

Executive Summary – Enforcement Matter – Case No. 63869

City of Kingsville

RN101612976

Docket No. 2023-0475-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Kingsville 3.0 MGD WWTP, 2801 East Santa Gertrudis Street, Kingsville, Kleberg 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: \$20,400

Amount Deferred for Expedited Settlement: \$4,080

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$16,320

Name of SEP: WWTF Improvements (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 30, 2023

Date(s) of NOE(s): March 22, 2023

Executive Summary – Enforcement Matter – Case No. 63869

City of Kingsville

RN101612976

Docket No. 2023-0475-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for total copper [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010696001, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010696001, 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: Samantha Smith, Enforcement Division, Enforcement Team 7, MC R-12, (512) 239-2099; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

Respondent: The Honorable Sam R. Fugate, Mayor, City of Kingsville, P.O. Box 1458, Kingsville, Texas 78363-7616

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned PCW	3-Apr-2023	Screening	5-Apr-2023	EPA Due	5-Mar-2023
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RESPONDENT/FACILITY INFORMATION	
Respondent	City of Kingsville
Reg. Ent. Ref. No.	RN101612976
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	63869	No. of Violations	2
Docket No.	2023-0475-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Samantha Smith
		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	\$20,000
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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	2.0%	Adjustment	Subtotals 2, 3, & 7	\$400
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Notes: Enhancements for one NOV with dissimilar violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The respondent does not meet the culpability criteria

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: \$2,531
 Estimated Cost of Compliance: \$25,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$20,400
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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:

Final Penalty Amount	\$20,400
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$20,400
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DEFERRAL	20.0%	Reduction	Adjustment	-\$4,080
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$16,320
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Screening Date 5-Apr-2023

Docket No. 2023-0475-MWD-E

PCW

Respondent City of Kingsville

Policy Revision 5 (January 28, 2021)

Case ID No. 63869

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101612976

Media Water Quality

Enf. Coordinator Samantha Smith

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	1	2%
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) 2%

>> 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

Enhancements for one NOV with dissimilar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 2%

Screening Date 5-Apr-2023	Docket No. 2023-0475-MWD-E	PCW
Respondent City of Kingsville		<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No. 63869		<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No. RN101612976		
Media Water Quality		
Enf. Coordinator Samantha Smith		

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010696001, 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

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	X	<input type="text"/>	Percent <input type="text" value="50.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

Matrix Notes A simplified model was used to evaluate total copper to determine whether the discharge amount of pollutants exceeded protective levels. Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One monthly event is recommended for the month of May 2022.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	<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 Kingsville
Case ID No. 63869
Reg. Ent. Reference No. RN101612976
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)	\$25,000	31-May-2022	8-Jun-2024	2.02	\$2,531	n/a	\$2,531

Notes for DELAYED costs

Estimated 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

\$25,000

TOTAL

\$2,531

Screening Date 5-Apr-2023 **Docket No.** 2023-0475-MWD-E **PCW**
Respondent City of Kingsville *Policy Revision 5 (January 28, 2021)*
Case ID No. 63869 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101612976
Media Water Quality
Enf. Coordinator Samantha Smith

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010696001, 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

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes A simplified model was used to evaluate total copper to determine whether the discharge amount of pollutants exceeded protective levels. 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 \$17,500

\$7,500

Violation Events

Number of Violation Events 1 31 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One quarterly event is recommended for the month of July 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 \$7,500

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$7,650

This violation Final Assessed Penalty (adjusted for limits) \$7,650

Economic Benefit Worksheet

Respondent City of Kingsville
Case ID No. 63869
Reg. Ent. Reference No. RN101612976
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				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

See Economic Benefit Worksheet for Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

City of Kingsville
Docket No. 2023-0475-MWD-E
TPDES Permit No. WQ0010696001
Case No. 63869

Effluent Violation Table			
Monitoring Period	Total Copper		
	Daily Avg. Conc. Limit = 0.007 mg/L	Daily Max. Conc. Limit = .021 mg/L	Daily Avg. Loading Limit = 0.17 lbs/day
May 2022	0.0199	0.0563	0.192521
July 2022	0.00905	0.0225	c

Avg. = average mg/L = milligrams per liter Max. = Maximum lbs/day = pounds per day
Conc. = Concentration c = compliant

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Compliance History Report

Compliance History Report for CN600674246, RN101612976, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600674246, City of Kingsville **Classification:** SATISFACTORY **Rating:** 2.80

Regulated Entity: RN101612976, CITY OF KINGSVILLE 3.0 MGD WASTEWATER TREATMENT PLANT **Classification:** SATISFACTORY **Rating:** 1.40

Complexity Points: 9 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: 2801 East Santa Gertrudis Street, Kingsville, Texas, Kleberg County

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

MUNICIPAL SOLID WASTE PROCESSING
REGISTRATION 40143

SLUDGE REGISTRATION 22109

STORMWATER PERMIT TXR05FG07

WASTEWATER PERMIT WQ0010696001

WASTEWATER EPA ID TX0023418

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

Date Compliance History Report Prepared: January 09, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 09, 2019 to January 09, 2024

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

Name: Shane Glantz

Phone: (325) 698-6124

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	February 15, 2019	(1560275)	Item 11	December 16, 2019	(1626603)
Item 2	March 20, 2019	(1560276)	Item 12	January 21, 2020	(1634245)
Item 3	April 22, 2019	(1572025)	Item 13	February 19, 2020	(1640863)
Item 4	May 21, 2019	(1583657)	Item 14	March 16, 2020	(1647383)
Item 5	June 19, 2019	(1583658)	Item 16	April 20, 2020	(1653721)
Item 6	July 19, 2019	(1593352)	Item 17	May 18, 2020	(1660304)
Item 7	August 28, 2019	(1408617)	Item 18	June 19, 2020	(1666814)
Item 8	September 18, 2019	(1606591)	Item 19	July 21, 2020	(1673767)
Item 9	October 18, 2019	(1613438)	Item 20	September 15, 2020	(1687112)
Item 10	November 18, 2019	(1619254)			

Item 21	September 21, 2020	(1680545)	Item 38	April 19, 2022	(1820156)
Item 22	October 19, 2020	(1693456)	Item 39	May 20, 2022	(1828996)
Item 23	November 18, 2020	(1713063)	Item 40	July 19, 2022	(1842491)
Item 24	December 15, 2020	(1713064)	Item 41	September 20, 2022	(1856423)
Item 25	February 09, 2021	(1726122)	Item 42	October 20, 2022	(1862780)
Item 26	March 19, 2021	(1726123)	Item 43	November 15, 2022	(1869693)
Item 27	April 14, 2021	(1726124)	Item 44	December 13, 2022	(1875543)
Item 28	May 12, 2021	(1740365)	Item 45	January 20, 2023	(1882363)
Item 29	June 18, 2021	(1747689)	Item 46	February 17, 2023	(1890177)
Item 30	July 13, 2021	(1751905)	Item 47	March 17, 2023	(1898740)
Item 31	August 20, 2021	(1757366)	Item 48	April 19, 2023	(1905528)
Item 32	September 20, 2021	(1766461)	Item 49	May 16, 2023	(1912709)
Item 33	November 15, 2021	(1783825)	Item 50	June 20, 2023	(1919313)
Item 34	December 20, 2021	(1790854)	Item 51	July 28, 2023	(1926279)
Item 35	January 14, 2022	(1798645)	Item 52	August 15, 2023	(1933238)
Item 36	February 17, 2022	(1806519)	Item 53	September 20, 2023	(1939379)
Item 37	March 16, 2022	(1813587)	Item 54	October 17, 2023	(1946227)

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: 08/10/2023 (1905178)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Operational Requirements No. 4 PERMIT
- Description: Failed to provide and maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electric power failures.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 217, SubChapter C 217.59(b)
Operational Requirements No. 1 PERMIT
- Description: Failed to secure the lift station in an intruder resistant manner.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements No. 5, Pg. 34 PERMIT
- Description: Failed to report violations of daily maximum limitations for the Total Copper pollutant orally or by facsimile to TCEQ Region 14 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224).

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

Description: Failed to accurately complete the Discharge Monitoring Report (DMR).

3 Date: 07/31/2019 (1599692)
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: 05/31/2022 (1835289)
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 (1848623)
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: 08/10/2023 (1905178)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
Operational Requirements No. 4 PERMIT
Description: Failed to provide and maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electric power failures.
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 217, SubChapter C 217.59(b)
Operational Requirements No. 1 PERMIT
Description: Failed to secure the lift station in an intruder resistant manner.
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements No. 5, Pg. 34 PERMIT
Description: Failed to report violations of daily maximum limitations for the Total Copper pollutant orally or by facsimile to TCEQ Region 14 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224).

* NOV's applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

Appendix B All Investigations Conducted During Component Period January 09, 2019 and January 09, 2024

Item 1	January 10, 2019**	(1560277)	Item 10*	August 28, 2019**	(1408617)
Item 2	January 18, 2019**	(1537946)	Item 11*	September 18, 2019**	(1606591)
Item 3*	February 15, 2019**	(1560275)	Item 12	October 02, 2019**	(1599692)
Item 4*	March 20, 2019**	(1560276)	Item 13	October 08, 2019**	(1599308)
Item 5*	April 22, 2019**	(1572025)	Item 14*	October 18, 2019**	(1613438)
Item 6	May 15, 2019**	(1558817)	Item 15*	November 18, 2019**	(1619254)
Item 7*	May 21, 2019**	(1583657)	Item 16*	December 16, 2019**	(1626603)
Item 8*	June 19, 2019**	(1583658)	Item 17*	January 21, 2020**	(1634245)
Item 9*	July 19, 2019**	(1593352)			

Item 18*	February 19, 2020**	(1640863)	Item 42*	March 16, 2022**	(1813587)
Item 19*	March 16, 2020**	(1647383)	Item 43*	April 19, 2022**	(1820156)
Item 20*	April 20, 2020**	(1653721)	Item 44*	May 20, 2022**	(1828996)
Item 21*	May 18, 2020**	(1660304)	Item 45	June 17, 2022**	(1835289)
Item 22*	June 19, 2020**	(1666814)	Item 46*	July 19, 2022**	(1842491)
Item 23*	July 21, 2020**	(1673767)	Item 47	August 19, 2022**	(1848623)
Item 24*	September 15, 2020**	(1687112)	Item 48*	September 20, 2022**	(1856423)
Item 25*	September 21, 2020**	(1680545)	Item 49*	October 20, 2022**	(1862780)
Item 26*	October 19, 2020**	(1693456)	Item 50*	November 15, 2022**	(1869693)
Item 27*	November 18, 2020**	(1713063)	Item 51*	December 13, 2022**	(1875543)
Item 28*	December 15, 2020**	(1713064)	Item 52*	January 20, 2023**	(1882363)
Item 29*	February 09, 2021**	(1726122)	Item 53*	February 17, 2023**	(1890177)
Item 30*	March 19, 2021**	(1726123)	Item 54*	March 17, 2023**	(1898740)
Item 31*	April 14, 2021**	(1726124)	Item 55	March 28, 2023**	(1874087)
Item 32*	May 12, 2021**	(1740365)	Item 56*	April 19, 2023**	(1905528)
Item 33*	June 18, 2021**	(1747689)	Item 57*	May 16, 2023**	(1912709)
Item 34	June 25, 2021**	(1724171)	Item 58*	June 20, 2023**	(1919313)
Item 35*	July 13, 2021**	(1751905)	Item 59*	July 28, 2023**	(1926279)
Item 36*	August 20, 2021**	(1757366)	Item 60	August 10, 2023**	(1905178)
Item 37*	September 20, 2021**	(1766461)	Item 61*	August 15, 2023**	(1933238)
Item 38*	November 15, 2021**	(1783825)	Item 62*	September 20, 2023	(1939379)
Item 39*	December 20, 2021**	(1790854)	Item 63*	October 17, 2023	(1946227)
Item 40*	January 14, 2022**	(1798645)	Item 64	October 25, 2023	(1930885)
Item 41*	February 17, 2022**	(1806519)			

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF KINGSVILLE
RN101612976

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-0475-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Kingsville (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 2801 East Santa Gertrudis Street in Kingsville, Kleberg 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 \$20,400 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$4,080 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$16,320 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.

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 January 30, 2023, 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. WQ0010696001, Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below:

Effluent Violation Table			
Monitoring Period	Total Copper		
	Daily Avg. Conc. Limit = 0.007 mg/L	Daily Max. Conc. Limit = .021 mg/L	Daily Avg. Loading Limit = 0.17 lbs/day
May 2022	0.0199	0.0563	0.192521
July 2022	0.00905	0.0225	c

Avg. = average mg/L = milligrams per liter Max. = Maximum lbs/day = pounds per day
Conc. = Concentration c = compliant

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 Kingsville, Docket No. 2023-0475-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 Section I, Paragraph No. 4. The amount of \$16,320 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. 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. WQ0010696001, 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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
500 North Shoreline Boulevard, Suite 500
Corpus Christi, Texas 78401

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the 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.

6. If the 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, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. 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.
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

1/31/2025


Date

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

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

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

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



Signature

12/05/2024

Date

Sam R Fugate

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

Mayor

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: 2023-0475-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Kingsville
Penalty Amount:	\$16,320
SEP Offset Amount:	\$16,320
Type of SEP:	Compliance
Project Name:	<i>WWTF Improvements</i>
Location of SEP:	Kleberg 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”).

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.

1. Project Description

A. Project

Respondent hired a contractor to purchase and install a dry pit pump at the Lift Station on Lee Avenue, and repair two Gordon grit pumps and motors at the Facility. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for a new dry pit pump and repair of the Gordon grit pumps and motors (the “Project”). Respondent hired qualified contractors to perform the Project. The SEP was performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent used the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Expenses. No portion of the SEP Offset Amount was spent on administrative costs, including operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent had no prior commitment to perform this Project and that the SEP was performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving the quality of wastewater 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. Expenses

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

Expenses

Item	Cost	Quantity	Total
Dry Pit Pump	\$9,931.35	1	\$9,931.35
Gordon Grit Pump and Motor Repair	\$6,046.26	2	\$12,092.52
Total			\$22,023.87

2. Records

As of March 22, 2024, Respondent provided TCEQ the following documentation as proof of completion of the proposed SEP:

1. An itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 2.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 2.1., above;
4. A certified statement of SEP completion and document authentication;
5. A detailed map showing the specific location of the project site(s); and
6. Dated photographs of the purchased materials and of the completed Project.

3. Additional Information and Access

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

4. 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 in Sections 2 and 3 above, the Executive Director (“ED”) may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that 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 below:

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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