

**Executive Summary – Enforcement Matter – Case No. 64032**  
**Texas Department of Transportation**  
**RN106479983**  
**Docket No. 2023-0751-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Navarro County Safety Rest Area, 14025 IH-45 East, Richland, Navarro County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** September 27, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$14,250

**Amount Deferred for Expedited Settlement:** \$2,850

**Total Paid to General Revenue:** \$11,400

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

Payment Plan: N/A

**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:** February 22, 2023

**Date(s) of NOE(s):** April 20, 2023

**Executive Summary – Enforcement Matter – Case No. 64032**  
**Texas Department of Transportation**  
**RN106479983**  
**Docket No. 2023-0751-MWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for ammonia nitrogen and pH [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014854001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By February 28, 2023, the Respondent determined the cause of noncompliance, made the necessary repairs and adjustments to the Facility, and achieved compliance with the permitted effluent limitations of the TPDES Permit No. WQ0014854001.

**Technical Requirements:**

N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Samantha Smith, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-2099; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** James Stevenson, Maintenance Division Director, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701-2409

**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>	1-May-2023	<b>Screening</b>	17-May-2023	<b>EPA Due</b>	
	<b>PCW</b>	11-Dec-2023				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Texas Department of Transportation				
<b>Reg. Ent. Ref. No.</b>	RN106479983				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth		<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	64032	<b>No. of Violations</b>	1
<b>Docket No.</b>	2023-0751-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>	Samantha Smith
		<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>	\$15,000
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	20.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$3,000
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<b>Notes</b>	Enhancement for one agreed order with denial of liability.			
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<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.			
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$3,750
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1,250	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$25,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$14,250
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>				
	<b>Final Penalty Amount</b>			\$14,250

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$14,250
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<b>DEFERRAL</b>	20.0%	<b>Reduction</b>	<b>Adjustment</b>	-\$2,850
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.			
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<b>PAYABLE PENALTY</b>	\$11,400
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<b>Screening Date</b>	17-May-2023	<b>Docket No.</b>	2023-0751-MWD-E	<b>PCW</b>
<b>Respondent</b>	Texas Department of Transportation			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	64032			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN106479983			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Samantha Smith			

## Compliance History Worksheet

### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
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)** 20%

### >> Repeat Violator (Subtotal 3)

No

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

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

Satisfactory Performer

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

### >> Compliance History Summary

**Compliance History Notes**

Enhancement for one agreed order with denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 20%

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 20%

<b>Screening Date</b> 17-May-2023 <b>Respondent</b> Texas Department of Transportation <b>Case ID No.</b> 64032 <b>Reg. Ent. Reference No.</b> RN106479983 <b>Media</b> Water Quality <b>Enf. Coordinator</b> Samantha Smith	<b>Docket No.</b> 2023-0751-MWD-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	1	
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0014854001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3
<b>Violation Description</b>		Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

<b>Base Penalty</b>	\$25,000
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**>> 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> <input style="width: 50px;" type="text" value="15.0%"/>

**>> Programmatic Matrix**

<b>Matrix Notes</b>	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					<b>Percent</b> <input style="width: 50px;" type="text" value="0.0%"/>
	A simplified model was used to evaluate total ammonia nitrogen to determine whether the discharged amount of pollutants exceeded levels protective of human health or the environment. pH was also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
	<b>Adjustment</b>				<input style="width: 100px;" type="text" value="\$21,250"/>

	\$3,750
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**Violation Events**

Number of Violation Events	<input style="width: 40px;" type="text" value="4"/>	<input style="width: 40px;" type="text" value="150"/>	Number of violation days
	daily	<input type="text"/>	
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	x	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
<b>Violation Base Penalty</b> <input style="width: 100px;" type="text" value="\$15,000"/>			
Four quarterly events are recommended for the quarters containing the monthly monitoring periods of February, July, September, October, and November 2022.			

**Good Faith Efforts to Comply**

	<b>25.0%</b>	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	x	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>
Notes	The Respondent achieved compliance by February 28, 2023.	
<b>Violation Subtotal</b>		<input style="width: 100px;" type="text" value="\$11,250"/>

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

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	<input style="width: 100px;" type="text" value="\$1,250"/>
	<b>Violation Final Penalty Total</b> <input style="width: 100px;" type="text" value="\$14,250"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width: 100px;" type="text" value="\$14,250"/>	

# Economic Benefit Worksheet

**Respondent** Texas Department of Transportation  
**Case ID No.** 64032  
**Reg. Ent. Reference No.** RN106479983  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	28-Feb-2022	28-Feb-2023	1.00	\$1,250	n/a	\$1,250

Notes for DELAYED costs

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

## Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$1,250

Texas Department of Transportation  
 TPDES Permit No. WQ0014854001  
 Docket No. 2023-0751-MWD-E  
 Case No. 64032

Effluent Violation Table				
	Ammonia Nitrogen Daily Avg. Conc.	Ammonia Nitrogen Single Grab Conc.	Ammonia Nitrogen Daily Avg. Load.	pH Minimum
Monitoring Period	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 0.35 lbs/day	Limit = 6 SU
February 2022	9.32	18.5	c	c
July 2022	8.57	27.4	0.3784	c
September 2022	21.29	37.9	0.7269	5.6
October 2022	10.92	24.9	c	c
November 2022	18.70	42.5	0.4880	c

Avg. = average      Conc. = concentration      mg/L = milligrams per liter  
 lbs/day = pounds per day      SU = standard units      Load. = Loading      c = compliant



# Compliance History Report

Compliance History Report for CN600803456, RN106479983, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN600803456, Texas Department of Transportation  
**Classification:** SATISFACTORY **Rating:** 1.66

**Regulated Entity:** RN106479983, NAVARRO COUNTY SAFETY REST AREA IH 45  
**Classification:** SATISFACTORY **Rating:** 3.45

**Complexity Points:** 6  
**Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** 14025 Interstate Highway 45 East, Navarro County, Texas

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**  
**WASTEWATER** EPA ID TX0130028 **WASTEWATER** AUTHORIZATION R14854001  
**WASTEWATER** PERMIT WQ0014854001

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

**Date Compliance History Report Prepared:** June 17, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** June 17, 2019 to June 17, 2024

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Samantha Smith **Phone:** (512) 239-2099

## 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: 09/03/2019 ADMINORDER 2018-1261-MWD-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: Eff. Lim. and Mon. Req. No. 1 PERMIT  
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

Item 1	October 21, 2019	(1603897)	Item 7	February 19, 2021	(1731854)
Item 2	February 14, 2020	(1642791)	Item 8	March 22, 2021	(1731855)
Item 3	March 18, 2020	(1649296)	Item 9	April 19, 2021	(1731856)
Item 4	September 20, 2020	(1689034)	Item 10	May 18, 2021	(1743210)
Item 5	September 30, 2020	(1682468)	Item 11	August 16, 2021	(1749549)
Item 6	October 20, 2020	(1695399)	Item 12	August 18, 2021	(1759166)



Item 13	September 20, 2021	(1768543)	Item 26	April 20, 2023	(1907422)
Item 14	October 18, 2021	(1779294)	Item 27	May 19, 2023	(1914573)
Item 15	November 19, 2021	(1785721)	Item 28	June 20, 2023	(1921184)
Item 16	December 20, 2021	(1792770)	Item 29	July 20, 2023	(1928166)
Item 17	February 20, 2022	(1808435)	Item 30	August 18, 2023	(1935102)
Item 18	April 20, 2022	(1822047)	Item 31	September 20, 2023	(1941322)
Item 19	May 20, 2022	(1830949)	Item 32	October 20, 2023	(1948081)
Item 20	June 20, 2022	(1837197)	Item 33	November 20, 2023	(1953768)
Item 21	July 20, 2022	(1844382)	Item 34	December 19, 2023	(1963558)
Item 22	September 20, 2022	(1858323)	Item 35	January 22, 2024	(1970131)
Item 23	January 18, 2023	(1884239)	Item 36	February 20, 2024	(1979212)
Item 24	February 21, 2023	(1892051)	Item 37	March 20, 2024	(1985769)
Item 25	March 20, 2023	(1900626)	Item 38	April 17, 2024	(1992310)

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

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

N/A

**F. Environmental audits:**

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  
TEXAS DEPARTMENT OF  
TRANSPORTATION  
RN106479983

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

## AGREED ORDER DOCKET NO. 2023-0751-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 Texas Department of Transportation (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 14025 Interstate Highway 45 East in Navarro 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 \$14,250 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$11,400 of the penalty and \$2,850 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that by February 28, 2023, the Respondent determined the cause of noncompliance, made the necessary repairs and adjustments to the Facility, and achieved compliance with the permitted effluent limitations of the Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014854001.

## II. ALLEGATIONS

During a record review for the Facility conducted on February 22, 2023, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0014854001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3, as shown in the effluent violation table below:

Effluent Violation Table				
	Ammonia Nitrogen Daily Avg. Conc.	Ammonia Nitrogen Single Grab Conc.	Ammonia Nitrogen Daily Avg. Load.	pH Minimum
Monitoring Period	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 0.35 lbs/day	Limit = 6 SU
February 2022	9.32	18.5	c	c
July 2022	8.57	27.4	0.3784	c
September 2022	21.29	37.9	0.7269	5.6
October 2022	10.92	24.9	c	c
November 2022	18.70	42.5	0.4880	c

Avg. = average      Conc. = concentration      mg/L = milligrams per liter  
lbs/day = pounds per day      SU = standard units      Load. = Loading      c = compliant

## III. DENIALS

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

## IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Department of Transportation, Docket No. 2023-0751-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. All relief not expressly granted in this Order is denied.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

Texas Department of Transportation  
DOCKET NO. 2023-0751-MWD-E  
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**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

-----  
For the Commission

  
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Date

9/26/2024  
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For the Executive Director

Date


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

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

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

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

DocuSigned by:

  
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72D80A7862EA430...

Signature

8/16/2024  
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Date

JAMES R. STEVENSON, P.E.

DIRECTOR, MAINTENANCE DIVISION  
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Name (Printed or typed)  
Authorized Representative of  
Texas Department of Transportation

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.