket No. 2022-1270-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for total suspended solids and ammonia nitrogen [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010653001, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010653001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mark Gamble, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2587; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable Donald Warren, Mayor, City of Tyler, P.O. Box 2039, Tyler, Texas 75710

Kate Dietz, P.E., Director of Utilities, City of Tyler, P.O. Box 2039, Tyler, Texas 75710

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	19-Sep-2022	Screening	22-Sep-2022	EPA Due	5-Dec-2022
	PCW	6-Oct-2022				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Tyler
Reg. Ent. Ref. No.	RN101611150
Facility/Site Region	5-Tyler
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	62995	No. of Violations	1
Docket No.	2022-1270-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Mark Gamble
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	40.0%	Adjustment	Subtotals 2, 3, & 7	\$6,000
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Notes	Enhancement for eight months of self-reported effluent violations.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,623	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$10,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$21,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$21,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$21,000
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DEFERRAL	20.0%	Reduction	Adjustment	-\$4,200
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$16,800
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Screening Date	22-Sep-2022	Docket No.	2022-1270-MWD-E	PCW
Respondent	City of Tyler			
Case ID No.	62995			
Reg. Ent. Reference No.	RN101611150			
Media	Water Quality			
Enf. Coordinator	Mark Gamble			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	8	40%
	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) 40%

>> 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 eight months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 40%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 40%

Screening Date 22-Sep-2022 Respondent City of Tyler Case ID No. 62995 Reg. Ent. Reference No. RN101611150 Media Water Quality Enf. Coordinator Mark Gamble Violation Number 1	Docket No. 2022-1270-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit ("TPDES") No. WQ0010653001, Effluent Limitations and Monitoring Requirements No. 1
Violation Description	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

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

OR		Release	Harm	Minor		
		Major	Moderate	Minor		
	Actual			x		
	Potential				Percent	30.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
					Percent	0.0%

Matrix Notes	A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$17,500
	\$7,500

Violation Events

Number of Violation Events	2		123	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				

Violation Base Penalty	\$15,000
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Two quarterly events are recommended for the period containing the months of December 2021, and March 2022 through May 2022.

Good Faith Efforts to Comply

	0.0%		Reduction	\$0
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	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x			

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$15,000
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Economic Benefit (EB) for this violation

	Statutory Limit Test
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Estimated EB Amount	\$1,623	Violation Final Penalty Total	\$21,000
This violation Final Assessed Penalty (adjusted for limits)		\$21,000	

Economic Benefit Worksheet

Respondent City of Tyler
Case ID No. 62995
Reg. Ent. Reference No. RN101611150
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Dec-2021	30-Mar-2025	3.25	\$1,623	n/a	\$1,623

Notes for DELAYED costs

Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance, and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,623

City of Tyler
Docket No. 2022-1270-MWD-E
TPDES Permit No. WQ0010653001

Effluent Violation Table

Monitoring Period	Total Suspended Solids			Ammonia Nitrogen		
	Daily Average Concentration (March - Nov.)	Daily Maximum Concentration (March-Nov.)	Daily Maximum Concentration (Dec.-Feb.)	Daily Average Concentration (March - Nov.)	Daily Maximum Concentration	Daily Average Loading (March-Nov.)
Month/Year	Limit = 15 mg/L	Limit = 40 mg/L	Limit = 45 mg/L	Limit = 3 mg/L	Limit = 10 mg/L	Limit = 325 lbs/day
December 2021	c	c	62	c	c	c
March 2022	18.6	101	c	3.9	14.3	c
April 2022	c	c	c	8.9	14.8	679.1
May 2022	15.7	42	c	8	16.9	631.1

c = compliant

mg/L = milligrams per liter

lbs/day= pounds per day



Compliance History Report

Compliance History Report for CN600335657, RN101611150, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN600335657, City of Tyler	Classification:	SATISFACTORY	Rating:	2.21
Regulated Entity:	RN101611150, WESTSIDE PLANT	Classification:	SATISFACTORY	Rating:	2.87
Complexity Points:	10	Repeat Violator:	NO		
CH Group:	08 - Sewage Treatment Facilities				
Location:	14939 County Road 46 West in Tyler, Smith County, Texas				
TCEQ Region:	REGION 05 - TYLER				
ID Number(s):					
SLUDGE AUTHORIZATION	720007	STORMWATER PERMIT	TXR05X205		
WASTEWATER PERMIT	WQ0010653001	WASTEWATER EPA ID	TX0047996		
Compliance History Period:	September 01, 2019 to August 31, 2024	Rating Year:	2024	Rating Date:	09/01/2024
Date Compliance History Report Prepared:	October 07, 2024				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	October 07, 2019 to October 07, 2024				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Mark Gamble		Phone:	(512) 239-2587	

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	October 17, 2019	(1613816)	Item 14	February 19, 2021	(1727233)
Item 2	November 19, 2019	(1619627)	Item 15	March 11, 2021	(1704425)
Item 3	February 20, 2020	(1641235)	Item 16	April 19, 2021	(1727235)
Item 4	April 20, 2020	(1654099)	Item 17	May 20, 2021	(1740918)
Item 5	May 18, 2020	(1660671)	Item 18	June 16, 2021	(1723823)
Item 6	June 19, 2020	(1667191)	Item 19	June 18, 2021	(1747885)
Item 8	September 18, 2020	(1687487)	Item 20	July 20, 2021	(1752272)
Item 10	November 20, 2020	(1714167)	Item 21	August 16, 2021	(1757721)
Item 11	December 18, 2020	(1714168)	Item 22	September 16, 2021	(1766908)
Item 12	January 20, 2021	(1714169)	Item 24	October 18, 2021	(1777402)
Item 13	February 04, 2021	(1700276)	Item 25	November 17, 2021	(1784199)
			Item 26	December 14, 2021	(1791228)

Item 34	August 17, 2023	(1933601)
Item 35	September 14, 2023	(1939742)
Item 36	October 19, 2023	(1946587)
Item 38	December 18, 2023	(1962050)
Item 39	March 28, 2024	(1982561)
Item 40	May 15, 2024	(1997252)

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: 10/31/2023 (1952278) | | |
| | 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: 12/31/2023 (1968640) | | |
| | 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: 01/31/2024 (1977699) | | |
| | 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: 02/29/2024 (1984276) | | |
| | 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: 03/31/2024 (1990796) | | |
| | 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: 05/31/2024 (2004208) | | |
| | 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: 06/30/2024 (2011764) | | |
| | 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: 07/19/2024 (1996024) | | |
| | Self Report? NO | Classification: Moderate | |
| | Citation: 30 TAC Chapter 305, SubChapter F 305.125
TWC Chapter 26 26.121
TX0047996 OP
WQ0010653001 PERMIT | | |
| | Description: Failure to prevent the unauthorized discharge of untreated sewage into or adjacent to a surface water in the state. | | |

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 TYLER
RN101611150

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

AGREED ORDER DOCKET NO. 2022-1270-MWD-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a wastewater treatment facility located at 14939 County Road 46 West in Tyler, Smith County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the 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 the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$21,000 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$16,800 of the penalty and \$4,200 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During a record review for the Facility conducted on August 16, 2022, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010653001, Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below:

Effluent Violation Table						
Monitoring Period	Total Suspended Solids			Ammonia Nitrogen		
	Daily Average Concentration (March - Nov.)	Daily Maximum Concentration (March-Nov.)	Daily Maximum Concentration (Dec.-Feb.)	Daily Average Concentration (March - Nov.)	Daily Maximum Concentration	Daily Average Loading (March - Nov.)
Month/Year	Limit = 15 mg/L	Limit = 40 mg/L	Limit = 45 mg/L	Limit = 3 mg/L	Limit = 10 mg/L	Limit = 325 lbs/day
December 2021	c	c	62	c	c	c
March 2022	18.6	101	c	3.9	14.3	c
April 2022	c	c	c	8.9	14.8	679.1
May 2022	15.7	42	c	8	16.9	631.1

c = compliant

mg/L = milligrams per liter

lbs/day= pounds per day

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the 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 action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Tyler, Docket No. 2022-1270-MWD-E" to:

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

2. The Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010653001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.

5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. 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.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

1/15/2025

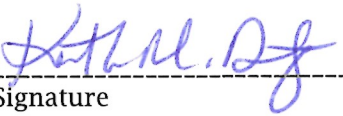
Date

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

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

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

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



Signature

11/12/2024

Date

Kate Ditz, P.E.

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

Director of Utilities

Title

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

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