Executive Summary – Enforcement Matter – Case No. 63345
Trinity River Authority of Texas
RN102004355
Docket No. 2023-0228-MWD-E

Order Type:
Findings Agreed Order
Findings Order Justification:
People or environmental receptors have been exposed to pollutants which exceed levels that are protective.
Media:
MWD
Small Business:
No
Location(s) Where Violation(s) Occurred:
Denton Creek Regional WWTP, 1687 U.S. Highway 377, Roanoke, Denton County
Type of Operation:
Wastewater treatment plant
Other Significant Matters:
Additional Pending Enforcement Actions: Yes, Docket No. 2024-0563-MWD-E
Past-Due Penalties: No
Other: N/A
Interested Third-Parties: None
Texas Register Publication Date: February 21, 2025
Comments Received: No

Penalty Information

Total Penalty Assessed: $24,750
Total Paid to General Revenue: $0
Total Due to General Revenue: $0
Payment Plan: N/A
Supplemental Environmental Project ("SEP") Conditional Offset: $24,750
Name of SEP: Texas Water Development Board (Third-Party Pre-Approved)
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 26, 2022
Date(s) of NOE(s): October 31, 2022

Violation Information

Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state [30 TEX. ADMIN. CODE § 305.125(1) and (4), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0013457001, Permit Conditions No. 2.g].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On August 25, 2022, the Respondent cleaned and remediated the affected area, flushed Kirkwood Branch creek, restarted the pumps, and repaired the lift station electrical issues.

Technical Requirements:

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Taylor Williamson, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-2097; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
SEP Third-Party Administrator: Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231
Respondent: Tommy G. Fordyce, President, Trinity River Authority of Texas, P.O. Box 240, Arlington, Texas 76004
Matthew S. Jalbert, Executive Manager – Northern Region, Trinity River Authority of Texas, P.O. Box 240, Arlington, Texas 76004
Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021) *PCW Revision February 11, 2021*

DATES					
Assigned	31-Oct-2022				
PCW	6-Jan-2025	**Screening**	10-Nov-2022	**EPA Due**	

RESPONDENT/FACILITY INFORMATION			
Respondent	Trinity River Authority of Texas		
Reg. Ent. Ref. No.	RN102004355		
Facility/Site Region	4-Dallas/Fort Worth	**Major/Minor Source**	Major

CASE INFORMATION			
Enf./Case ID No.	63345	**No. of Violations**	1
Docket No.	2023-0228-MWD-E	**Order Type**	Findings
Media Program(s)	Water Quality	**Government/Non-Profit**	Yes
Multi-Media		**Enf. Coordinator**	Taylor Williamson
		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*** **$25,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **24.0%** Adjustment ***Subtotals 2, 3, & 7*** **$6,000**

Notes: Enhancement for one order without a denial of liability. Reduction for one notice of intended audit.

Culpability No **0.0%** Enhancement ***Subtotal 4*** **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments ***Subtotal 5*** **-$6,250**

Economic Benefit **0.0%** Enhancement* ***Subtotal 6*** **$0**

Total EB Amounts $0
Estimated Cost of Compliance $15,000

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 ***Final Subtotal*** **$24,750**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** ***Adjustment*** **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$24,750**

STATUTORY LIMIT ADJUSTMENT ***Final Assessed Penalty*** **$24,750**

DEFERRAL **0.0%** Reduction ***Adjustment*** **$0**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **$24,750**

Screening Date	10-Nov-2022	**Docket No.** 2023-0228-MWD-E	**PCW**
Respondent	Trinity River Authority of Texas		*Policy Revision 5 (January 28, 2021)*
Case ID No.	63345		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN102004355		
Media	Water Quality		
Enf. Coordinator	Taylor Williamson		

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 (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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	1	25%
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 (*number of judgments or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 *(number of audits for which notices were submitted)*	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	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) 24%

>> 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 one order without a denial of liability. Reduction for one notice of intended audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 24%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 24%

Screening Date	10-Nov-2022	**Docket No.**	2023-0228-MWD-E	**PCW**
Respondent	Trinity River Authority of Texas			*Policy Revision 5 (January 28, 2021)*
Case ID No.	63345			*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN102004355			
Media	Water Quality			
Enf. Coordinator	Taylor Williamson			

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (4), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0013457001, 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 August 25, 2022, approximately 60,000 gallons of wastewater was discharged from a manhole in the vicinity of 3183 North White Chapel Boulevard into Kirkwood Branch Creek, resulting in a fish kill of 763 fish.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $0

$25,000

Violation Events

Number of Violation Events 1 | 1 Number of violation days

daily	
weekly	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $25,000

One weekly event is recommended from the date the discharge began (August 25, 2022) to the compliance date (August 25, 2022).

Good Faith Efforts to Comply

25.0% Reduction $6,250

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

Notes: The Respondent achieved compliance on August 25, 2022.

Violation Subtotal $18,750

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $24,750

This violation Final Assessed Penalty (adjusted for limits) $24,750

Economic Benefit Worksheet

Respondent Trinity River Authority of Texas
Case ID No. 63345
Reg. Ent. Reference No. RN102004355
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
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	$15,000	25-Aug-2022	25-Aug-2022	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 clean and remediate the affected area, flush Kirkwood Branch Creek, restart the pumps, and repair the lift station electrical issues. The Date Required is the date the discharge began, 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 $15,000

TOTAL $0

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

Compliance History Report

Compliance History Report for CN601265945, RN102004355, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN601265945, Trinity River Authority Of Texas **Classification:** SATISFACTORY **Rating:** 3.21

Regulated Entity: RN102004355, DENTON CREEK REGIONAL WWTP **Classification:** SATISFACTORY **Rating:** 1.41

Complexity Points: 10 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: 1687 United States Highway 377 north of Roanoke, approximately 1.5 miles north-northeast of the intersection of State Highway 114 and United States Highway 377 in Roanoke, Denton County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

STORMWATER PERMIT TXR05DB74
STORMWATER PERMIT TXR1527QB
STORMWATER PERMIT TXR1568RW
WASTEWATER PERMIT WQ0013457001
WASTEWATER EPA ID TX0104957

Compliance History Period: September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

Date Compliance History Report Prepared: January 06, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 06, 2020 to January 06, 2025

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

Name: Taylor Williamson **Phone:** (512) 239-2097

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five-year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 08/04/2020 ADMINORDER 2019-1722-MWD-E (Findings Order-Agreed Order Without Denial)

Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Permit Conditions 2.g PERMIT
Description: Failure to prevent the unauthorized discharge of wastewater resulting in a documented serious impact to the environment.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	January 17, 2020	(1635522)	Item 6	September 17, 2020	(1688391)
Item 2	February 17, 2020	(1642139)	Item 7	October 16, 2020	(1694752)
Item 3	March 18, 2020	(1648651)	Item 9	November 19, 2020	(1716842)
Item 4	June 19, 2020	(1668099)	Item 10	December 18, 2020	(1716843)
Item 5	July 17, 2020	(1675046)	Item 11	December 28, 2020	(1685224)

Item 12	January 15, 2021	(1698079)	Item 36	November 18, 2022	(1870935)
Item 13	February 04, 2021	(1699946)	Item 37	January 19, 2023	(1883603)
Item 14	February 18, 2021	(1729922)	Item 38	March 17, 2023	(1899989)
Item 15	March 18, 2021	(1729923)	Item 39	March 30, 2023	(1893814)
Item 16	April 20, 2021	(1729924)	Item 40	April 20, 2023	(1906789)
Item 17	May 19, 2021	(1742252)	Item 41	June 19, 2023	(1920550)
Item 18	June 17, 2021	(1748334)	Item 42	July 13, 2023	(1909594)
Item 19	July 19, 2021	(1753152)	Item 43	July 19, 2023	(1927536)
Item 20	August 18, 2021	(1758557)	Item 44	August 18, 2023	(1934477)
Item 21	September 20, 2021	(1767849)	Item 45	September 19, 2023	(1940654)
Item 22	October 18, 2021	(1778412)	Item 46	October 19, 2023	(1947456)
Item 23	November 18, 2021	(1785083)	Item 47	November 16, 2023	(1953142)
Item 24	December 17, 2021	(1792116)	Item 48	December 19, 2023	(1962927)
Item 25	January 14, 2022	(1775447)	Item 49	February 19, 2024	(1978583)
Item 26	January 19, 2022	(1799965)	Item 50	March 19, 2024	(1985144)
Item 27	February 15, 2022	(1807797)	Item 51	March 26, 2024	(1981075)
Item 28	March 21, 2022	(1814840)	Item 52	April 19, 2024	(1991688)
Item 29	April 19, 2022	(1821409)	Item 53	May 17, 2024	(1998122)
Item 30	May 17, 2022	(1830306)	Item 54	June 17, 2024	(2005089)
Item 31	June 20, 2022	(1836556)	Item 55	July 19, 2024	(1988815)
Item 32	July 20, 2022	(1843741)	Item 56	July 23, 2024	(1994340)
Item 33	August 22, 2022	(1849903)	Item 57	August 19, 2024	(2018220)
Item 34	September 20, 2022	(1857672)	Item 58	September 17, 2024	(2025258)
Item 35	October 19, 2022	(1864026)	Item 60	October 18, 2024	(2031368)

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

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

N/A

F. Environmental audits:

Notice of Intent Date: 04/12/2023 (1896269)

No DOV Associated

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 TRINITY RIVER AUTHORITY OF TEXAS RN102004355	**§ § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2023-0228-MWD-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Trinity River Authority of Texas (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment plant located 1687 United States Highway 377 north of Roanoke, approximately 1.5 miles north-northeast of the intersection of State Highway 114 and United States Highway 377 in Roanoke, Denton County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).

2. During an investigation at the Facility conducted on August 26, 2022, an investigator documented that on August 25, 2022, approximately 60,000 gallons of wastewater was discharged from a manhole in the vicinity of 3183 North White Chapel Boulevard into Kirkwood Branch Creek, resulting in a fish kill of 763 fish.

3. The Executive Director recognizes that on August 25, 2022, the Respondent cleaned and remediated the affected area, flushed Kirkwood Branch creek, restarted the pumps, and repaired the lift station electrical issues.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.

2. As evidenced by Finding of Fact No. 2, the Respondent failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (4), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0013457001, Permit Conditions No. 2.g.

3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

4. An administrative penalty in the amount of $24,750 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Pursuant to TEX. WATER CODE § 7.067, $24,750 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A" - incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Trinity River Authority of Texas, Docket No. 2023-0228-MWD-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Conclusion of Law No. 4. The amount of $24,750 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of

the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment

3. 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.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.

7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date
For the Executive Director	4/4/2025 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	1/30/25 Date
Matthew S. Jalbert, PE Name (Printed or typed) Authorized Representative of Trinity River Authority of Texas	Executive Manager, Northern Region Title

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

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

Attachment A

Docket Number: 2023-0228-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Trinity River Authority of Texas**
Payable Penalty Amount:	**$24,750**
SEP Offset Amount:	**$24,750**
Type of SEP:	**Contribution to a Third-Party Administrator SEP**
Third-Party Administrator:	**Texas Water Development Board**
Project Name:	***Water-Level Recorder Data in Every Texas County***
Total Project Budget:	**$997,500**
Location of SEP:	**Statewide; preference for Denton County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Water Development Board** for the *Water-Level Recorder Data in Every Texas County* project (the "Project"). The Project is to purchase, install, and maintain automatic water-level recorders in unused wells in the remaining one hundred sixty-six (166) counties. The Third-Party Administrator shall give preference to installing water-level recorders initially in counties in which there are 1) no existing automatic water-level recorder wells, 2) no groundwater conservation district, or 3) groundwater conservation districts that do not have the staff and/or the financial ability to install an automatic water-level recorder. The Project will be done in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit from this SEP.

B. Environmental Benefit

The groundwater stored within Texas' minor and major aquifers is an important natural resource that is relied upon to meet the water supply demands of Texans across the state. Many factors affect the availability of this resource including drought and increased demand. This Project will provide statewide comprehensive real-time groundwater level data to Texas counties, cities, groundwater conservation districts, water supply companies, and individual well owners.

The availability of this comprehensive data will promote awareness of the effects of drought on Texas' aquifers and assist in groundwater management planning and use throughout the state.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Water Development Board SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Water Development Board
Attention: Finance
P.O. Box 13231
Austin, Texas 78711-3231

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

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

4. Failure to Fully Perform

If the 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 in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the 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, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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