

Executive Summary – Enforcement Matter – Case No. 63976

City of Hidalgo

RN101919975

Docket No. 2023-0602-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:

City of Hidalgo WWTF, 2300 East Highline Road, Hidalgo, Hidalgo County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 26, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$65,600

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$65,600

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: February 28, 2023

Date(s) of NOE(s): April 14, 2023

Violation Information

Executive Summary – Enforcement Matter – Case No. 63976
City of Hidalgo
RN101919975
Docket No. 2023-0602-MWD-E

Failed to comply with permitted effluent limitations for ammonia nitrogen, *Escherichia coli*, and total suspended solids [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011080001, 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. WQ0011080001, 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.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Kolby Farren, Enforcement Division, Enforcement Team 7, MC R-12, (512) 239-2098; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

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

Respondent: The Honorable Sergio Coronado, Mayor, City of Hidalgo, 704 East Ramon Ayala Drive, Hidalgo, Texas 78557-4104
Julian J. Gonzalez, City Manager, City of Hidalgo, 704 East Ramon Ayala Drive, Hidalgo, Texas 78557-4104

Respondent's Attorney: N/A

Screening Date	3-May-2023	Docket No.	2023-0602-MWD-E	PCW
Respondent	City of Hidalgo			
Case ID No.	63976			
Reg. Ent. Reference No.	RN101919975			
Media	Water Quality			
Enf. Coordinator	Kolby Farren			

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>)	7	35%
	Other written NOVs	2	4%
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	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 (<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) 64%

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for seven months of self-reported effluent violations, two NOVs with dissimilar violations, and one order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 64%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 64%

Screening Date 3-May-2023 Respondent City of Hidalgo Case ID No. 63976 Reg. Ent. Reference No. RN101919975 Media Water Quality Enf. Coordinator Kolby Farren	Docket No. 2023-0602-MWD-E	PCW Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021
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Violation Number	1
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. WQ0011080001, 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		Harm			
	Release	Major	Moderate	Minor	
	Actual	x			Percent 100.0%
	Potential				

>> Programmatic Matrix

Matrix Notes		Falsification	Major	Moderate	Minor	
						Percent 0.0%
	A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. <i>Escherichia coli</i> and total suspended solids were also considered. 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
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Base Penalty	\$25,000
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Violation Events

Number of Violation Events	1	30	Number of violation days
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	daily				Violation Base Penalty \$25,000
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				

One monthly event is recommended for the month of November 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.	

Violation Subtotal	\$25,000
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$3,616
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Statutory Limit Test

Violation Final Penalty Total	\$41,000
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This violation Final Assessed Penalty (adjusted for limits)	\$41,000
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Economic Benefit Worksheet

Respondent City of Hidalgo
Case ID No. 63976
Reg. Ent. Reference No. RN101919975
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-Jan-2022	22-Dec-2024	2.89	\$3,616	n/a	\$3,616

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. 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

\$3,616

Screening Date 3-May-2023 Respondent City of Hidalgo Case ID No. 63976 Reg. Ent. Reference No. RN101919975 Media Water Quality Enf. Coordinator Kolby Farren	Docket No. 2023-0602-MWD-E	PCW Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021
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Violation Number	2	
Rule Cite(s)		30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0011080001, 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		
		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. <i>Escherichia coli</i> and total suspended solids were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants which did 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
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	\$7,500
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Violation Events

Number of Violation Events	2	93	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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2 quarterly events are recommended for the quarters containing the months of January, March, and December 2022.	
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Good Faith Efforts to Comply

	0.0 %	
		Reduction

	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
Estimated EB Amount	\$0
Violation Final Penalty Total	\$24,600
This violation Final Assessed Penalty (adjusted for limits)	
\$24,600	

Economic Benefit Worksheet

Respondent City of Hidalgo
Case ID No. 63976
Reg. Ent. Reference No. RN101919975
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

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 captured in Economic Benefit Worksheet 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 Hidalgo TPDES Permit No. WQ0011080001 Docket No. 2023-0602-MWD-E Case No. 63976
Effluent Violation Table

	<i>Escherichia Coli</i> Daily Avg. Conc.	<i>Escherichia Coli</i> Daily Max. Conc.	Ammonia Nitrogen Daily Avg. Conc.	Ammonia Nitrogen Daily Max. Conc.	Total Suspended Solids Daily Avg. Conc.	Total Suspended Solids Daily Max. Conc.
Monitoring Period	Limit = 126 CFU/100 mL	Limit = 399 CFU/100 mL	Limit = 3 mg/L	Limit = 10 mg/L	Limit = 15 mg/L	Limit = 40 mg/L
January 2022	193.28	770.1	c	c	c	c
March 2022	c	c	4.98	c	c	c
November 2022	502.12	2,412.6	24.82	51	22.9	71.9
December 2022	c	c	6.54	50	c	82

Avg. = average Conc. = concentration c = compliant Max. = Maximum
 CFU/100 mL = colony forming units per 100 milliliters mg/L = milligrams per liter



Compliance History Report

Compliance History Report for CN600692529, RN101919975, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600692529, City of Hidalgo **Classification:** SATISFACTORY **Rating:** 11.51

Regulated Entity: RN101919975, CITY OF HIDALGO **Classification:** SATISFACTORY **Rating:** 12.67

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

CH Group: 08 - Sewage Treatment Facilities

Location: 2300 East Highline Road in Hidalgo, Hidalgo County, Texas

TCEQ Region: REGION 15 - HARLINGEN

ID Number(s):

TIRES REGISTRATION 10344

SLUDGE REGISTRATION 23448

WASTEWATER PERMIT WQ0011080001

WASTEWATER EPA ID TX0058386

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

Date Compliance History Report Prepared: December 18, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 30, 2018 to November 30, 2023

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

Name: Kolby Farren

Phone: (512) 239-2098

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: 04/29/2022 ADMINORDER 2020-1348-MWD-E (Findings Order-Agreed Order Without Denial)
- Classification: Minor
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
- 30 TAC Chapter 305, SubChapter F 305.125(5)
- Rqmt Prov: Operational Requirements Number 1 PERMIT
- Description: Failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained. Specifically, the West Lift Station had excessive foam in the wet well
- Classification: Minor
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
- 30 TAC Chapter 305, SubChapter F 305.125(5)
- Rqmt Prov: Operational Requirements Number 1 PERMIT
- Description: Failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained. Specifically, the North and South Clarifiers contained excess algae and foam with floating solids and sludge buildup
- Classification: Minor
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
- 30 TAC Chapter 305, SubChapter F 305.125(5)
- Rqmt Prov: Operational Requirements Number 1 PERMIT
- Description: Failed to ensure the Facility and all of its systems of collection, treatment, and disposal were properly operated and maintained. Specifically, the sludge drying beds contained excess vegetation
- 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 Condition 2(g) PERMIT

Description: Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state. Specifically, due to a pump failure at the West Lift Station, approximately 0.632 million gallons of untreated wastewater were diverted into a decommissioned water treatment lagoon from January 24, 2020 to January 26, 2020, impacting approximately 444 cubic yards of soil and vegetation.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	December 10, 2018	(1545953)	Item 25	February 18, 2021	(1727688)
Item 2	January 15, 2019	(1561883)	Item 26	May 18, 2021	(1741139)
Item 3	February 13, 2019	(1561881)	Item 27	June 18, 2021	(1747965)
Item 4	March 11, 2019	(1561882)	Item 28	July 19, 2021	(1752423)
Item 5	April 15, 2019	(1572550)	Item 29	August 17, 2021	(1757855)
Item 6	May 15, 2019	(1584711)	Item 30	August 31, 2021	(1760408)
Item 7	June 17, 2019	(1584712)	Item 31	September 17, 2021	(1767074)
Item 8	July 12, 2019	(1593896)	Item 32	October 08, 2021	(1777551)
Item 9	September 11, 2019	(1600221)	Item 33	November 23, 2021	(1784350)
Item 10	October 18, 2019	(1613967)	Item 34	December 09, 2021	(1791380)
Item 11	October 29, 2019	(1598183)	Item 35	March 17, 2022	(1814104)
Item 12	November 16, 2019	(1619778)	Item 36	May 18, 2022	(1829513)
Item 13	December 19, 2019	(1627140)	Item 37	June 07, 2022	(1835807)
Item 14	January 20, 2020	(1634776)	Item 38	July 19, 2022	(1843008)
Item 15	February 10, 2020	(1641384)	Item 39	August 11, 2022	(1849137)
Item 16	March 19, 2020	(1647898)	Item 40	September 12, 2022	(1856937)
Item 17	April 18, 2020	(1654252)	Item 41	October 19, 2022	(1863295)
Item 18	May 19, 2020	(1660818)	Item 42	November 19, 2022	(1870207)
Item 19	June 20, 2020	(1667349)	Item 43	July 17, 2023	(1926788)
Item 20	July 21, 2020	(1674300)	Item 44	August 18, 2023	(1933747)
Item 21	August 18, 2020	(1681067)			
Item 22	September 11, 2020	(1687643)	Item 45	September 14, 2023	(1939891)
Item 23	October 19, 2020	(1693986)	Item 46	October 13, 2023	(1946733)
Item 24	January 20, 2021	(1714624)			

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.

- Date: 11/30/2022 (1876055)

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
- Date: 12/31/2022 (1882876)

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
- Date: 01/03/2023 (1852381)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirements Number 1 PERMIT

Description: Failure to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, floating sludge, scum, and algae were observed on the surface, baffle, weir, and effluent launder of the South Clarifier. Additionally, foamy sludge was observed within the feed well of the treatment unit.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

	30 TAC Chapter 305, SubChapter F 305.125(5) Operational Requirements Number 1 PERMIT		
	Description: Failure to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, floating sludge, scum, and algae were observed on the surface, baffle, weir, and effluent launder of the North Clarifier.		
4	Date: 01/31/2023 (1890688) Self Report? YES 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	Classification: Moderate	
5	Date: 02/28/2023 (1899254) Self Report? YES 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	Classification: Moderate	
6	Date: 03/31/2023 (1906059) Self Report? YES 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	Classification: Moderate	
7	Date: 04/30/2023 (1913214) Self Report? YES 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	Classification: Moderate	
8	Date: 05/31/2023 (1919824) Self Report? YES 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	Classification: Moderate	
9	Date: 11/30/2023 (1938737) Self Report? NO Citation: 30 TAC Chapter 217, SubChapter M 217.327 Description: Failure to mark all non-potable water spigots. Self Report? NO Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(5) Operational Requirements Number 1 PERMIT Description: Failure to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, floating sludge, scum, and algae were observed on the surface, baffle, weir, and effluent launder of the South Clarifier. Additionally, foamy sludge was observed within the feed well of the treatment unit. Self Report? NO Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(5) Operational Requirements Number 1 PERMIT Description: Failure to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, floating sludge, scum, and algae were observed on the surface, baffle, weir, and effluent launder of the North Clarifier. Self Report? NO Citation: 30 TAC Chapter 305, SubChapter D 305.65 Permit Conditions Number 4 PERMIT Description: Failure to submit a permit renewal application at least 180 days before the expiration date of the effective permit. Specifically, the complete permit renewal application was not submitted by March 31, 2023, 180-days prior to permit expiration. Self Report? NO Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(5) Operational Requirements Number 1 PERMIT Description: Failure to ensure that the facility and all its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, on the day of the investigation the west aeration basin aerator motor	Classification: Minor Classification: Minor Classification: Moderate	

	number 1 was not working.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Monitoring and Reporting Requirements 5 PERMIT		
Description:	Failure to ensure flow measurement accuracy. Specifically, on the day of the investigation the flow meters were not calibrated as necessary to ensure accuracy.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 317 317.4(a)(8)		
Description:	Failure to test the RPBA annually. Specifically, the reduced pressure principle backflow prevention assembly (RPBA) annual test could not be provided.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 317 317.3(c)(2)		
Description:	Failure to ensure two functional pumps present at the Hi-Line lift station Number 2 to meet firm pumping capacity. Specifically, on the day of the investigation the Hi-Line lift station Number 2 was not meeting total station maximum pumping capacity with the largest pumping unit out of service by not having two functional pumps present.		

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

Appendix A
All NOV's Issued During Component Period 11/30/2018 and 11/30/2023

Page 5

TPDES Wastewater Permit WQ0011080001 OP
Description: Failure to ensure that the facility and all its systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 217, SubChapter C 217.59(b)
30 TAC Chapter 317 317.3(a)
30 TAC Chapter 317 317.3(e)(4)(C)

Description: Failure to secure the lift station in an intruder resistant manner.

7 Date: 12/31/2021 (1799162)

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: 01/31/2022 (1807040)

Self Report? YES Classification: Moderate

Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

9 Date: 03/31/2022 (1820678)

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

10* Date: 11/30/2022 (1876055)

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

11* Date: 12/31/2022 (1882876)

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

12* Date: 01/03/2023 (1852381)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirements Number 1 PERMIT

Description: Failure to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Specifically, floating sludge, scum, and algae were observed on the surface, baffle, weir, and effluent launder of the South Clarifier. Additionally, foamy sludge was observed within the feed well of the treatment unit.

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirements Number 1 PERMIT

Description: Failure to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Specifically, floating sludge, scum, and algae were observed on the surface, baffle, weir, and effluent launder of the North Clarifier.

13* Date: 01/31/2023 (1890688)
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

14* Date: 02/28/2023 (1899254)
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

15* Date: 03/31/2023 (1906059)
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

16* Date: 04/30/2023 (1913214)
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

17* Date: 05/31/2023 (1919824)
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

18 Date: 11/30/2023 (1938737)
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 217, SubChapter M 217.327
Description: Failure to mark all non-potable water spigots.
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirements Number 1 PERMIT
Description: Failure to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Specifically, floating sludge, scum, and algae were observed on the surface, baffle, weir, and effluent launder of the South Clarifier. Additionally, foamy sludge was observed within the feed well of the treatment unit.

Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)

Description:	Operational Requirements Number 1 PERMIT		
	Failure to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.		
	Specifically, floating sludge, scum, and algae were observed on the surface, baffle, weir, and effluent launder of the North Clarifier.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter D 305.65		
Description:	Permit Conditions Number 4 PERMIT		
	Failure to submit a permit renewal application at least 180 days before the expiration date of the effective permit.		
	Specifically, the complete permit renewal application was not submitted by March 31, 2023, 180-days prior to permit expiration.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	30 TAC Chapter 305, SubChapter F 305.125(5)		
Description:	Operational Requirements Number 1 PERMIT		
	Failure to ensure that the facility and all its systems of collection, treatment, and disposal are properly operated and maintained.		
	Specifically, on the day of the investigation the west aeration basin aerator motor number 1 was not working.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Monitoring and Reporting Requirements 5 PERMIT		
Description:	Failure to ensure flow measurement accuracy.		
	Specifically, on the day of the investigation the flow meters were not calibrated as necessary to ensure accuracy.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 317 317.4(a)(8)		
Description:	Failure to test the RPBA annually.		
	Specifically, the reduced pressure principle backflow prevention assembly (RPBA) annual test could not be provided.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 317 317.3(c)(2)		
Description:	Failure to ensure two functional pumps present at the Hi-Line lift station Number 2 to meet firm pumping capacity.		
	Specifically, on the day of the investigation the Hi-Line lift station Number 2 was not meeting total station maximum pumping capacity with the largest pumping unit out of service by not having two functional pumps present.		

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

Appendix B

All Investigations Conducted During Component Period November 30, 2018 and November 30, 2023

Item 1*	December 10, 2018**	(1545953)
Item 2*	January 15, 2019**	(1561883)
Item 3*	February 13, 2019**	(1561881)
Item 4*	March 11, 2019**	(1561882)
Item 5*	April 15, 2019**	(1572550)
Item 6*	May 15, 2019**	(1584711)
Item 7*	June 17, 2019**	(1584712)
Item 8*	July 12, 2019**	(1593896)
Item 9*	September 11, 2019**	(1600221)
Item 10*	October 18, 2019**	(1613967)
Item 11*	October 29, 2019**	(1598183)

Item 12*	November 16, 2019**	(1619778)
Item 13	November 19, 2019**	(1602831)
Item 14*	December 19, 2019**	(1627140)
Item 15*	January 20, 2020**	(1634776)
Item 16*	February 10, 2020**	(1641384)
Item 17*	March 19, 2020**	(1647898)
Item 18*	April 18, 2020**	(1654252)
Item 19*	May 19, 2020**	(1660818)
Item 20*	June 20, 2020**	(1667349)
Item 21*	July 21, 2020**	(1674300)
Item 22*	August 18, 2020**	(1681067)
Item 23*	September 11, 2020**	(1687643)
Item 24*	October 19, 2020**	(1693986)
Item 25	November 19, 2020**	(1714622)
Item 26	December 17, 2020**	(1714623)
Item 27*	January 20, 2021**	(1714624)
Item 28*	February 18, 2021**	(1727688)
Item 29	March 18, 2021**	(1727689)
Item 30	April 16, 2021**	(1727690)
Item 31*	May 18, 2021**	(1741139)
Item 32*	June 18, 2021**	(1747965)
Item 33*	July 19, 2021**	(1752423)
Item 34*	August 17, 2021**	(1757855)
Item 35*	August 31, 2021**	(1760408)
Item 36*	September 17, 2021**	(1767074)
Item 37*	October 08, 2021**	(1777551)
Item 38*	November 23, 2021**	(1784350)
Item 39*	December 09, 2021**	(1791380)
Item 40	December 14, 2021**	(1799162)
Item 41	February 08, 2022**	(1807040)
Item 42	February 27, 2022**	(1795843)
Item 43*	March 17, 2022**	(1814104)
Item 44	April 19, 2022**	(1820678)
Item 45*	May 18, 2022**	(1829513)
Item 46*	June 07, 2022**	(1835807)
Item 47*	July 19, 2022**	(1843008)
Item 48*	August 11, 2022**	(1849137)
Item 49*	September 12, 2022**	(1856937)
Item 50*	October 19, 2022**	(1863295)
Item 51*	November 19, 2022**	(1870207)
Item 52	December 16, 2022**	(1852381)
Item 53	December 20, 2022**	(1876055)
Item 54	January 19, 2023**	(1882876)
Item 55	February 23, 2023**	(1890688)
Item 56	March 17, 2023**	(1899254)
Item 57	April 14, 2023**	(1906059)
Item 58	April 18, 2023**	(1880853)
Item 59	May 17, 2023**	(1913214)

Item 60	June 14, 2023**	(1919824)
Item 61*	July 17, 2023**	(1926788)
Item 62*	August 18, 2023**	(1933747)
Item 63*	September 14, 2023	(1939891)
Item 64*	October 13, 2023	(1946733)

* 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 HIDALGO
RN101919975

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

AGREED ORDER DOCKET NO. 2023-0602-MWD-E

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 Hidalgo (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 facility located at 2300 East Highline Road in Hidalgo, Hidalgo 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 a record review for the Facility conducted on February 28, 2023, an investigator documented that the Respondent did not comply with permitted effluent limitations as shown in the effluent violation table below.

City of Hidalgo TPDES Permit No. WQ0011080001 Docket No. 2023-0602-MWD-E Case No. 63976						
Effluent Violation Table						
	<i>Escherichia Coli</i> Daily Avg. Conc.	<i>Escherichia Coli</i> Daily Max. Conc.	Ammonia Nitrogen Daily Avg. Conc.	Ammonia Nitrogen Daily Max. Conc.	Total Suspended Solids Daily Avg. Conc.	Total Suspended Solids Daily Max. Conc.
Monitoring Period	Limit = 126 CFU/100 mL	Limit = 399 CFU/100 mL	Limit = 3 mg/L	Limit = 10 mg/L	Limit = 15 mg/L	Limit = 40 mg/L
January 2022	193.28	770.1	c	c	c	c
March 2022	c	c	4.98	c	c	c
November 2022	502.12	2,412.6	24.82	51	22.9	71.9
December 2022	c	c	6.54	50	c	82

Avg. = average Conc. = concentration c = compliant Max. = Maximum
CFU/100 mL = colony forming units per 100 milliliters mg/L = milligrams per liter

II. CONCLUSIONS OF LAW

- 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.
- As evidenced by Finding of Fact No. 2, the Respondent failed to comply with permitted effluent limitations, as shown in the effluent violation table below, 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. WQ0011080001, Effluent Limitations and Monitoring Requirements No. 1.
- 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.
- Pursuant to TEX. WATER CODE § 7.067, \$65,600 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: City of Hidalgo, Docket No. 2023-0602-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 II, Conclusions of Law No. 4. The amount of \$65,600 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 undertake the following technical requirements:
 - a. Within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011080001, 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
Harlingen Regional Office
Texas Commission on Environmental Quality
1804 West Jefferson Avenue
Harlingen, Texas 78550-5247

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. 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.
9. 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.
10. 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.

11. 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.
12. 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

Krista Melo-Jurach

10/26/2025

For the Executive Director

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]

Signature

7-30-25

Date

Johani J. Gonzalez

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

City Mgr.

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: 2023-0602-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Hidalgo
Penalty Amount:	\$65,600
SEP Offset Amount:	\$65,600
Type of SEP:	Compliance
Project Name:	<i>WWTF Improvements</i>
Location of SEP:	Hidalgo County

The Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order in exchange for Respondent’s performance of a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility (the “Facility”) which are described in this Agreed Order. This Agreed Order cites violations at Respondent’s Facility.

1. Project Description

A. Project

Respondent shall hire a contractor to perform repairs to the clarifier motor including new wiring and upgrades to the chlorine feed system at the Facility. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for clarifier motor repairs and upgrades to the chlorine feed system (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement or invitation for bids, including publication, related to the SEP must include the enforcement statement as stated below in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP. The Commission’s approval and issuance of this Agreed Order shall not itself be construed to authorize any activity for which Respondent is required by statute or rule to obtain authorization from the Commission.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis,

and severe gastroenteritis. Additional risks include occurrences of low dissolved oxygen, fish kills, algal bloom, and bacterial contamination in waterways.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the project described above in Section 1.A and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project. Costs in excess of the SEP Offset Amount shall not be grounds to relieve Respondent of its obligations to perform this SEP.

Estimated Cost Schedule

Item	Total
Clarifier Motor Repairs	\$51,000
Hydro Equipment for Chlorine Feed System	\$42,635
Total	\$93,635

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 130 days after the effective date of this Agreed Order.

Executive Director ("ED") staff may grant an extension to any deadline for Respondent's performance of the SEP described herein, upon a written and substantiated showing of good cause. All requests for extensions must be made by Respondent and shall be made in writing to ED staff. Extensions are not effective until Respondent receives written approval from ED staff. The determination of what constitutes good cause rests solely with ED staff. Extension requests shall be sent to the SEP Coordinator by first class mail or electronic mail, at:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087
Email: sepreports@tceq.texas.gov

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to TCEQ describing actions performed to date to implement the Project. Within 90 days after the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 130-day timeframe set forth above in Section 2, Performance Schedule.

Reporting Schedule

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
130	Notice of SEP completion

B. Final Report

Within 130 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to TCEQ, which shall include the following:

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

C. Submittals

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

4. Additional Information and Access

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

5. Failure to Fully Perform

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

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make

the check payable to "Texas Commission on Environmental Quality," and shall mail it to the SEP Coordinator at the address provided above.

6. Publicity

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

7. Recognition

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

8. Other SEPs by TCEQ or Other Agencies

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