

Executive Summary - Enforcement Matter - Case No. 64172

City of Calvert

RN102185972

Docket No. 2023-0815-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 Calvert WWTP, located on Farm-to-Market ("FM") Road 1644, approximately 0.7 mile southwest of the intersection of FM Road 1644 and State Highway 6, Calvert, Robertson 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: March 6, 2026

Comments Received: No

Penalty Information

Total Penalty Assessed: \$42,675

Amount Deferred for Expedited Settlement: \$8,535

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$34,140

Name of SEP: Emergency Generator (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: May 3, 2023

Date(s) of NOE(s): May 23, 2023

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Violation Information

1. 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 noncompliance. Specifically, the Respondent did not provide non-compliance notifications for the exceedances during the monthly monitoring periods of January, May, August, October, November, and April 2023 [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010095001, Monitoring and Reporting Requirements No. 7.c].
2. Failed to comply with permitted effluent limitations. Specifically, the grab sample collected during the investigation documented that the Respondent did not meet the permitted effluent single grab minimum limitation of 1.0 milligram per liter ("mg/L") for total chlorine residual with a result of 0.5 mg/L and *Escherichia coli* single grab limit of 399 most probable number per 100 milliliters ("MPN/100 mL") with a result of 488 MPN/100 mL [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010095001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].
3. Failed to properly maintain records of monitoring activities. Specifically, daily operations records from July 2022 through March 2023, including flow readings and effluent analyses for total chlorine residual, did not include the identity of the individual who performed the monitoring activities. The daily operation records did not include when the samples were analyzed for total chlorine residual and when flow measurements were taken [30 TEX. ADMIN. CODE § 305.125(1) and (11)(C)(ii) and TPDES Permit No. WQ0010095001, Monitoring and Reporting Requirements Nos. 3.c.ii and 3.c.iii].
4. Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the total chlorine residual samples were not recorded from June 1 through June 6, 2022 for the monthly monitoring period of June 2022 and from September 3 through September 18, 2022 for the monthly monitoring period of September 2022 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0010095001, Effluent Limitations and Monitoring Requirements No. 2].
5. 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 Respondent allowed an unlicensed individual to perform duties that should be performed by a licensed individual. The operator was allowed to perform operator duties at the Facility beginning September 19, 2022, even though the operator's license expired on April 6, 2022 [30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TPDES Permit No. WQ0010095001, Other Requirements No. 1].

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6. Failed to submit accurate information on discharge monitoring reports (“DMRs”). Specifically, the daily average and maximum flow values were misreported for the monitoring period of August 2022 due to an erroneous conversion [30 TEX. ADMIN. CODE § 305.125(1) and (19) and TPDES Permit No. WQ0010095001, Permit Conditions No. 1.a].

7. Failed to maintain sludge records at the Facility and make them readily available for review by a TCEQ representative for a period of five years. Specifically, the Facility did not maintain a copy of the transportation manifests for the sludge transported between 2022 and 2023 [30 TEX. ADMIN. CODE § 305.125(1) and (11)(B) and TPDES Permit No. WQ0010095001, Sludge Provisions, Section III. G.5 and G.7].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By June 12, 2023, the Respondent submitted the updated DMR to reflect the actual sample results for flow daily average and maximum values for the monthly monitoring period of August 2022.

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

1. Non-compliance notifications for effluent exceedances of more than 40% are submitted timely;

2. Total chlorine residual samples are collected and analyzed at the intervals specified in the permit;

3. Records of monitoring activities are properly maintained; and

4. Sludge records are maintained at the Facility and made readily available for review by a TCEQ representative for a period of five years.

ii. Begin collecting and analyzing effluent samples for total chlorine residual at the intervals specified in the permit; and

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

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

c. Within 130 days, submit written certification to demonstrate compliance with the permitted effluent limitations of TPDES Permit No. WQ0010095001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Penny Wimberly, Enforcement Division, Enforcement Backlog Team, MC 219, (512) 239-0538; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

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

Respondent: The Honorable James M. Evans, Mayor, City of Calvert, P.O. Box 505, Calvert, Texas 77837-0505

Sergio Loya, City Administrator, City of Calvert, P.O. Box 505, Calvert, Texas 77837-0505

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	30-May-2023	Screening	6-Jun-2023	EPA Due	
	PCW	17-Jun-2025				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Calvert
Reg. Ent. Ref. No.	RN102185972
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	64172	No. of Violations	7
Docket No.	2023-0815-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Harley Hobson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$30,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	40.0%	Adjustment	Subtotals 2, 3, & 7	\$12,200
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Notes: Enhancement for eight months of self-reported effluent violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$25
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,641
 Estimated Cost of Compliance: \$6,275
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$42,675
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$42,675
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$42,675
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DEFERRAL	20.0%	Reduction	Adjustment	-\$8,535
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$34,140
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Screening Date 6-Jun-2023
Respondent City of Calvert
Case ID No. 64172
Reg. Ent. Reference No. RN102185972
Media Water Quality
Enf. Coordinator Harley Hobson

Docket No. 2023-0815-MWD-E

PCW

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>)	8	40%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 40%

>> 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 eight months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 40%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 40%

Screening Date 6-Jun-2023 **Docket No.** 2023-0815-MWD-E **PCW**
Respondent City of Calvert *Policy Revision 5 (January 28, 2021)*
Case ID No. 64172 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102185972
Media Water Quality
Enf. Coordinator Harley Hobson

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (9)(A) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010095001, Monitoring and Reporting Requirements No. 7.c.

Violation Description 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 noncompliance. Specifically, the Respondent did not provide non-compliance notifications for the exceedances during the monthly monitoring periods of January, May, August, October, November, and April 2023.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10.0%"/>

Matrix Notes 100% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Six single events are recommended, one event for each monitoring period a report was not submitted.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

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

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**
Estimated EB Amount **Violation Final Penalty Total**
This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Calvert
Case ID No. 64172
Reg. Ent. Reference No. RN102185972
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	\$250	3-May-2023	18-Jan-2026	2.72	\$34	n/a	\$34
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 of more than 40% are submitted timely, ensure total chlorine residual samples are collected and analyzed at the intervals specified in the permit, ensure records of monitoring activities are properly maintained, and ensure sludge records are maintained at the Facility and made readily available for review by a TCEQ representative for a period of five years. 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)	\$154	25-May-2023	6-Jun-2023	0.03	\$0	\$154	\$154

Notes for AVOIDED costs

Estimated avoided cost (\$25 for each missing report) and accrued interest to submit non-compliance notifications for the effluent exceedances that occurred during the monthly monitoring periods of January, May, August, October, November, and April 2023. The Date Required is the date the last report was due, and the Final Date is the screening date.

Approx. Cost of Compliance

\$404

TOTAL

\$188

Screening Date 6-Jun-2023 **Docket No.** 2023-0815-MWD-E **PCW**
Respondent City of Calvert *Policy Revision 5 (January 28, 2021)*
Case ID No. 64172 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102185972
Media Water Quality
Enf. Coordinator Harley Hobson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010095001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description Failed to comply with permitted effluent limitations. Specifically, the grab sample collected during the May 3, 2023 investigation documented that the Respondent did not meet the permitted effluent single grab minimum limitation of 1.0 milligram per liter ("mg/L") for total chlorine residual with a result of 0.5 mg/L and E. coli single grab limit of 399 most probable number per 100 milliliters ("MPN/100mL") with a result of 488 MPN/100 mL.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	15.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$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.

Violation Subtotal \$3,750

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

Estimated EB Amount \$744 **Violation Final Penalty Total** \$5,250

This violation Final Assessed Penalty (adjusted for limits) \$5,250

Economic Benefit Worksheet

Respondent City of Calvert
Case ID No. 64172
Reg. Ent. Reference No. RN102185972
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	3-May-2023	23-Apr-2026	2.98	\$744	n/a	\$744

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 grab sample 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 \$744

Screening Date 6-Jun-2023 **Docket No.** 2023-0815-MWD-E **PCW**
Respondent City of Calvert *Policy Revision 5 (January 28, 2021)*
Case ID No. 64172 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102185972
Media Water Quality
Enf. Coordinator Harley Hobson

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (11)(C)(ii) and TPDES Permit No. WQ0010095001, Monitoring and Reporting Requirements Nos. 3.c.ii and 3.c.iii.

Violation Description Failed to properly maintain records of monitoring activities. Specifically, daily operations records from July 2022 through March 2023, including flow readings and effluent analyses for total chlorine residual, did not include the identity of the individual who performed the monitoring activities. The daily operation records did not include when the samples were analyzed for total chlorine residual and when flow measurements were taken.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 34 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$250

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$350

This violation Final Assessed Penalty (adjusted for limits) \$350

Economic Benefit Worksheet

Respondent City of Calvert
Case ID No. 64172
Reg. Ent. Reference No. RN102185972
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The Training/Sampling cost is included in the Economic Benefit Worksheet for Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 6-Jun-2023 **Docket No.** 2023-0815-MWD-E **PCW**
Respondent City of Calvert *Policy Revision 5 (January 28, 2021)*
Case ID No. 64172 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102185972
Media Water Quality
Enf. Coordinator Harley Hobson

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0010095001, Effluent Limitations and Monitoring Requirements No. 2

Violation Description Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the total chlorine residual samples were not recorded from June 1 through June 6, 2022 for the monthly monitoring period of June 2022 and from September 3 through September 18, 2022 for the monthly monitoring period of September 2022.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input 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 Number of violation days

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

Violation Base Penalty

Two single events are recommended, one for each monthly monitoring period.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

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

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Calvert
Case ID No. 64172
Reg. Ent. Reference No. RN102185972
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost for Training/Sampling cost is included in the Economic Benefit Worksheet for Violation No. 1.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$528	18-Sep-2022	6-Jun-2023	0.72	\$19	\$528	\$547

Notes for AVOIDED costs

Estimated avoided cost to collect and analyze effluent samples (\$25 per missed sample, plus accrued interest). The Date Required is the last date of noncompliance, and the Final Date is the screening date.

Approx. Cost of Compliance

\$528

TOTAL

\$547

Screening Date 6-Jun-2023 **Docket No.** 2023-0815-MWD-E **PCW**
Respondent City of Calvert *Policy Revision 5 (January 28, 2021)*
Case ID No. 64172 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102185972
Media Water Quality
Enf. Coordinator Harley Hobson

Violation Number

Rule Cite(s)
 30 Tex. Admin. Code §§ 30.350(d) and 305.125(1) and TPDES Permit No. WQ0010095001, Other Requirements No. 1

Violation Description
 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 Respondent allowed an unlicensed individual to perform duties that should be performed by a licensed individual. The operator was allowed to perform operator duties at the Facility beginning September 19, 2022, even though the operator's license expired on April 6, 2022.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input 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 Number of violation days

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

Violation Base Penalty

Three quarterly events are recommended from September 19, 2022, the date process control activities were conducted by persons not holding a valid Class C license or higher, to the June 6, 2023 screening date.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

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

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Calvert
Case ID No. 64172
Reg. Ent. Reference No. RN102185972
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
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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)	\$186	3-May-2023	28-Jan-2026	2.74	\$26	n/a	\$26

Notes for DELAYED costs

Estimated Other cost to employ an operator with a valid Class C license or higher to operate the Facility for a minimum of five days per week. 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	\$186	19-Sep-2022	6-Jun-2023	0.71	\$3	\$132	\$135
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 operator was allowed to perform operator duties at the Facility, and the Final Date is the screening date.

Approx. Cost of Compliance

\$318

TOTAL

\$161

Screening Date	6-Jun-2023	Docket No.	2023-0815-MWD-E	PCW
Respondent	City of Calvert	Policy Revision 5 (January 28, 2021)		
Case ID No.	64172	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN102185972			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (19) and TPDES Permit No. WQ0010095001, Permit Conditions No. 1.a			
Violation Description	Failed to submit accurate information on discharge monitoring reports ("DMRs"). Specifically, the daily average and maximum flow values were misreported for the monitoring period of August 2022 due to an erroneous conversion.			
Base Penalty	\$25,000			

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				x	Percent 1.0%
Matrix Notes	Less than 30% of the rule requirements were not met.				
Adjustment	\$24,750				
					\$250

Violation Events

Number of Violation Events	1	31	Number of violation days	
	daily			Violation Base Penalty \$250
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
	One single event is recommended.			

Good Faith Efforts to Comply **10.0%** Reduction \$25

	Before NOE/NOV	NOE/NOV to EDRP/ Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			
Notes	The Respondent achieved compliance by June 12, 2023.		
Violation Subtotal			\$225

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

Estimated EB Amount	\$1	Violation Final Penalty Total	\$325
This violation Final Assessed Penalty (adjusted for limits)		\$325	

Economic Benefit Worksheet

Respondent City of Calvert
Case ID No. 64172
Reg. Ent. Reference No. RN102185972
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)	\$25	20-Sep-2022	12-Jun-2023	0.73	\$1	n/a	\$1

Notes for DELAYED costs

Estimated Other cost to submit an updated DMR to reflect the actual sample results for flow daily average and maximum values for the monthly monitoring period of August 2022. The Date Required is the date the DMR was due, 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

TOTAL

\$1

Screening Date 6-Jun-2023 **Docket No.** 2023-0815-MWD-E **PCW**
Respondent City of Calvert *Policy Revision 5 (January 28, 2021)*
Case ID No. 64172 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102185972
Media Water Quality
Enf. Coordinator Harley Hobson

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (11)(B) and TPDES Permit No. WQ0010095001, Sludge Provisions, Section III. G.5 and G.7

Violation Description Failed to maintain sludge records at the Facility and make them readily available for review by a TCEQ representative for a period of five years. Specifically, the Facility did not maintain a copy of the transportation manifests for the sludge transported between 2022 and 2023.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	

100% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Two single events are recommended, one event for each year of missing transportation manifest records.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/ Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

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

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Calvert
Case ID No. 64172
Reg. Ent. Reference No. RN102185972
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The Training/Sampling cost is included in the Economic Benefit Worksheet for Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0



Compliance History Report

Compliance History Report for CN600292213, RN102185972, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN600292213, City of Calvert **Classification:** SATISFACTORY **Rating:** 2.55

Regulated Entity: RN102185972, CITY OF CALVERT **Classification:** SATISFACTORY **Rating:** 2.55

Complexity Points: 7 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: on Farm-to-Market Road 1644, approximately 0.7 mile southwest of the intersection of Farm-to-Market Road 1644 and State Highway 6, Calvert, Robertson County, Texas

TCEQ Region: REGION 09 - WACO

ID Number(s):
WASTEWATER PERMIT WQ0010095001 **WASTEWATER EPA ID** TX0054020

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

Date Compliance History Report Prepared: June 17, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 17, 2020 to June 17, 2025

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

Name: Harley Hobson

Phone: (512) 239-1337

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 18, 2020	(1680971)	Item 14	May 25, 2022	(1829417)
Item 2	September 15, 2020	(1687543)	Item 15	July 20, 2022	(1842912)
Item 3	November 18, 2020	(1714334)	Item 16	October 17, 2022	(1863200)
Item 4	December 17, 2020	(1714335)	Item 17	January 18, 2023	(1882780)
Item 5	January 19, 2021	(1714336)	Item 18	February 28, 2023	(1890594)
Item 6	February 25, 2021	(1727398)	Item 19	March 20, 2023	(1899159)
Item 7	March 18, 2021	(1727399)	Item 20	April 14, 2023	(1905946)
Item 8	May 17, 2021	(1740997)	Item 21	August 16, 2023	(1933653)
Item 9	August 30, 2021	(1766971)	Item 22	October 05, 2023	(1946639)
Item 10	December 16, 2021	(1791283)	Item 23	November 13, 2023	(1952329)
Item 11	January 20, 2022	(1799067)	Item 24	November 18, 2024	(2036879)
Item 12	March 15, 2022	(1814010)	Item 25	March 06, 2025	(2065945)
Item 13	April 21, 2022	(1820582)			

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: 06/30/2024 (2011816)

	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
2	Date: 07/31/2024 (2017410)	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
3	Date: 08/31/2024 (2024439)	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
4	Date: 09/30/2024 (2030554)	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
5	Date: 11/30/2024 (2043256)	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
6	Date: 12/31/2024 (2049815)	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
7	Date: 01/31/2025 (2057381)	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
8	Date: 03/31/2025 (2072758)	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	

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 CALVERT
RN102185972

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-0815-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 Calvert (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 on Farm-to-Market Road 1644, approximately 0.7 mile southwest of the intersection of Farm-to-Market Road 1644 and State Highway 6 in Robertson 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 \$42,675 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$34,140 is deferred contingent upon the Respondent's timely and satisfactory 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, \$34,140 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.
9. The Executive Director recognizes that by June 12, 2023, the Respondent submitted the updated discharge monitoring report ("DMR") to reflect the actual sample results for flow daily average and maximum values for the monthly monitoring period of August 2022.

II. ALLEGATIONS

During an investigation at the Facility conducted on May 3, 2023, an investigator documented that the Respondent:

1. 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 noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010095001, Monitoring and Reporting Requirements No. 7.c. Specifically, the Respondent did not provide non-compliance notifications for the exceedances during the monthly monitoring periods of January, May, August, October, November, and April 2023.
2. 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. WQ0010095001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2. Specifically, the grab sample collected during the investigation documented that the Respondent did not meet the permitted effluent single grab minimum limitation of 1.0 milligram per liter ("mg/L") for total chlorine residual with a result of 0.5 mg/L and *E. coli* single grab limit of 399 most probable number per 100 milliliters ("MPN/100 mL") with a result of 488 MPN/100 mL.
3. 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. WQ0010095001, Monitoring and Reporting Requirements Nos. 3.c.ii and 3.c.iii. Specifically, daily operations records from July 2022 through March 2023, including flow readings and effluent analyses for total chlorine residual, did not include the identity of the individual who performed the monitoring activities. The daily operation records did not

include when the samples were analyzed for total chlorine residual and when flow measurements were taken.

4. Failed to collect and analyze effluent samples at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0010095001, Effluent Limitations and Monitoring Requirements No. 2. Specifically, the total chlorine residual samples were not recorded from June 1 through June 6, 2022 for the monthly monitoring period of June 2022 and from September 3 through September 18, 2022 for the monthly monitoring period of September 2022.
5. 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. WQ0010095001, Other Requirements No. 1. Specifically, the Respondent allowed an unlicensed individual to perform duties that should be performed by a licensed individual. The operator was allowed to perform operator duties at the Facility beginning September 19, 2022, even though the operator's license expired on April 6, 2022.
6. Failed to submit accurate information on DMRs, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (19) and TPDES Permit No. WQ0010095001, Permit Conditions No. 1.a. Specifically, the daily average and maximum flow values were misreported for the monitoring period of August 2022 due to an erroneous conversion.
7. Failed to maintain sludge records at the Facility and make them readily available for review by a TCEQ representative for a period of five years, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (11)(B) and TPDES Permit No. WQ0010095001, Sludge Provisions, Section III. G.5 and G.7. Specifically, the Facility did not maintain a copy of the transportation manifests for the sludge transported between 2022 and 2023.

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 Calvert, Docket No. 2023-0815-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$34,140 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. Develop and implement procedures and conduct employee training to ensure that:
 1. Non-compliance notifications for effluent exceedances of more than 40% are submitted timely;
 2. Total chlorine residual samples are collected and analyzed at the intervals specified in the permit;
 3. Records of monitoring activities are properly maintained; and
 4. Sludge records are maintained at the Facility and made readily available for review by a TCEQ representative for a period of five years.
 - ii. Begin collecting and analyzing effluent samples for total chlorine residual at the intervals specified in the permit, in accordance with 30 TEX. ADMIN. CODE § 319.5; and
 - iii. 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.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i. through 3.a.iii., in accordance with Order Provision No. 3.c.
 - 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. WQ0010095001, 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. The

certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
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

Date

Krista Mello-Jurack

03/29/2026

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.

Sergio Loya

Signature

2/9/2026

Date

SERGIO LOYA

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

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: 2023-0815-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Calvert
Penalty Amount:	\$34,140
SEP Offset Amount:	\$34,140
Type of SEP:	Compliance
Project Name:	<i>Emergency Generator</i>
Location of SEP:	Robertson County

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

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

1. Project Description

A. Project

Respondent shall hire a contractor to purchase and install an emergency generator with an automatic transfer switch at the Facility. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for an emergency generator with an automatic transfer switch (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 ensuring uninterrupted power during outages, preventing wastewater discharges and continued treatment process. Power outages can cause wastewater treatment processes to fail, resulting in inadequately treated effluent being released or wastewater discharges that can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and

fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. Additional risks include occurrences of low dissolved oxygen, fish kills, algal bloom, and bacterial contamination in waterways.

C. Minimum Expenditure

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

Estimated Cost Schedule

Item	Total
Generator with Automatic Transfer Switch	\$57,748
Total	\$57,748

2. Performance Schedule

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

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

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

3. Records and Reporting

A. Progress Report

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

Reporting Schedule

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

B. Final Report

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

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

C. Submittals

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

4. Additional Information and Access

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

5. Failure to Fully Perform

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

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

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

6. Publicity

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

7. Recognition

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

8. Other SEPs by TCEQ or Other Agencies

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