

**Executive Summary – Enforcement Matter – Case No. 63993**

**City of Mart**

**RN102079274**

**Docket No. 2023-0668-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 Mart WWTF, 1 Old Oil Mill Road, Mart, McLennan 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:** January 24, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$36,920

**Amount Deferred for Expedited Settlement:** \$7,384

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

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$29,536

Name of SEP: WWTF Improvements (Compliance)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**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:** March 9, 2023

**Date(s) of NOE(s):** April 3, 2023

**Executive Summary – Enforcement Matter – Case No. 63993**

**City of Mart**

**RN102079274**

**Docket No. 2023-0668-MWD-E**

***Violation Information***

1. Failed to dispose of all screenings and grit in an approved manner. Specifically, the container used to store the screenings did not have a lid [30 TEX. ADMIN. CODE § 317.4(b)(4)].

2. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the clarifier and chlorine contact chamber contained an excessive amount of floating solids and plastics [30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010645001, Operational Requirements No. 1].

3. Failed to comply with permitted effluent limitations. Specifically, the chlorine residual, collected during the investigation, exceeded the effluent maximum limit of 4.0 milligrams per liter ("mg/L") with a reading of 4.8 mg/L [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010645001, Effluent Limitations and Monitoring Requirements No. 2].

4. Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of the non-compliance. Specifically, the Respondent did not submit non-compliance notifications for dissolved oxygen ("DO") below the minimum for the monthly monitoring periods of August and September 2022 [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010645001, Monitoring and Reporting Requirements No. 7.c].

5. Failed to assure the quality of all measurements through the use of blanks, standards, duplicates, and spikes. Specifically, the standard chlorine analyses were not performed on a 10% basis. Additionally, pH was analyzed weekly during July, November, and December 2022, however calibration of the pH meter was conducted only once per month [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.6 and TPDES Permit No. WQ0010645001, Monitoring and Reporting Requirements No. 2].

6. Failed to test the reduced-pressure backflow assemble ("RPBA") annually. Specifically, the Respondent did not conduct RPBA testing from 2022 through 2023 [30 TEX. ADMIN. CODE § 317.4(a)(8)].

7. Failed to properly maintain records of monitoring activities. Specifically, the identity of the person who performed the monitoring activities was not listed on daily operation records from July 2022 to February 2023, including flow readings and effluent analyses for pH, DO, and total chlorine residual [30 TEX. ADMIN. CODE § 305.125(1) and (11)(C)(ii) and TPDES Permit No. WQ0010645001, Monitoring and Reporting Requirements No. 3.c.ii].

**Executive Summary – Enforcement Matter – Case No. 63993**

**City of Mart**

**RN102079274**

**Docket No. 2023-0668-MWD-E**

8. Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid Class C license or higher. Specifically, the only operator for the Facility continued to operate after his license expired on July 7, 2022 [30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TPDES Permit No. WQ0010645001, Other Requirements No. 1].

9. Failed to maintain calibration records at the Facility and make them readily available for review by a TCEQ representative for a period of three years. Specifically, for the months of January 2022 to February 2023 the Respondent did not maintain calibration records for the DO meter, and there was no record of pH meter calibrations in September 2022 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010645001, Monitoring and Reporting Requirements No. 3.b].

***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:

a. Within 30 days:

i. Properly store bar screenings in a container with a lid;

ii. Employ an operator with a valid Class C license or higher to operate the Facility for a minimum of five days per week;

iii. Remove floating solids and plastics from the clarifier and chlorine contact chamber;

iv. Test the RPBA at the Facility by a licensed tester; and

v. Develop and implement procedures and conduct employee training to ensure that:

a. Non-compliance notifications for effluent exceedances are submitted;

b. Calibration records for the DO meter and pH meter are maintained at the Facility and made readily available for review;

c. Standard chlorine analyses are performed on a 10% basis and the pH meter is calibrated each day that samples are analyzed; and

**Executive Summary – Enforcement Matter – Case No. 63993**

**City of Mart**

**RN102079274**

**Docket No. 2023-0668-MWD-E**

d. Monitoring records include the identity of the individual completing the daily operations records, flow readings and monitoring activities.

b. Within 45 days, submit written certification of compliance with a..

c. Within 130 days, submit written certification to demonstrate compliance with the permitted effluent limitations of TPDES Permit No. WQ0010645001 demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Monica Larina, Enforcement Division, Enforcement Team 1, MC R-14, (361) 881-6965; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** Adena Crider, Litigation Division, MC-175, (915) 834-4964

**Respondent:** The Honorable Len Williams, Mayor, City of Mart, P.O. Box 360, Mart, Texas 76664

Shane James, City Administrator, City of Mart, P.O. Box 360, Mart, Texas 76664

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

|              |                 |             |                  |            |                |  |
|--------------|-----------------|-------------|------------------|------------|----------------|--|
| <b>DATES</b> | <b>Assigned</b> | 3-Apr-2023  | <b>Screening</b> | 7-Apr-2023 | <b>EPA Due</b> |  |
|              | <b>PCW</b>      | 27-Jun-2025 |                  |            |                |  |

|                                        |              |                           |       |
|----------------------------------------|--------------|---------------------------|-------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |              |                           |       |
| <b>Respondent</b>                      | City of Mart |                           |       |
| <b>Reg. Ent. Ref. No.</b>              | RN102079274  |                           |       |
| <b>Facility/Site Region</b>            | 9-Waco       | <b>Major/Minor Source</b> | Minor |

|                                        |                 |                              |                    |
|----------------------------------------|-----------------|------------------------------|--------------------|
| <b>CASE INFORMATION</b>                |                 |                              |                    |
| <b>Enf./Case ID No.</b>                | 63993           | <b>No. of Violations</b>     | 9                  |
| <b>Docket No.</b>                      | 2023-0668-MWD-E | <b>Order Type</b>            | 1660               |
| <b>Media Program(s)</b>                | Water Quality   | <b>Government/Non-Profit</b> | Yes                |
| <b>Multi-Media</b>                     |                 | <b>Enf. Coordinator</b>      | Monica Larina      |
|                                        |                 | <b>EC's Team</b>             | Enforcement Team 1 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$0             | <b>Maximum</b>               | \$25,000           |

## Penalty Calculation Section

|                                                             |                   |          |
|-------------------------------------------------------------|-------------------|----------|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b> | <b>Subtotal 1</b> | \$26,000 |
|-------------------------------------------------------------|-------------------|----------|

### ADJUSTMENTS (+ / -) TO SUBTOTAL 1

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

|                           |        |                   |                                |          |
|---------------------------|--------|-------------------|--------------------------------|----------|
| <b>Compliance History</b> | 42.0 % | <b>Adjustment</b> | <b>Subtotals 2, 3, &amp; 7</b> | \$10,920 |
|---------------------------|--------|-------------------|--------------------------------|----------|

Notes: Enhancement for three months of self-reported effluent violations, one NOV with same/similar violations, one NOV with dissimilar violations, and one order containing denial of liability.

|                    |    |       |                    |                   |     |
|--------------------|----|-------|--------------------|-------------------|-----|
| <b>Culpability</b> | No | 0.0 % | <b>Enhancement</b> | <b>Subtotal 4</b> | \$0 |
|--------------------|----|-------|--------------------|-------------------|-----|

Notes: The Respondent does not meet the culpability criteria.

|                                                      |                   |     |
|------------------------------------------------------|-------------------|-----|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | \$0 |
|------------------------------------------------------|-------------------|-----|

|                         |       |                     |                   |     |
|-------------------------|-------|---------------------|-------------------|-----|
| <b>Economic Benefit</b> | 0.0 % | <b>Enhancement*</b> | <b>Subtotal 6</b> | \$0 |
|-------------------------|-------|---------------------|-------------------|-----|

Total EB Amounts: \$631  
Estimated Cost of Compliance: \$6,326  
\*Capped at the Total EB \$ Amount

|                             |                       |          |
|-----------------------------|-----------------------|----------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | \$36,920 |
|-----------------------------|-----------------------|----------|

|                                             |       |                   |     |
|---------------------------------------------|-------|-------------------|-----|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | 0.0 % | <b>Adjustment</b> | \$0 |
|---------------------------------------------|-------|-------------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

|                             |          |
|-----------------------------|----------|
| <b>Final Penalty Amount</b> | \$36,920 |
|-----------------------------|----------|

|                                   |                               |          |
|-----------------------------------|-------------------------------|----------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | \$36,920 |
|-----------------------------------|-------------------------------|----------|

|                 |        |                  |                   |          |
|-----------------|--------|------------------|-------------------|----------|
| <b>DEFERRAL</b> | 20.0 % | <b>Reduction</b> | <b>Adjustment</b> | -\$7,384 |
|-----------------|--------|------------------|-------------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

|                        |          |
|------------------------|----------|
| <b>PAYABLE PENALTY</b> | \$29,536 |
|------------------------|----------|

|                                |               |                   |                 |            |
|--------------------------------|---------------|-------------------|-----------------|------------|
| <b>Screening Date</b>          | 7-Apr-2023    | <b>Docket No.</b> | 2023-0668-MWD-E | <b>PCW</b> |
| <b>Respondent</b>              | City of Mart  |                   |                 |            |
| <b>Case ID No.</b>             | 63993         |                   |                 |            |
| <b>Reg. Ent. Reference No.</b> | RN102079274   |                   |                 |            |
| <b>Media</b>                   | Water Quality |                   |                 |            |
| <b>Enf. Coordinator</b>        | Monica Larina |                   |                 |            |

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> )                                                                            | 4      | 20%     |
|                               | Other written NOVs                                                                                                                                                                                                                     | 1      | 2%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )                                                                                                                      | 1      | 20%     |
|                               | 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)** 42%

### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

### >> Compliance History Summary

**Compliance History Notes**

Enhancement for three months of self-reported effluent violations, one NOV with same/similar violations, one NOV with dissimilar violations, and one order containing denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 42%

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 42%

|                                                                                                                                                                                                                     |                                   |                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------|
| <b>Screening Date</b> 7-Apr-2023<br><b>Respondent</b> City of Mart<br><b>Case ID No.</b> 63993<br><b>Reg. Ent. Reference No.</b> RN102079274<br><b>Media</b> Water Quality<br><b>Enf. Coordinator</b> Monica Larina | <b>Docket No.</b> 2023-0668-MWD-E | <b>PCW</b><br><i>Policy Revision 5 (January 28, 2021)</i><br><i>PCW Revision February 11, 2021</i> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------|

  

|                              |                                                                                                                                                  |  |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Violation Number</b>      | 1                                                                                                                                                |  |
| <b>Rule Cite(s)</b>          | 30 Tex. Admin. Code § 317.4(b)(4)                                                                                                                |  |
| <b>Violation Description</b> | Failed to dispose of all screenings and grit in an approved manner. Specifically, the container used to store the screenings did not have a lid. |  |

  

|                     |          |
|---------------------|----------|
| <b>Base Penalty</b> | \$25,000 |
|---------------------|----------|

  

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

|           |                |             |          |       |                     |
|-----------|----------------|-------------|----------|-------|---------------------|
| <b>OR</b> |                | <b>Harm</b> |          |       |                     |
|           | <b>Release</b> | Major       | Moderate | Minor |                     |
|           | Actual         |             |          |       |                     |
|           | Potential      |             |          | x     | <b>Percent</b> 3.0% |

  

**>> Programmatic Matrix**

|                     |                                                                                                                                                                                                                         |               |       |          |       |                     |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------|----------|-------|---------------------|
| <b>Matrix Notes</b> |                                                                                                                                                                                                                         | Falsification | Major | Moderate | Minor |                     |
|                     |                                                                                                                                                                                                                         |               |       |          |       |                     |
|                     |                                                                                                                                                                                                                         |               |       |          |       | <b>Percent</b> 0.0% |
|                     | Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as result of the violation. |               |       |          |       |                     |

  

|                   |          |
|-------------------|----------|
| <b>Adjustment</b> | \$24,250 |
|-------------------|----------|

  

|                         |       |
|-------------------------|-------|
| <b>Violation Events</b> | \$750 |
|-------------------------|-------|

  

|                            |   |    |                          |
|----------------------------|---|----|--------------------------|
| Number of Violation Events | 1 | 29 | Number of violation days |
|----------------------------|---|----|--------------------------|

  

|  |              |   |  |  |                                     |
|--|--------------|---|--|--|-------------------------------------|
|  | daily        |   |  |  |                                     |
|  | weekly       |   |  |  |                                     |
|  | monthly      |   |  |  |                                     |
|  | quarterly    |   |  |  |                                     |
|  | semiannual   |   |  |  |                                     |
|  | annual       |   |  |  |                                     |
|  | single event | x |  |  | <b>Violation Base Penalty</b> \$750 |

  

|                                  |  |
|----------------------------------|--|
| One single event is recommended. |  |
|----------------------------------|--|

  

**Good Faith Efforts to Comply**

|              |                      |
|--------------|----------------------|
| <b>0.0 %</b> | <b>Reduction</b> \$0 |
|--------------|----------------------|

  

|               |                                                                          |                                   |  |
|---------------|--------------------------------------------------------------------------|-----------------------------------|--|
|               | Before NOE/NOV                                                           | NOE/NOV to EDPRP/Settlement Offer |  |
| Extraordinary |                                                                          |                                   |  |
| Ordinary      |                                                                          |                                   |  |
| N/A           | x                                                                        |                                   |  |
| Notes         | The Respondent does not meet the good faith criteria for this violation. |                                   |  |

  

|                           |       |
|---------------------------|-------|
| <b>Violation Subtotal</b> | \$750 |
|---------------------------|-------|

  

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

|                            |     |                             |
|----------------------------|-----|-----------------------------|
| <b>Estimated EB Amount</b> | \$4 | <b>Statutory Limit Test</b> |
|----------------------------|-----|-----------------------------|

  

|                                      |         |
|--------------------------------------|---------|
| <b>Violation Final Penalty Total</b> | \$1,065 |
|--------------------------------------|---------|

  

|                                                                    |         |
|--------------------------------------------------------------------|---------|
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> | \$1,065 |
|--------------------------------------------------------------------|---------|

# Economic Benefit Worksheet

**Respondent** City of Mart  
**Case ID No.** 63993  
**Reg. Ent. Reference No.** RN102079274  
**Media** Water Quality  
**Violation No.** 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

## Delayed Costs

|                            |      |            |             |      |     |     |     |
|----------------------------|------|------------|-------------|------|-----|-----|-----|
| Equipment                  | \$50 | 9-Mar-2023 | 27-Apr-2024 | 1.14 | \$0 | \$4 | \$4 |
| Buildings                  |      |            |             | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)          |      |            |             | 0.00 | \$0 | \$0 | \$0 |
| Engineering / Construction |      |            |             | 0.00 | \$0 | \$0 | \$0 |
| Land                       |      |            |             | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System      |      |            |             | 0.00 | \$0 | n/a | \$0 |
| Training / Sampling        |      |            |             | 0.00 | \$0 | n/a | \$0 |
| Remediation / Disposal     |      |            |             | 0.00 | \$0 | n/a | \$0 |
| Permit Costs               |      |            |             | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)          |      |            |             | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated Equipment cost to ensure bar screenings are properly stored in a container with a lid. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

## Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$4

|                                                                                                                                                                                                                     |                                                                       |                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| <b>Screening Date</b> 7-Apr-2023<br><b>Respondent</b> City of Mart<br><b>Case ID No.</b> 63993<br><b>Reg. Ent. Reference No.</b> RN102079274<br><b>Media</b> Water Quality<br><b>Enf. Coordinator</b> Monica Larina | <b>Docket No.</b> 2023-0668-MWD-E<br><br><b>Base Penalty</b> \$25,000 | <b>PCW</b><br><i>Policy Revision 5 (January 28, 2021)</i><br><i>PCW Revision February 11, 2021</i> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|

  

|                              |   |                                                                                                                                                                                                                                                            |  |
|------------------------------|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Violation Number</b>      | 2 | <b>Rule Cite(s)</b>                                                                                                                                                                                                                                        |  |
|                              |   | 30 Tex. Admin. Code § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010645001, Operational Requirements No. 1                                                                                                |  |
| <b>Violation Description</b> |   | Failed to ensure the Facility and all of it's systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the clarifier and chlorine contact chamber contained an excessive amount of floating solids and plastics. |  |

  

**Base Penalty**

  

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

OR

|  |                |             |       |          |       |                                                                       |
|--|----------------|-------------|-------|----------|-------|-----------------------------------------------------------------------|
|  | <b>Release</b> | <b>Harm</b> | Major | Moderate | Minor |                                                                       |
|  | Actual         |             |       |          |       | <b>Percent</b> <input style="width: 50px;" type="text" value="5.0%"/> |
|  | Potential      |             |       | x        |       |                                                                       |

  

**> > Programmatic Matrix**

|  |                      |       |          |       |                                                                       |
|--|----------------------|-------|----------|-------|-----------------------------------------------------------------------|
|  | <b>Falsification</b> | Major | Moderate | Minor |                                                                       |
|  |                      |       |          |       | <b>Percent</b> <input style="width: 50px;" type="text" value="0.0%"/> |

  

Matrix Notes

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

  

**Adjustment**

  
  

**Violation Events**

|                            |   |    |                          |
|----------------------------|---|----|--------------------------|
| Number of Violation Events | 1 | 29 | Number of violation days |
|----------------------------|---|----|--------------------------|

  

|  |              |   |  |  |  |                                                                                          |
|--|--------------|---|--|--|--|------------------------------------------------------------------------------------------|
|  | daily        |   |  |  |  |                                                                                          |
|  | weekly       |   |  |  |  | <b>Violation Base Penalty</b> <input style="width: 100px;" type="text" value="\$1,250"/> |
|  | monthly      |   |  |  |  |                                                                                          |
|  | quarterly    | x |  |  |  |                                                                                          |
|  | semiannual   |   |  |  |  |                                                                                          |
|  | annual       |   |  |  |  |                                                                                          |
|  | single event |   |  |  |  |                                                                                          |

  

One quarterly event is recommended from the March 9, 2023 investigation date to the April 7, 2023 screening date.

  

**Good Faith Efforts to Comply**

|  |       |                                                                         |
|--|-------|-------------------------------------------------------------------------|
|  | 0.0 % |                                                                         |
|  |       | <b>Reduction</b> <input style="width: 100px;" type="text" value="\$0"/> |

  

|  |               |   |  |  |  |                                                                                                                                                                  |
|--|---------------|---|--|--|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Extraordinary |   |  |  |  |                                                                                                                                                                  |
|  | Ordinary      |   |  |  |  | <b>Notes</b> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">The Respondent does not meet the good faith criteria for this violation.</div> |
|  | N/A           | x |  |  |  |                                                                                                                                                                  |

  

**Violation Subtotal**

  

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

|  |      |                             |
|--|------|-----------------------------|
|  | \$28 |                             |
|  |      | <b>Statutory Limit Test</b> |

  

|                            |      |                                                                    |         |
|----------------------------|------|--------------------------------------------------------------------|---------|
| <b>Estimated EB Amount</b> | \$28 | <b>Violation Final Penalty Total</b>                               | \$1,775 |
|                            |      | <b>This violation Final Assessed Penalty (adjusted for limits)</b> | \$1,775 |

## Economic Benefit Worksheet

**Respondent** City of Mart  
**Case ID No.** 63993  
**Reg. Ent. Reference No.** RN102079274  
**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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

### 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)          | \$500 | 9-Mar-2023 | 27-Apr-2024 | 1.14 | \$28 | n/a | \$28 |

Notes for DELAYED costs

Estimated Other cost is the estimated amount to remove floating solids and plastics from the clarifier and the chlorine contact chamber. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$28

|                                                                                                                                                                                                                     |                                   |                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|---------------------------------------------------------------------------------------------------------------|
| <b>Screening Date</b> 7-Apr-2023<br><b>Respondent</b> City of Mart<br><b>Case ID No.</b> 63993<br><b>Reg. Ent. Reference No.</b> RN102079274<br><b>Media</b> Water Quality<br><b>Enf. Coordinator</b> Monica Larina | <b>Docket No.</b> 2023-0668-MWD-E | <b>PCW</b><br><small>Policy Revision 5 (January 28, 2021)<br/>         PCW Revision February 11, 2021</small> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|---------------------------------------------------------------------------------------------------------------|

  

|                              |   |                                                                                                                                                                                                                                     |
|------------------------------|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Violation Number</b>      | 3 |                                                                                                                                                                                                                                     |
| <b>Rule Cite(s)</b>          |   | 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010645001, Effluent Limitations and Monitoring Requirements No. 2                                                                         |
| <b>Violation Description</b> |   | Failed to comply with permitted effluent limitations. Specifically, the chlorine residual, collected during the investigation, exceeded the effluent maximum limit of 4.0 milligrams per liter ("mg/L") with a reading of 4.8 mg/L. |

  

|                     |          |
|---------------------|----------|
| <b>Base Penalty</b> | \$25,000 |
|---------------------|----------|

  

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

|           |                |                      |                      |                      |       |
|-----------|----------------|----------------------|----------------------|----------------------|-------|
| <b>OR</b> |                | <b>Harm</b>          |                      |                      |       |
|           | <b>Release</b> | Major                | Moderate             | Minor                |       |
|           | Actual         | <input type="text"/> | <input type="text"/> | x                    |       |
|           | Potential      | <input type="text"/> | <input type="text"/> | <input type="text"/> |       |
|           |                | <b>Percent</b>       |                      |                      | 15.0% |

  

**>> Programmatic Matrix**

|  |                      |                      |                      |                      |      |
|--|----------------------|----------------------|----------------------|----------------------|------|
|  | Falsification        | Major                | Moderate             | Minor                |      |
|  | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |      |
|  | <b>Percent</b>       |                      |                      |                      | 0.0% |

  

|                     |                                                                                                                                                                                                                |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Matrix Notes</b> | 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. |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

  

|                   |          |
|-------------------|----------|
| <b>Adjustment</b> | \$21,250 |
|-------------------|----------|

  

|  |         |
|--|---------|
|  | \$3,750 |
|--|---------|

  

**Violation Events**

|                            |   |  |   |                          |
|----------------------------|---|--|---|--------------------------|
| Number of Violation Events | 1 |  | 1 | Number of violation days |
|----------------------------|---|--|---|--------------------------|

  

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

  

|                                  |  |
|----------------------------------|--|
| One single event is recommended. |  |
|----------------------------------|--|

  

**Good Faith Efforts to Comply**

|               |                                                                          |                                   |  |  |
|---------------|--------------------------------------------------------------------------|-----------------------------------|--|--|
|               | 0.0 %                                                                    |                                   |  |  |
|               | 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. |                                   |  |  |

  

|                           |         |
|---------------------------|---------|
| <b>Violation Subtotal</b> | \$3,750 |
|---------------------------|---------|

  

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

|                            |       |                                      |  |         |
|----------------------------|-------|--------------------------------------|--|---------|
|                            | \$353 |                                      |  |         |
| <b>Estimated EB Amount</b> |       | <b>Violation Final Penalty Total</b> |  |         |
|                            |       |                                      |  | \$5,325 |

  

|                                                                    |         |
|--------------------------------------------------------------------|---------|
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> | \$5,325 |
|--------------------------------------------------------------------|---------|

## Economic Benefit Worksheet

**Respondent** City of Mart  
**Case ID No.** 63993  
**Reg. Ent. Reference No.** RN102079274  
**Media** Water Quality  
**Violation No.** 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### 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)          | \$5,000 | 9-Mar-2023 | 5-Aug-2024 | 1.41 | \$353 | n/a | \$353 |

Notes for DELAYED costs

Estimated delayed 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 investigation date, and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$353

|                                |                                                                                                                                                                                                                                                                                                                                                                                                    |                                      |                 |            |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------|------------|
| <b>Screening Date</b>          | 7-Apr-2023                                                                                                                                                                                                                                                                                                                                                                                         | <b>Docket No.</b>                    | 2023-0668-MWD-E | <b>PCW</b> |
| <b>Respondent</b>              | City of Mart                                                                                                                                                                                                                                                                                                                                                                                       | Policy Revision 5 (January 28, 2021) |                 |            |
| <b>Case ID No.</b>             | 63993                                                                                                                                                                                                                                                                                                                                                                                              | PCW Revision February 11, 2021       |                 |            |
| <b>Reg. Ent. Reference No.</b> | RN102079274                                                                                                                                                                                                                                                                                                                                                                                        |                                      |                 |            |
| <b>Media</b>                   | Water Quality                                                                                                                                                                                                                                                                                                                                                                                      |                                      |                 |            |
| <b>Enf. Coordinator</b>        | Monica Larina                                                                                                                                                                                                                                                                                                                                                                                      |                                      |                 |            |
| <b>Violation Number</b>        | 4                                                                                                                                                                                                                                                                                                                                                                                                  |                                      |                 |            |
| <b>Rule Cite(s)</b>            | 30 Tex. Admin. Code § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010645001, Monitoring and Reporting Requirements No. 7.c.                                                                                                                                                                                                                                                                      |                                      |                 |            |
| <b>Violation Description</b>   | Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of the non-compliance. Specifically, the Respondent did not submit non-compliance notifications for dissolved oxygen ("DO"), below the minimum, for the monthly monitoring periods of August and September 2022. |                                      |                 |            |
|                                |                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Base Penalty</b>                  | \$25,000        |            |

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

|           |                |       |          |       |                |      |
|-----------|----------------|-------|----------|-------|----------------|------|
| <b>OR</b> | <b>Harm</b>    |       |          |       |                |      |
|           | <b>Release</b> | Major | Moderate | Minor |                |      |
|           | Actual         |       |          |       |                |      |
|           | Potential      |       |          |       |                |      |
|           |                |       |          |       | <b>Percent</b> | 0.0% |

**> > Programmatic Matrix**

|           |                      |       |          |       |                |       |
|-----------|----------------------|-------|----------|-------|----------------|-------|
| <b>OR</b> | <b>Harm</b>          |       |          |       |                |       |
|           | <b>Falsification</b> | Major | Moderate | Minor |                |       |
|           |                      |       |          |       |                |       |
|           |                      |       |          |       |                |       |
|           |                      |       |          |       | <b>Percent</b> | 10.0% |

|                     |                                             |
|---------------------|---------------------------------------------|
| <b>Matrix Notes</b> | 100% of the rule requirements were not met. |
|---------------------|---------------------------------------------|

|                   |          |
|-------------------|----------|
| <b>Adjustment</b> | \$22,500 |
|-------------------|----------|

|                   |         |
|-------------------|---------|
| <b>Adjustment</b> | \$2,500 |
|-------------------|---------|

**Violation Events**

|                            |   |                          |    |
|----------------------------|---|--------------------------|----|
| Number of Violation Events | 2 | Number of violation days | 61 |
|----------------------------|---|--------------------------|----|

|              |   |                               |         |
|--------------|---|-------------------------------|---------|
| daily        |   |                               |         |
| weekly       |   |                               |         |
| monthly      |   |                               |         |
| quarterly    |   |                               |         |
| semiannual   |   |                               |         |
| annual       |   |                               |         |
| single event | x | <b>Violation Base Penalty</b> | \$5,000 |

|                                                                       |
|-----------------------------------------------------------------------|
| Two single events are recommended, one event for each missing report. |
|-----------------------------------------------------------------------|

**Good Faith Efforts to Comply**

|                                                     |                                                                          |  |                  |     |
|-----------------------------------------------------|--------------------------------------------------------------------------|--|------------------|-----|
|                                                     | 0.0 %                                                                    |  | <b>Reduction</b> | \$0 |
| Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer |                                                                          |  |                  |     |
| Extraordinary                                       |                                                                          |  |                  |     |
| Ordinary                                            |                                                                          |  |                  |     |
| N/A                                                 | x                                                                        |  |                  |     |
| Notes                                               | The Respondent does not meet the good faith criteria for this violation. |  |                  |     |

|                           |         |
|---------------------------|---------|
| <b>Violation Subtotal</b> | \$5,000 |
|---------------------------|---------|

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

|                            |      |                                      |         |
|----------------------------|------|--------------------------------------|---------|
| <b>Estimated EB Amount</b> | \$60 | <b>Violation Final Penalty Total</b> | \$7,100 |
|----------------------------|------|--------------------------------------|---------|

|                                                                    |         |
|--------------------------------------------------------------------|---------|
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> | \$7,100 |
|--------------------------------------------------------------------|---------|

## Economic Benefit Worksheet

**Respondent** City of Mart  
**Case ID No.** 63993  
**Reg. Ent. Reference No.** RN102079274  
**Media** Water Quality  
**Violation No.** 4

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### 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      | \$150 | 9-Mar-2023 | 27-Apr-2024 | 1.14 | \$9 | n/a | \$9 |
| 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 Training/Sampling cost to develop and implement procedures and conduct employee training to ensure non-compliance notifications for effluent exceedances are submitted timely; to ensure the standard chlorine analyses are performed on a 10% basis and the pH meter is calibrated each day that samples are analyzed; to ensure monitoring records include the identity of the individual completing the daily operations records, flow readings, and monitoring activities; and to ensure calibration records for the DO meter and pH meter are maintained and made readily available for review, The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

### Avoided Costs

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

|                                   |      |             |            |      |     |      |      |
|-----------------------------------|------|-------------|------------|------|-----|------|------|
| Disposal                          |      |             |            | 0.00 | \$0 | \$0  | \$0  |
| Personnel                         |      |             |            | 0.00 | \$0 | \$0  | \$0  |
| Inspection / Reporting / Sampling |      |             |            | 0.00 | \$0 | \$0  | \$0  |
| Supplies / Equipment              |      |             |            | 0.00 | \$0 | \$0  | \$0  |
| Financial Assurance               |      |             |            | 0.00 | \$0 | \$0  | \$0  |
| ONE-TIME avoided costs            |      |             |            | 0.00 | \$0 | \$0  | \$0  |
| Other (as needed)                 | \$50 | 25-Sep-2022 | 7-Apr-2023 | 0.53 | \$1 | \$50 | \$51 |

Notes for AVOIDED costs

Estimated avoided cost to submit a non-compliance notification for effluent exceedances that occurred during the monthly monitoring periods of August 2022 and September 2022. The Date required is the date the first non-compliance notification was due, and the Final Date is the screening date.

Approx. Cost of Compliance

\$200

**TOTAL**

\$60

|                                |                                                                                                                                                                                                                                                                                                                                                       |                                      |                 |            |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------|------------|
| <b>Screening Date</b>          | 7-Apr-2023                                                                                                                                                                                                                                                                                                                                            | <b>Docket No.</b>                    | 2023-0668-MWD-E | <b>PCW</b> |
| <b>Respondent</b>              | City of Mart                                                                                                                                                                                                                                                                                                                                          | Policy Revision 5 (January 28, 2021) |                 |            |
| <b>Case ID No.</b>             | 63993                                                                                                                                                                                                                                                                                                                                                 | PCW Revision February 11, 2021       |                 |            |
| <b>Reg. Ent. Reference No.</b> | RN102079274                                                                                                                                                                                                                                                                                                                                           |                                      |                 |            |
| <b>Media</b>                   | Water Quality                                                                                                                                                                                                                                                                                                                                         |                                      |                 |            |
| <b>Enf. Coordinator</b>        | Monica Larina                                                                                                                                                                                                                                                                                                                                         |                                      |                 |            |
| <b>Violation Number</b>        | 5                                                                                                                                                                                                                                                                                                                                                     |                                      |                 |            |
| <b>Rule Cite(s)</b>            | 30 Tex. Admin. Code §§ 305.125(1) and 319.6 and TPDES Permit No. WQ0010645001, Monitoring and Reporting Requirements No. 2                                                                                                                                                                                                                            |                                      |                 |            |
| <b>Violation Description</b>   | Failed to assure the quality of all measurements through the use of blanks, standards, duplicates, and spikes. Specifically, the standard chlorine analyses were not performed on a 10% basis. Additionally, pH was analyzed weekly during July, November, and December 2022; however, calibration of the pH meter was conducted only once per month. |                                      |                 |            |
|                                |                                                                                                                                                                                                                                                                                                                                                       | <b>Base Penalty</b>                  | \$25,000        |            |

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

|           |                |             |          |                |      |
|-----------|----------------|-------------|----------|----------------|------|
| <b>OR</b> | <b>Release</b> | <b>Harm</b> |          |                |      |
|           |                | Major       | Moderate | Minor          |      |
|           | Actual         |             |          |                |      |
|           | Potential      |             |          | x              |      |
|           |                |             |          | <b>Percent</b> | 3.0% |

**>> Programmatic Matrix**

|                                                                                                                                                                                                                           |                      |              |                 |                |                   |          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------|-----------------|----------------|-------------------|----------|
| <b>Matrix Notes</b>                                                                                                                                                                                                       | <b>Falsification</b> | <b>Major</b> | <b>Moderate</b> | <b>Minor</b>   |                   |          |
|                                                                                                                                                                                                                           |                      |              |                 |                |                   |          |
|                                                                                                                                                                                                                           |                      |              |                 |                |                   |          |
|                                                                                                                                                                                                                           |                      |              |                 |                |                   |          |
|                                                                                                                                                                                                                           |                      |              |                 | <b>Percent</b> | 0.0%              |          |
| Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation. |                      |              |                 |                |                   |          |
|                                                                                                                                                                                                                           |                      |              |                 |                | <b>Adjustment</b> | \$24,250 |

\$750

**Violation Events**

|                                                                                                                 |   |    |                               |
|-----------------------------------------------------------------------------------------------------------------|---|----|-------------------------------|
| Number of Violation Events                                                                                      | 1 | 29 | Number of violation days      |
|                                                                                                                 |   |    |                               |
| daily                                                                                                           |   |    |                               |
| weekly                                                                                                          |   |    |                               |
| monthly                                                                                                         |   |    |                               |
| quarterly                                                                                                       | x |    |                               |
| semiannual                                                                                                      |   |    |                               |
| annual                                                                                                          |   |    |                               |
| single event                                                                                                    |   |    |                               |
| One quarterly event is recommend from the March 9, 2023 investigation date to the April 7, 2023 screening date. |   |    |                               |
|                                                                                                                 |   |    | <b>Violation Base Penalty</b> |

\$750

**Good Faith Efforts to Comply**

|               |                                                                          |  |                           |
|---------------|--------------------------------------------------------------------------|--|---------------------------|
|               | 0.0 %                                                                    |  |                           |
|               |                                                                          |  |                           |
|               |                                                                          |  |                           |
| Extraordinary |                                                                          |  |                           |
| Ordinary      |                                                                          |  |                           |
| N/A           | x                                                                        |  |                           |
| Notes         | The Respondent does not meet the good faith criteria for this violation. |  |                           |
|               |                                                                          |  | <b>Violation Subtotal</b> |

\$750

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

|                                                                    |                               |
|--------------------------------------------------------------------|-------------------------------|
|                                                                    |                               |
| <b>Estimated EB Amount</b>                                         | <b>Statutory Limit Test</b>   |
| \$0                                                                | Violation Final Penalty Total |
|                                                                    | \$1,065                       |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> |                               |
|                                                                    | \$1,065                       |

## Economic Benefit Worksheet

**Respondent** City of Mart  
**Case ID No.** 63993  
**Reg. Ent. Reference No.** RN102079274  
**Media** Water Quality  
**Violation No.** 5

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description                                                                        | Item Cost                                                                    | Date Required | Final Date | Yrs          | Interest Saved | Costs Saved | EB Amount |
|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------|---------------|------------|--------------|----------------|-------------|-----------|
| <b>Delayed Costs</b>                                                                    |                                                                              |               |            |              |                |             |           |
| 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 Training/Sampling cost are included in the EB for Violation No. 4. |               |            |              |                |             |           |
| <b>Avoided Costs</b>                                                                    |                                                                              |               |            |              |                |             |           |
| <b>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</b> |                                                                              |               |            |              |                |             |           |
| 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                                                                          |               |            | <b>TOTAL</b> |                | \$0         |           |

|                                                                                                                                                                                                                     |                                   |                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------|
| <b>Screening Date</b> 7-Apr-2023<br><b>Respondent</b> City of Mart<br><b>Case ID No.</b> 63993<br><b>Reg. Ent. Reference No.</b> RN102079274<br><b>Media</b> Water Quality<br><b>Enf. Coordinator</b> Monica Larina | <b>Docket No.</b> 2023-0668-MWD-E | <b>PCW</b><br><i>Policy Revision 5 (January 28, 2021)</i><br><i>PCW Revision February 11, 2021</i> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------|

  

|                              |                                                                                                                                                            |                                   |          |  |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|----------|--|
| <b>Violation Number</b>      | 6                                                                                                                                                          | <b>Rule Cite(s)</b>               |          |  |
|                              |                                                                                                                                                            | 30 Tex. Admin. Code § 317.4(a)(8) |          |  |
| <b>Violation Description</b> | Failed to test the reduced-pressure backflow assemble ("RPBA") annually. Specifically, the Respondent did not conduct RPBA testing from 2022 through 2023. |                                   |          |  |
| <b>Base Penalty</b>          |                                                                                                                                                            |                                   | \$25,000 |  |

  

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

|           |                |             |          |       |                      |
|-----------|----------------|-------------|----------|-------|----------------------|
| <b>OR</b> |                | <b>Harm</b> |          |       |                      |
|           | <b>Release</b> | Major       | Moderate | Minor |                      |
|           | Actual         |             |          |       |                      |
|           | Potential      | x           |          |       | <b>Percent</b> 15.0% |

  

**>> Programmatic Matrix**

|                     |                                                                                                                                                                                              |       |          |       |                     |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|-------|---------------------|
|                     | Falsification                                                                                                                                                                                | Major | Moderate | Minor |                     |
|                     |                                                                                                                                                                                              |       |          |       | <b>Percent</b> 0.0% |
| <b>Matrix Notes</b> | Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation. |       |          |       |                     |
| <b>Adjustment</b>   |                                                                                                                                                                                              |       |          |       | \$21,250            |

  

|                   |  |          |
|-------------------|--|----------|
| <b>Adjustment</b> |  | \$21,250 |
|                   |  | \$3,750  |

  

**Violation Events**

|                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                     |       |                          |        |  |         |  |           |  |            |  |        |   |              |  |  |  |
|---------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------------------------|--------|--|---------|--|-----------|--|------------|--|--------|---|--------------|--|--|--|
| Number of Violation Events                                                                                                      | 2                                                                                                                                                                                                                                                                                                                                                                   | 394   | Number of violation days |        |  |         |  |           |  |            |  |        |   |              |  |  |  |
|                                                                                                                                 | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td style="text-align: center;">x</td></tr> <tr><td>single event</td><td></td></tr> </table> | daily |                          | weekly |  | monthly |  | quarterly |  | semiannual |  | annual | x | single event |  |  |  |
| daily                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                     |       |                          |        |  |         |  |           |  |            |  |        |   |              |  |  |  |
| weekly                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                     |       |                          |        |  |         |  |           |  |            |  |        |   |              |  |  |  |
| monthly                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                     |       |                          |        |  |         |  |           |  |            |  |        |   |              |  |  |  |
| quarterly                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                     |       |                          |        |  |         |  |           |  |            |  |        |   |              |  |  |  |
| semiannual                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                     |       |                          |        |  |         |  |           |  |            |  |        |   |              |  |  |  |
| annual                                                                                                                          | x                                                                                                                                                                                                                                                                                                                                                                   |       |                          |        |  |         |  |           |  |            |  |        |   |              |  |  |  |
| single event                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                     |       |                          |        |  |         |  |           |  |            |  |        |   |              |  |  |  |
| <b>Violation Base Penalty</b>                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                     |       | \$7,500                  |        |  |         |  |           |  |            |  |        |   |              |  |  |  |
| Two annual events are recommended from March 9, 2022, one year prior to the investigation, to the April 7, 2023 screening date. |                                                                                                                                                                                                                                                                                                                                                                     |       |                          |        |  |         |  |           |  |            |  |        |   |              |  |  |  |

  

**Good Faith Efforts to Comply**

|                           |                                                                          |                                   |
|---------------------------|--------------------------------------------------------------------------|-----------------------------------|
|                           | 0.0%                                                                     |                                   |
|                           | Before NOE/NOV                                                           | NOE/NOV to EDPRP/Settlement Offer |
| Extraordinary             |                                                                          |                                   |
| Ordinary                  |                                                                          |                                   |
| N/A                       | x                                                                        |                                   |
| <b>Notes</b>              | The Respondent does not meet the good faith criteria for this violation. |                                   |
| <b>Violation Subtotal</b> |                                                                          | \$7,500                           |

  

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

|                                                                             |                                               |
|-----------------------------------------------------------------------------|-----------------------------------------------|
|                                                                             | <b>Statutory Limit Test</b>                   |
| Estimated EB Amount                                                         | \$27                                          |
|                                                                             | <b>Violation Final Penalty Total</b> \$10,650 |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> \$10,650 |                                               |

# Economic Benefit Worksheet

**Respondent** City of Mart  
**Case ID No.** 63993  
**Reg. Ent. Reference No.** RN102079274  
**Media** Water Quality  
**Violation No.** 6

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

## 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)          | \$250 | 9-Mar-2022 | 27-Apr-2024 | 2.14 | \$27 | n/a | \$27 |

Notes for DELAYED costs

Estimated other cost to test the RPBA at the Facility by a licensed tester. The Date Required is one year prior to the investigation date, and the Final Date is the estimated date of compliance.

## Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

**TOTAL**

\$27

|                                                                                                                                                                                                                     |                                   |                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------|
| <b>Screening Date</b> 7-Apr-2023<br><b>Respondent</b> City of Mart<br><b>Case ID No.</b> 63993<br><b>Reg. Ent. Reference No.</b> RN102079274<br><b>Media</b> Water Quality<br><b>Enf. Coordinator</b> Monica Larina | <b>Docket No.</b> 2023-0668-MWD-E | <b>PCW</b><br><i>Policy Revision 5 (January 28, 2021)</i><br><i>PCW Revision February 11, 2021</i> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------|

  

|                              |   |                                                                                                                                                                                                                                                                                                                  |
|------------------------------|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Violation Number</b>      | 7 |                                                                                                                                                                                                                                                                                                                  |
| <b>Rule Cite(s)</b>          |   | 30 Tex. Admin. Code § 305.125(1) and (11)(C)(ii) and TPDES Permit No. WQ0010645001, Monitoring and Reporting Requirements No. 3.c.ii                                                                                                                                                                             |
| <b>Violation Description</b> |   | Failed to properly maintain records of monitoring activities. Specifically, the identity of the person who performed the monitoring activities was not listed on daily operation records from July 2022 to February 2023, including flow readings and effluent analyses for pH, DO, and total chlorine residual. |

  

**Base Penalty** \$25,000

  

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

|           |                |                                                                         |                                                                         |                                                                         |                                                                                      |
|-----------|----------------|-------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <b>OR</b> |                | <b>Harm</b>                                                             |                                                                         |                                                                         |                                                                                      |
|           | <b>Release</b> | Major                                                                   | Moderate                                                                | Minor                                                                   |                                                                                      |
|           | Actual         | <div style="border: 1px solid black; width: 50px; height: 15px;"></div> | <div style="border: 1px solid black; width: 50px; height: 15px;"></div> | <div style="border: 1px solid black; width: 50px; height: 15px;"></div> |                                                                                      |
|           | Potential      | <div style="border: 1px solid black; width: 50px; height: 15px;"></div> | <div style="border: 1px solid black; width: 50px; height: 15px;"></div> | <div style="border: 1px solid black; width: 50px; height: 15px;"></div> | <b>Percent</b> <span style="border: 1px solid black; padding: 2px 20px;">0.0%</span> |

  

**>> Programmatic Matrix**

|  |                                                                         |                                                                         |                                                                         |                                                                                              |                                                                                      |
|--|-------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|  | Falsification                                                           | Major                                                                   | Moderate                                                                | Minor                                                                                        |                                                                                      |
|  | <div style="border: 1px solid black; width: 50px; height: 15px;"></div> | <div style="border: 1px solid black; width: 50px; height: 15px;"></div> | <div style="border: 1px solid black; width: 50px; height: 15px;"></div> | <div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div> | <b>Percent</b> <span style="border: 1px solid black; padding: 2px 20px;">1.0%</span> |

  

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

  

**Adjustment** \$24,750

\$250

  

**Violation Events**

|                            |                                                                  |                                                                    |                          |
|----------------------------|------------------------------------------------------------------|--------------------------------------------------------------------|--------------------------|
| Number of Violation Events | <div style="border: 1px solid black; padding: 2px 10px;">3</div> | <div style="border: 1px solid black; padding: 2px 10px;">243</div> | Number of violation days |
|----------------------------|------------------------------------------------------------------|--------------------------------------------------------------------|--------------------------|

  

|  |              |                                                                                              |                                                                                                      |
|--|--------------|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
|  | daily        | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>                      | <b>Violation Base Penalty</b> <span style="border: 1px solid black; padding: 2px 20px;">\$750</span> |
|  | weekly       | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>                      |                                                                                                      |
|  | monthly      | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>                      |                                                                                                      |
|  | quarterly    | <div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div> |                                                                                                      |
|  | semiannual   | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>                      |                                                                                                      |
|  | annual       | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>                      |                                                                                                      |
|  | single event | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>                      |                                                                                                      |

  

|                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Three quarterly events are recommended for the quarters containing the months of July 2022 through February 2023 for the records that were not complete. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|

  

**Good Faith Efforts to Comply**

|                                                                      |                                                                                       |
|----------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| <div style="border: 1px solid black; padding: 2px 10px;">0.0 %</div> |                                                                                       |
|                                                                      | <b>Reduction</b> <span style="border: 1px solid black; padding: 2px 20px;">\$0</span> |

  

|               |                                                                                              |                                                                         |  |
|---------------|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|--|
|               | Before NOE/NOV                                                                               | NOE/NOV to EDPRP/Settlement Offer                                       |  |
| Extraordinary | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>                      | <div style="border: 1px solid black; width: 50px; height: 15px;"></div> |  |
| Ordinary      | <div style="border: 1px solid black; width: 50px; height: 15px;"></div>                      | <div style="border: 1px solid black; width: 50px; height: 15px;"></div> |  |
| N/A           | <div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div> | <div style="border: 1px solid black; width: 50px; height: 15px;"></div> |  |

  

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

  

**Violation Subtotal** \$750

  

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

|                                                                                                                                             |                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
|                                                                                                                                             | <b>Statutory Limit Test</b>                                                                            |
| Estimated EB Amount <span style="border: 1px solid black; padding: 2px 20px;">\$0</span>                                                    | Violation Final Penalty Total <span style="border: 1px solid black; padding: 2px 20px;">\$1,065</span> |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> <span style="border: 1px solid black; padding: 2px 20px;">\$1,065</span> |                                                                                                        |

## Economic Benefit Worksheet

**Respondent** City of Mart  
**Case ID No.** 63993  
**Reg. Ent. Reference No.** RN102079274  
**Media** Water Quality  
**Violation No.** 7

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### 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 Training/Sampling cost are included in the EB for Violation No. 4.

### 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

|                                                                                                                                                                                                                     |                                   |                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------|
| <b>Screening Date</b> 7-Apr-2023<br><b>Respondent</b> City of Mart<br><b>Case ID No.</b> 63993<br><b>Reg. Ent. Reference No.</b> RN102079274<br><b>Media</b> Water Quality<br><b>Enf. Coordinator</b> Monica Larina | <b>Docket No.</b> 2023-0668-MWD-E | <b>PCW</b><br><i>Policy Revision 5 (January 28, 2021)</i><br><i>PCW Revision February 11, 2021</i> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------|

  

|                              |   |                                                                                                                                                                                                                                                                                                              |  |
|------------------------------|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Violation Number</b>      | 8 | <b>Rule Cite(s)</b>                                                                                                                                                                                                                                                                                          |  |
|                              |   | 30 Tex. Admin. Code §§ 30.350(d) and 305.125(1) and TPDES Permit No. WQ0010645001, Other Requirements No. 1                                                                                                                                                                                                  |  |
| <b>Violation Description</b> |   | Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid Class C license or higher. Specifically, the only operator employed by the Facility continued to operate after his license expired on July 7, 2022. |  |

  

|                     |          |
|---------------------|----------|
| <b>Base Penalty</b> | \$25,000 |
|---------------------|----------|

  

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

|           |                |             |          |                |      |
|-----------|----------------|-------------|----------|----------------|------|
| <b>OR</b> | <b>Release</b> | <b>Harm</b> |          |                |      |
|           |                | Major       | Moderate | Minor          |      |
|           | Actual         |             |          |                |      |
|           | Potential      |             | x        |                |      |
|           |                |             |          | <b>Percent</b> | 5.0% |

  

**>> Programmatic Matrix**

|                                                                                                                                                                                                                         |                      |              |                 |                |          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------|-----------------|----------------|----------|
| <b>Matrix Notes</b>                                                                                                                                                                                                     | <b>Falsification</b> | <b>Major</b> | <b>Moderate</b> | <b>Minor</b>   |          |
|                                                                                                                                                                                                                         |                      |              |                 |                |          |
|                                                                                                                                                                                                                         |                      |              |                 |                |          |
|                                                                                                                                                                                                                         |                      |              |                 |                |          |
|                                                                                                                                                                                                                         |                      |              |                 | <b>Percent</b> | 0.0%     |
| Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation. |                      |              |                 |                |          |
| <b>Adjustment</b>                                                                                                                                                                                                       |                      |              |                 |                | \$23,750 |

  

|  |         |
|--|---------|
|  | \$1,250 |
|--|---------|

  

**Violation Events**

|                                                                                                                                                                                                          |              |         |                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|---------|--------------------------|
| Number of Violation Events                                                                                                                                                                               | 1            | 31      | Number of violation days |
|                                                                                                                                                                                                          | daily        |         |                          |
|                                                                                                                                                                                                          | weekly       |         |                          |
|                                                                                                                                                                                                          | monthly      |         |                          |
|                                                                                                                                                                                                          | quarterly    | x       |                          |
|                                                                                                                                                                                                          | semiannual   |         |                          |
|                                                                                                                                                                                                          | annual       |         |                          |
|                                                                                                                                                                                                          | single event |         |                          |
| <b>Violation Base Penalty</b>                                                                                                                                                                            |              | \$1,250 |                          |
| One quarterly event is recommended from March 7, 2023, the date process control activities were conducted by persons not holding a valid Class C license or higher, to the April 7, 2023 screening date. |              |         |                          |

  

**Good Faith Efforts to Comply**

|                                                     |                                                                          |         |
|-----------------------------------------------------|--------------------------------------------------------------------------|---------|
| 0.0%                                                | <b>Reduction</b>                                                         | \$0     |
| Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer |                                                                          |         |
| Extraordinary                                       |                                                                          |         |
| Ordinary                                            |                                                                          |         |
| N/A                                                 | x                                                                        |         |
| <b>Notes</b>                                        | The Respondent does not meet the good faith criteria for this violation. |         |
| <b>Violation Subtotal</b>                           |                                                                          | \$1,250 |

  

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

|                                                                    |       |                             |
|--------------------------------------------------------------------|-------|-----------------------------|
| <b>Estimated EB Amount</b>                                         | \$159 | <b>Statutory Limit Test</b> |
| <b>Violation Final Penalty Total</b>                               |       | \$1,775                     |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> |       | \$1,775                     |

## Economic Benefit Worksheet

**Respondent** City of Mart  
**Case ID No.** 63993  
**Reg. Ent. Reference No.** RN102079274  
**Media** Water Quality  
**Violation No.** 8

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### 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)          | \$186 | 7-Jul-2022 | 27-Apr-2024 | 1.81 | \$17 | n/a | \$17 |

Notes for DELAYED costs

Estimated Other Costs to employee an operator with a valid Class C license or higher operates the Facility for a minimum of five days per week. The Date Required is the date the operator license expired, 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                         | \$186 | 7-Jul-2022 | 7-Apr-2023 | 0.75 | \$2 | \$140 | \$142 |
| 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

Estimated Personnel avoided cost to ensure that a Facility employee obtains a valid Class C license or higher to operate the Facility. The Date Required is the date the operators license expired, and the Final Date is the screening date.

Approx. Cost of Compliance

\$326

**TOTAL**

\$159

|                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                 |                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>Screening Date</b> 7-Apr-2023<br><b>Respondent</b> City of Mart<br><b>Case ID No.</b> 63993<br><b>Reg. Ent. Reference No.</b> RN102079274<br><b>Media</b> Water Quality<br><b>Enf. Coordinator</b> Monica Larina                                                                                                                                                                                                                                      | <b>Docket No.</b> 2023-0668-MWD-E                                               | <b>PCW</b><br><small>Policy Revision 5 (January 28, 2021)</small><br><small>PCW Revision February 11, 2021</small> |
| <b>Violation Number</b> <span style="border: 1px solid black; padding: 2px;">9</span>                                                                                                                                                                                                                                                                                                                                                                    |                                                                                 |                                                                                                                    |
| <b>Rule Cite(s)</b> <span style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010645001, Monitoring and Reporting Requirements No. 3.b</span>                                                                                                                                                                                                                                                        |                                                                                 |                                                                                                                    |
| <b>Violation Description</b> <span style="border: 1px solid black; padding: 2px;">Failed to maintain calibration records at the Facility and make them readily available for review by a TCEQ representative for a period of three years. Specifically, for the months of January 2022 to February 2023 the Respondent did not maintain calibration records for the DO meter, and there was no record of pH meter calibrations in September 2022.</span> |                                                                                 |                                                                                                                    |
| <b>Base Penalty</b>                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                 | \$25,000                                                                                                           |
| <b>&gt;&gt; Environmental, Property and Human Health Matrix</b>                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                 |                                                                                                                    |
| OR                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Release</b><br>Actual<br>Potential                                           | <b>Harm</b><br>Major      Moderate      Minor                                                                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                 |                                                                                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                 |                                                                                                                    |
| <b>Percent</b>                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                 | 0.0%                                                                                                               |
| <b>&gt;&gt; Programmatic Matrix</b>                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                 |                                                                                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Falsification      Major      Moderate      Minor                               |                                                                                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                 | x                                                                                                                  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                 |                                                                                                                    |
| <b>Percent</b>                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                 | 10.0%                                                                                                              |
| <b>Matrix Notes</b>                                                                                                                                                                                                                                                                                                                                                                                                                                      | 100% of the rule requirements were not met.                                     |                                                                                                                    |
| <b>Adjustment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                 | \$22,500                                                                                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                 | \$2,500                                                                                                            |
| <b>Violation Events</b>                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                 |                                                                                                                    |
| Number of Violation Events <span style="border: 1px solid black; padding: 2px;">2</span>                                                                                                                                                                                                                                                                                                                                                                 |                                                                                 | <span style="border: 1px solid black; padding: 2px;">29</span> Number of violation days                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                          | daily<br>weekly<br>monthly<br>quarterly<br>semiannual<br>annual<br>single event |                                                                                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                 |                                                                                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                 |                                                                                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                 |                                                                                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                 |                                                                                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                 | x                                                                                                                  |
| <b>Violation Base Penalty</b>                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                 | \$5,000                                                                                                            |
| Two single events are recommended.                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                 |                                                                                                                    |
| <b>Good Faith Efforts to Comply</b>                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                 | 0.0%                                                                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                 | <b>Reduction</b>                                                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                 | \$0                                                                                                                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Before NOE/NOV      NOE/NOV to EDPRP/Settlement Offer                           |                                                                                                                    |
| Extraordinary                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                 |                                                                                                                    |
| Ordinary                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                 |                                                                                                                    |
| N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                      | x                                                                               |                                                                                                                    |
| Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                    | The Respondent does not meet the good faith criteria for this violation.        |                                                                                                                    |
| <b>Violation Subtotal</b>                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                 | \$5,000                                                                                                            |
| <b>Economic Benefit (EB) for this violation      Statutory Limit Test</b>                                                                                                                                                                                                                                                                                                                                                                                |                                                                                 |                                                                                                                    |
| <b>Estimated EB Amount</b>                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                 | \$0                                                                                                                |
| <b>Violation Final Penalty Total</b>                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                 | \$7,100                                                                                                            |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b>                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                 | \$7,100                                                                                                            |

# Economic Benefit Worksheet

**Respondent** City of Mart  
**Case ID No.** 63993  
**Reg. Ent. Reference No.** RN102079274  
**Media** Water Quality  
**Violation No.** 9

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

## 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 Training/Sampling cost are included in the EB for Violation No. 4.

## 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



# Compliance History Report

Compliance History Report for CN600344048, RN102079274, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN600344048, City of Mart  
**Classification:** SATISFACTORY **Rating:** 12.16  
**Regulated Entity:** RN102079274, CITY OF MART **Classification:** SATISFACTORY **Rating:** 22.31  
**Complexity Points:** 7 **Repeat Violator:** NO  
**CH Group:** 08 - Sewage Treatment Facilities  
**Location:** 1 Old Oil Mill Road in McLennan County, Texas  
**TCEQ Region:** REGION 09 - WACO

**ID Number(s):**

**WASTEWATER PERMIT** WQ0010645001

**WASTEWATER EPA ID** TX0026051

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

**Date Compliance History Report Prepared:** October 31, 2023

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 31, 2018 to October 31, 2023

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

**Name:** Cheryl Thompson

**Phone:** (817) 588-5865

**Site and Owner/Operator History:**

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

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

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

1 Effective Date: 10/27/2021 ADMINORDER 2019-0338-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(9)(A)

Rqmt Prov: Monitoring and Reporting Requirements 7a PERMIT

Description: 1.a Failed to report unauthorized discharges orally to the Regional Office within 24 hours of becoming aware of the noncompliance, and in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically,

the Respondent did not report unauthorized discharges that occurred at the headworks of the onsite lift station, the bar screen, and along the oxidation ditch at the Facility, or an unauthorized discharge from a man

Classification: Minor

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

30 TAC Chapter 305, SubChapter F 305.125(12)

Rqmt Prov: Permit Conditions (1)(a) PERMIT

Description: 1.b Failed to accurately report monitoring activities. Specifically, the Respondent incorrectly reported the minimum value for chlorine residual on the DMR for the monitoring period ending October 31, 2018.

Classification: Minor

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

Rqmt Prov: Monitoring and Reporting Requirements, 5 PERMIT

Description: 1.c Failed to have automatic flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less often than annually

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.11(c)

Rqmt Prov: Def. & Std. Permit Condition 2.e PERMIT

Description: 1.d Failed to properly analyze effluent samples according to the permit. Specifically, the Respondent calculated the daily average E. coli concentration using the arithmetic average instead of the geometric mean for the monitoring period ending August 31, 2018.

Classification: Moderate

Citation: 30 TAC Chapter 30, SubChapter J 30.350(d)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Other Requirements 1 PERMIT

Description: 1.e Failed to ensure that the Facility is operated a minimum of five days per week by a licensed chief operator or operator holding the required level of license or higher. Specifically, an unlicensed individual was performing process control and operational duties at the Facility.

Classification: Moderate

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

Rqmt Prov: Permit Conditions 2(g) PERMIT

Description: 1.f Failed to prevent the unauthorized discharge of sewage and municipal waste into or adjacent to any water in the state. Specifically, an unauthorized discharge occurred at the headworks of the onsite lift station, the bar screen, and along the edge of the oxidation ditch; and bar screenings were scattered along the ground at the headworks, the oxidation ditch, and the clarifier. Also, holes were dug under the fence to allow the discharge of untreated wastewater directly to an unnamed tributary.

Classification: Minor

Citation: 30 TAC Chapter 312, SubChapter G 312.142(a)

Description: 1.g Failed to apply for and receive a registration from the Executive Director prior to commencing operations to transport biosolids/sewage sludge, water treatment residuals, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste. Specifically, the Respondent transported sludge from the Facility in an uncovered dump truck without a registration.

Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Operational Requirements (1) PERMIT

Description: 1.h Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained and failed to prevent the unauthorized discharge of municipal waste into or adjacent to any water of the state. Specifically, both aeration rotors in the oxidation ditch were non-operational; large black floating solids were observed in the oxidation

Finally, sludge deposits had accumulated in the oxidation ditch causing short circuiting of the system.

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 No. 1 PERMIT

Description: 1.i Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, bar screenings were stored uncovered in a bucket near the clarifier and in a mobile trailer at the mechanical bar screen.

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.9(d)

Description: 1.j Failed to assure the quality of all measurements through the use of blanks, standards, duplicate analyses, and spikes. Specifically, the standards being utilized for the chlorine meter calibration expired in February 2018.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(11)(B)  
30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: Monitoring and Reporting Requirements 3b PERMIT

Description: 1.k Failed to maintain monitoring and reporting records at the Facility. Specifically, the Respondent did not maintain the standards quality control log for the chlorine meter.

Classification: Minor

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

Rqmt Prov: Fin. Eff. Lim. & Mon. Req. 1 & 6 PERMIT

Description: 2. Failed to comply with permitted effluent limitations

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

|         |                    |           |         |                    |           |
|---------|--------------------|-----------|---------|--------------------|-----------|
| Item 1  | November 13, 2018  | (1541789) | Item 26 | September 15, 2021 | (1766601) |
| Item 2  | December 12, 2018  | (1545561) | Item 27 | October 13, 2021   | (1777165) |
| Item 3  | January 16, 2019   | (1560682) | Item 28 | December 08, 2021  | (1790988) |
| Item 4  | February 13, 2019  | (1560680) | Item 29 | January 13, 2022   | (1798777) |
| Item 5  | March 14, 2019     | (1560681) | Item 30 | February 08, 2022  | (1806653) |
| Item 6  | April 09, 2019     | (1572160) | Item 31 | March 09, 2022     | (1813718) |
| Item 8  | May 06, 2019       | (1583927) | Item 33 | April 07, 2022     | (1820290) |
| Item 10 | July 10, 2019      | (1593497) | Item 34 | May 09, 2022       | (1829132) |
| Item 11 | October 04, 2019   | (1606728) | Item 35 | June 16, 2022      | (1835421) |
| Item 12 | March 06, 2020     | (1647514) | Item 36 | July 13, 2022      | (1842625) |
| Item 13 | April 06, 2020     | (1653856) | Item 37 | August 15, 2022    | (1848755) |
| Item 15 | May 19, 2020       | (1660437) | Item 38 | November 07, 2022  | (1869826) |
| Item 16 | June 08, 2020      | (1666950) | Item 39 | December 02, 2022  | (1833974) |
| Item 17 | July 06, 2020      | (1673900) | Item 40 | December 18, 2022  | (1875675) |
| Item 18 | September 08, 2020 | (1680679) | Item 41 | January 19, 2023   | (1882496) |
| Item 19 | October 07, 2020   | (1693589) | Item 42 | February 17, 2023  | (1890309) |
| Item 21 | November 13, 2020  | (1713459) | Item 43 | May 01, 2023       | (1897008) |
| Item 22 | December 07, 2020  | (1713460) | Item 45 | June 15, 2023      | (1919446) |
| Item 23 | January 06, 2021   | (1713461) | Item 46 | July 19, 2023      | (1926412) |
| Item 24 | July 12, 2021      | (1752039) | Item 47 | August 21, 2023    | (1933370) |
| Item 25 | August 11, 2021    | (1757495) |         |                    |           |

**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: 12/29/2022 (1867059)                                                                                                                                                               |                          |  |
|   | Self Report? NO                                                                                                                                                                          | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)<br>30 TAC Chapter 305, SubChapter F 305.125(1)<br>30 TAC Chapter 305, SubChapter F 305.125(4)<br>Permit Conditions, No. 2g PERMIT |                          |  |
|   | Description: Failed to prevent the unauthorized discharge of wastewater.                                                                                                                 |                          |  |
| 2 | Date: 02/28/2023 (1898872)                                                                                                                                                               |                          |  |
|   | Self Report? YES                                                                                                                                                                         | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                                                                                       |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter                                                                                                                  |                          |  |
| 3 | Date: 03/31/2023 (1905661)                                                                                                                                                               |                          |  |
|   | Self Report? YES                                                                                                                                                                         | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                                                                                       |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter                                                                                                                  |                          |  |
| 4 | Date: 04/30/2023 (1912839)                                                                                                                                                               |                          |  |
|   | Self Report? YES                                                                                                                                                                         | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                                                                                       |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter                                                                                                                  |                          |  |
| 5 | Date: 10/06/2023 (1929608)                                                                                                                                                               |                          |  |
|   | Self Report? NO                                                                                                                                                                          | Classification: Minor    |  |
|   | Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)<br>30 TAC Chapter 305, SubChapter F 305.125(5)<br>Operational Requirements, (1) PERMIT                                             |                          |  |

Description: Failed to maintain the structural integrity of the wastewater collection system.

**F. Environmental audits:**

N/A

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

N/A

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF MART  
RN102079274

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

## AGREED ORDER DOCKET NO. 2023-0668-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 Mart (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 1 Old Oil Mill Road in McLennan 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 \$36,920 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$7,384 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, \$29,536 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 an investigation at the Facility conducted on March 9, 2023, an investigator documented that the Respondent:

1. Failed to dispose of all screenings and grit in an approved manner, in violation of 30 TEX. ADMIN. CODE § 317.4(b)(4). Specifically, the container used to store the screenings did not have a lid.
2. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010645001, Operational Requirements No. 1. Specifically, the clarifier and chlorine contact chamber contained an excessive amount of floating solids and plastics.
3. 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 TPDES Permit No. WQ0010645001, Effluent Limitations and Monitoring Requirements No. 2. Specifically, the chlorine residual, collected during the investigation, exceeded the effluent maximum limit of 4.0 milligrams per liter ("mg/L") with a reading of 4.8 mg/L.
4. Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of the non-compliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010645001, Monitoring and Reporting Requirements No. 7.c. Specifically, the Respondent did not submit non-compliance notifications for dissolved oxygen ("DO") below the minimum for the monthly monitoring periods of August and September 2022.
5. Failed to assure the quality of all measurements through the use of blanks, standards, duplicates, and spikes, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.6 and TPDES Permit No. WQ0010645001, Monitoring and Reporting Requirements No. 2. Specifically, the standard chlorine analyses were not performed on a 10% basis.

Additionally, pH was analyzed weekly during July, November, and December 2022; however, calibration of the pH meter was conducted only once per month.

6. Failed to test the reduced-pressure backflow assemble ("RPBA") annually, in violation of 30 TEX. ADMIN. CODE § 317.4(a)(8). Specifically, the Respondent did not conduct RPBA testing from 2022 through 2023.
7. Failed to properly maintain records of monitoring activities, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (11)(C)(ii) and TPDES Permit No. WQ0010645001, Monitoring and Reporting Requirements No. 3.c.ii. Specifically, the identity of the person who performed the monitoring activities was not listed on daily operation records from July 2022 to February 2023, including flow readings and effluent analyses for pH, DO, and total chlorine residual.
8. Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid Class C license or higher, in violation of 30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TPDES Permit No. WQ0010645001, Other Requirements No. 1. Specifically, the only operator for the Facility continued to operate after his license expired on July 7, 2022.
9. Failed to maintain calibration records at the Facility and make them readily available for review by a TCEQ representative for a period of three years, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010645001, Monitoring and Reporting Requirements No. 3.b. Specifically, for the months of January 2022 to February 2023 the Respondent did not maintain calibration records for the DO meter, and there was no record of pH meter calibrations in September 2022.

### **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 Mart, Docket No. 2023-0668-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 \$29,536 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 30 days after the effective date of this Order:
    - i. Properly store bar screenings in a container with a lid, in accordance with 30 TEX. ADMIN. CODE § 317.4;
    - ii. Employ an operator with a valid Class C license or higher to operate the Facility for a minimum of five days per week, in accordance with 30 TEX. ADMIN. CODE § 30.350 and TPDES Permit No. WQ0010645001, Other Requirements No. 1;
    - iii. Remove floating solids and plastics from the clarifier and chlorine contact chamber;
    - iv. Test the RPBA at the Facility by a licensed tester, in accordance with 30 TEX. ADMIN. CODE § 317.4; and
    - v. Develop and implement procedures and conduct employee training to ensure that:
      - a. Non-compliance notifications for effluent exceedances are submitted in accordance with TPDES Permit No. WQ0010645001, Monitoring and Reporting Requirements, No. 7;
      - b. Calibration records for the DO meter and pH meter are maintained at the Facility and made readily available for review in accordance with TPDES Permit No. WQ0010645001, Monitoring and Reporting Requirements, No. 5;
      - c. Standard chlorine analyses are performed on a 10% basis and the pH meter is calibrated each day that samples are analyzed, in accordance with 30 TEX. ADMIN. CODE § 319.6; and
      - d. Monitoring records include the identity of the individual completing the daily operations records, flow readings and monitoring activities in accordance with TPDES Permit No. WQ0010645001, Monitoring and Reporting Requirements, No. 7.
  - b. Within 45 days after the effective date of this Order, submit written certification of compliance with Ordering Provision Nos. 3.a.i through 3.a.v, as described in Order Provision No. 3.d below.
  - c. Within 130 days after the effective date of this Order, submit written certification, to demonstrate compliance with the permitted effluent limitations of TPDES Permit No. WQ0010645001, 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.

- d. The certifications for Ordering Provision Nos. 3.b and 3.c 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  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826

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. 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.
7. 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.
8. 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.

9. 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

*Krista Mello-Jurack*  
-----

For the Executive Director

-----  
Date

10/11/2025  
-----

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.

*Shane James*  
-----  
Signature

*Shane James*  
-----

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

*9/29/2025*  
-----  
Date

*City Administrator*  
-----  
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: 2023-0668-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

|                           |                          |
|---------------------------|--------------------------|
| <b>Respondent:</b>        | City of Mart             |
| <b>Penalty Amount:</b>    | \$29,536                 |
| <b>SEP Offset Amount:</b> | \$29,536                 |
| <b>Type of SEP:</b>       | Compliance               |
| <b>Project Name:</b>      | <i>WWTF Improvements</i> |
| <b>Location of SEP:</b>   | McLennan County          |

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

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

**1. Project Description**

*A. Project*

Respondent shall hire a contractor to purchase and install two pumps for their lift station and replace an aerator at the Facility. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for two lift station pumps and an aerator (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**

| <b>Item</b>                    | <b>Total</b>    |
|--------------------------------|-----------------|
| Lift Station Pumps and Install | \$46,000        |
| Aerator                        | \$40,000        |
| <b>Total</b>                   | <b>\$86,000</b> |

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 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](mailto:sepreports@tceq.texas.gov)

**3. Records and Reporting**

*A. Progress Report*

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to TCEQ describing actions performed to date to implement the Project. Within 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. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;
8. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
9. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

#### *C. Submittals*

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

#### **4. Additional Information and Access**

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

#### **5. Failure to Fully Perform**

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

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

Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to the SEP Coordinator at the address provided above.

**6. Publicity**

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

**7. Recognition**

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

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

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