

Executive Summary – Enforcement Matter – Case No. 64257

City of Childress

RN101612604

Docket No. 2023-0867-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Main Plant, located approximately 1.0 mile southeast of the intersection of Farm-to-Market Road 2530 and U.S. Highway 287, Childress, Childress 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: July 25, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$114,675

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$114,675

Name of SEP: Aerator Improvements (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 31, 2023

Date(s) of NOE(s): June 20, 2023

Executive Summary – Enforcement Matter – Case No. 64257

City of Childress

RN101612604

Docket No. 2023-0867-MWD-E

Violation Information

1. Failed to comply with permitted effluent limitations for dissolved oxygen, biochemical oxygen demand (5-day), and *Escherichia coli* [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010076005, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 6].
2. Failed to submit a complete quarterly progress report which shall be submitted no later than 14 days following each schedule date [30 TEX. ADMIN. CODE § 305.125(1) and (18) and TPDES Permit No. WQ0010076005, Other Requirements No. 9].
3. Failed to timely submit monitoring results at intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0010076005, Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On July 24, 2023, submitted the February, March, and April 2022 discharge monitoring reports;
- b. On August 14, 2023, submitted the quarterly progress report to the TCEQ for the quarterly monitoring periods ending on October 1, 2022;
- c. By February 29, 2024, developed and implement procedures and conducted employee training to ensure quarterly progress reports are submitted to the TCEQ within 14 days after the quarter ends; and
- d. On February 29, 2024, submitted the quarterly progress report to the TCEQ for the quarterly monitoring periods ending on July 1, 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, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010076005, 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.

Executive Summary – Enforcement Matter – Case No. 64257

City of Childress

RN101612604

Docket No. 2023-0867-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Harley Hobson, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1337; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

Respondent: The Honorable Cary Preston, Mayor, City of Childress, P.O. Box 1087, Childress, Texas 79201

Kevin Hodges, City Manager, City of Childress, P.O. Box 1087, Childress, Texas 79201

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	26-Jun-2023	Screening	5-Jul-2023	EPA Due	
	PCW	11-Jul-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Childress
Reg. Ent. Ref. No.	RN101612604
Facility/Site Region	1-Amarillo
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	64257	No. of Violations	5
Docket No.	2023-0867-MWD-E	Order Type	Findings
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	\$69,500
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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	65.0%	Adjustment	Subtotals 2, 3, & 7	\$45,175
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Notes: Enhancement for eight months of self-reported effluent violations and one order without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$3,116
Estimated Cost of Compliance: \$15,225
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$114,675
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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	\$114,675
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$114,675
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$114,675
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Screening Date	5-Jul-2023	Docket No.	2023-0867-MWD-E	PCW
Respondent	City of Childress			
Case ID No.	64257			
Reg. Ent. Reference No.	RN101612604			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			

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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 65%

>> 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 and one order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 65%

Screening Date 5-Jul-2023 Respondent City of Childress Case ID No. 64257 Reg. Ent. Reference No. RN101612604 Media Water Quality Enf. Coordinator Harley Hobson Violation Number 1 Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010076005, Interim Effluent Limitations and Monitoring Requirements No. 1 Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.	Docket No. 2023-0867-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
		Major	Moderate	Minor	
	Actual	x			Percent 50.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes
 A simplified model was used to evaluate biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. *Escherichia coli* was also considered. Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$12,500

\$12,500

Violation Events

Number of Violation Events 2	59	Number of violation days
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daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$25,000

Two monthly events are recommended for the months of February and March 2022.

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 \$25,000

Economic Benefit (EB) for this violation

Estimated EB Amount \$3,099	Statutory Limit Test
	Violation Final Penalty Total \$41,250
This violation Final Assessed Penalty (adjusted for limits) \$41,250	

Economic Benefit Worksheet

Respondent City of Childress
Case ID No. 64257
Reg. Ent. Reference No. RN101612604
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)	\$15,000	31-Jan-2022	19-Mar-2026	4.13	\$3,099	n/a	\$3,099
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 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	\$15,000	TOTAL	\$3,099
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Screening Date 5-Jul-2023 Respondent City of Childress Case ID No. 64257 Reg. Ent. Reference No. RN101612604 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2023-0867-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010076005, Interim Effluent Limitations and Monitoring Requirements No. 1
Violation Description	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual		x		
	Potential				

Percent 25.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					

Percent 0.0%

Matrix Notes: A simplified model was used to evaluate biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. Escherichia coli was also considered. Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$18,750

\$6,250

Violation Events

Number of Violation Events 5	153	Number of violation days
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daily				
weekly				
monthly	x			
quarterly				
semiannual				
annual				
single event				

Violation Base Penalty \$31,250

Five monthly events are recommended for the months of January, May, June, September, and October 2022.

Good Faith Efforts to Comply

	0.0%	
	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 \$31,250

Economic Benefit (EB) for this violation

Estimated EB Amount	\$0	Statutory Limit Test
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Violation Final Penalty Total \$51,563

This violation Final Assessed Penalty (adjusted for limits) \$51,563

Economic Benefit Worksheet

Respondent City of Childress
Case ID No. 64257
Reg. Ent. Reference No. RN101612604
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations is captured in Economic Benefit Worksheet No. 1.						

Avoided Costs

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

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

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 5-Jul-2023 Respondent City of Childress Case ID No. 64257 Reg. Ent. Reference No. RN101612604 Media Water Quality Enf. Coordinator Harley Hobson Violation Number 3 Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010076005, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 6 Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.	Docket No. 2023-0867-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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	Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Release	Harm				
			Major	Moderate	Minor		
	Actual				x		
	Potential						

	Percent	15.0%
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>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		

	Percent	0.0%
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Matrix Notes	A simplified model was used to evaluate biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. <i>Escherichia coli</i> and dissolved oxygen were 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.
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	Adjustment	\$21,250
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	\$3,750
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Violation Events

Number of Violation Events	2	92	Number of violation days
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	daily					
	weekly					
	monthly					
	quarterly	x				
	semiannual					
	annual					
	single event					

	Violation Base Penalty	\$7,500
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Two quarterly events are recommended for the quarters containing the months of April, July, and August 2022.

Good Faith Efforts to Comply

	0.0%		Reduction	\$0
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	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer				
Extraordinary						
Ordinary						
N/A	x					

Notes	The Respondent does not meet the good faith criteria for this violation.
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	Violation Subtotal	\$7,500
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Economic Benefit (EB) for this violation

	\$0		Statutory Limit Test	
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	\$0		Violation Final Penalty Total	\$12,375
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	This violation Final Assessed Penalty (adjusted for limits)	\$12,375
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Economic Benefit Worksheet

Respondent City of Childress
Case ID No. 64257
Reg. Ent. Reference No. RN101612604
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	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 is captured in Economic Benefit Worksheet No. 1.						

Avoided Costs

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

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

Approx. Cost of Compliance

TOTAL

Screening Date 5-Jul-2023 Respondent City of Childress Case ID No. 64257 Reg. Ent. Reference No. RN101612604 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2023-0867-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	4	
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (18) and TPDES Permit No. WQ0010076005, Other Requirements No. 9	
Violation Description	Failed to submit a complete quarterly progress report which shall be submitted no later than 14 days following each schedule date. Specifically, the quarterly progress reports were not submitted for the quarterly monitoring periods ending on July 1, 2022 and October 1, 2022.	

Base Penalty	\$25,000
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>> 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 10.0%
Matrix Notes	100% of the rule requirements were not met.				

Adjustment	\$22,500
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	\$2,500
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Violation Events

Number of Violation Events	2	355	Number of violation days
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	daily		Violation Base Penalty \$5,000
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

Two single events are recommended, one for each missing quarterly report.

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	\$5,000
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$12
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Statutory Limit Test

Violation Final Penalty Total	\$8,250
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This violation Final Assessed Penalty (adjusted for limits)	\$8,250
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Economic Benefit Worksheet

Respondent City of Childress
Case ID No. 64257
Reg. Ent. Reference No. RN101612604
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	\$100	15-Jul-2022	29-Feb-2024	1.63	\$8	n/a	\$8
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	15-Jul-2022	29-Feb-2024	1.63	\$4	n/a	\$4

Notes for DELAYED costs

Estimated Training/Sampling cost to develop and implement procedures and conduct employee training to ensure quarterly progress reports are submitted to the TCEQ within 14 days after the quarter ends. The Date Required is the date the first report was due, and the Final Date is the date of compliance.

Estimated Other cost to submit quarterly progress reports to the TCEQ for the quarterly monitoring periods ending on July 1, 2022 and October 1, 2022. The Date Required is the date the first report 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

\$150

TOTAL

\$12

Screening Date 5-Jul-2023 Respondent City of Childress Case ID No. 64257 Reg. Ent. Reference No. RN101612604 Media Water Quality Enf. Coordinator Harley Hobson Violation Number 5 Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0010076005, Monitoring and Reporting Requirements No. 1 Violation Description Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the discharge monitoring reports ("DMRs") for February, March, and April 2022 were not submitted by the 20th day of the following month.	Docket No. 2023-0867-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																
Base Penalty		\$25,000																
>> Environmental, Property and Human Health Matrix																		
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">Release</th> <th colspan="3" style="text-align: center;">Harm</th> </tr> <tr> <th></th> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> </tr> <tr> <td style="text-align: left;">Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: left;">Potential</td> <td></td> <td></td> <td></td> </tr> </table>	Release	Harm				Major	Moderate	Minor	Actual				Potential				Percent 0.0%
	Release	Harm																
	Major	Moderate	Minor															
Actual																		
Potential																		
>> Programmatic Matrix																		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">Falsification</th> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> </tr> <tr> <td></td> <td></td> <td></td> <td style="text-align: center;">x</td> </tr> </table>	Falsification	Major	Moderate	Minor				x	Percent 1.0%								
Falsification	Major	Moderate	Minor															
			x															
Matrix Notes	Less than 30% of the rule requirements were not met.																	
Adjustment		\$24,750																
		\$250																
Violation Events																		
Number of Violation Events 3		471 Number of violation days																
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: left;">daily</td><td></td></tr> <tr><td style="text-align: left;">weekly</td><td></td></tr> <tr><td style="text-align: left;">monthly</td><td></td></tr> <tr><td style="text-align: left;">quarterly</td><td></td></tr> <tr><td style="text-align: left;">semiannual</td><td></td></tr> <tr><td style="text-align: left;">annual</td><td></td></tr> <tr><td style="text-align: left;">single event</td><td style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x	Violation Base Penalty \$750		
daily																		
weekly																		
monthly																		
quarterly																		
semiannual																		
annual																		
single event	x																	
Three single events are recommended, one for each missing monthly DMR.																		
Good Faith Efforts to Comply		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		\$750																
Economic Benefit (EB) for this violation																		
Statutory Limit Test																		
Estimated EB Amount	\$5	Violation Final Penalty Total \$1,238																
This violation Final Assessed Penalty (adjusted for limits)		\$1,238																

Economic Benefit Worksheet

Respondent City of Childress
Case ID No. 64257
Reg. Ent. Reference No. RN101612604
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$75	20-Mar-2022	24-Jul-2023	1.35	\$5	n/a	\$5
Notes for DELAYED costs	Estimated cost to submit the DMRs for the months of February, March, and April 2022. The Date Required is the initial DMR due date, and the Final Date is the date the DMRs were submitted.						

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 \$75

TOTAL \$5

City of Childress
Docket No. 2023-0867-MWD-E
TPDES Permit No. WQ0010076005
Case No. 64257

Effluent Violation Table					
	<i>Escherichia coli</i> Daily Average Conc.	<i>Escherichia coli</i> Single Grab Conc.	BOD5 Daily Average Conc.	BOD5 Daily Average Loading	DO Monthly Min. Conc.
Monitoring Period	Limit = 126 CFU/100 mL	Limit = 399 CFU/100 mL	Limit = 30 mg/L	Limit = 124 lbs/day	Limit = 4.0 mg/L
January 2022	1,427	435	c	c	c
February 2022	1,246.5	c	33.33	c	c
March 2022	c	c	47.6	c	c
April 2022	c	c	42.25	c	c
May 2022	1,440	460	c	c	c
June 2022	1,213	c	33.2	c	c
July 2022	441.5	c	47.75	c	1.6
August 2022	150	c	34.75	c	c
September 2022	668	649	54.4	128.31	c
October 2022	1,426.5	1,120	31.25	c	c

Conc. = concentration

DO = dissolved oxygen

Min. = minimum

lbs/day = pounds per day

mg/L = milligrams per liter

c = compliant

CFU/100 mL = colony forming units per 100 milliliters

BOD5 = biochemical oxygen demand (5-day)



Compliance History Report

Compliance History Report for CN600333769, RN101612604, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600333769, City of Childress
Classification: SATISFACTORY **Rating:** 14.51
Regulated Entity: RN101612604, MAIN PLANT **Classification:** SATISFACTORY **Rating:** 10.50
Complexity Points: 8 **Repeat Violator:** NO
CH Group: 08 - Sewage Treatment Facilities
Location: approximately 1.0 mile southeast of the intersection of Farm-to-Market Road 2530 and United States Highway 287 in Childress County, Texas
TCEQ Region: REGION 01 - AMARILLO

ID Number(s):

WASTEWATER EPA ID TX0136905

WASTEWATER PERMIT WQ0010076005

WASTEWATER AUTHORIZATION R10076005

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

Date Compliance History Report Prepared: December 18, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 18, 2018 to December 18, 2023

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:

- 1 Effective Date: 11/22/2019 ADMINORDER 2017-0264-MWD-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
Rqmt Prov: Permit Conditions PERMIT
Description: the Respondent failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1) and Texas Pollutant Discharge Elimination System Permit No. WQ0010076005, Permit Conditions No. 2.g.
Classification: Moderate
Citation: 30 TAC Chapter 317 317.4(a)(8)
Description: The Respondent failed to provide a backflow prevention device on the potable water line at the Facility, in violation of 30 TEX. ADMIN. CODE § 317.4(a)(8).
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
Description: The Respondent failed to maintain authorization to discharge reclaimed wastewater, in violation of TEX. WATER CODE § 26.121(a)(1).

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 07, 2019	(1588048)	Item 3	August 15, 2019	(1601879)
Item 2	July 10, 2019	(1595667)	Item 4	September 13, 2019	(1608782)

Item 5	October 08, 2019	(1615657)	Item 19	May 14, 2021	(1743609)
Item 6	December 03, 2019	(1621460)	Item 20	June 15, 2021	(1743610)
Item 7	December 06, 2019	(1628799)	Item 21	July 14, 2021	(1754057)
Item 8	January 08, 2020	(1636423)	Item 22	July 20, 2021	(1735246)
Item 9	February 13, 2020	(1643033)	Item 23	August 12, 2021	(1759404)
Item 10	March 10, 2020	(1649539)	Item 24	September 21, 2021	(1768813)
Item 11	April 08, 2020	(1655918)	Item 25	October 14, 2021	(1779997)
Item 12	May 15, 2020	(1662447)	Item 26	November 17, 2021	(1786050)
Item 13	June 09, 2020	(1669002)	Item 27	December 15, 2021	(1793041)
Item 14	July 13, 2020	(1675956)	Item 28	January 18, 2022	(1800862)
Item 15	August 14, 2020	(1682752)	Item 29	February 08, 2023	(1874177)
Item 16	November 13, 2020	(1719540)	Item 30	July 31, 2023	(1928440)
Item 17	March 16, 2021	(1732623)	Item 31	August 21, 2023	(1935363)
Item 18	April 15, 2021	(1732624)			

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

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

- | | | | |
|---|--|-----------------|----------|
| 1 | Date: 12/31/2022 (1884518) | | |
| | 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: 01/31/2023 (1892314) | | |
| | 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: 02/28/2023 (1900908) | | |
| | 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: 03/31/2023 (1907699) | | |
| | 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: 04/30/2023 (1914836) | | |
| | 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: 05/31/2023 (1921467) | | |
| | 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: 08/31/2023 (1941607) | | |
| | 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: 09/30/2023 (1948363) | | |
| | 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 CHILDRESS
RN101612604

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

AGREED ORDER DOCKET NO. 2023-0867-MWD-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Childress (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located approximately 1.0 mile southeast of the intersection of Farm-to-Market Road 2530 and United States Highway 287 in Childress County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During a record review for the Facility conducted on January 31, 2023, an investigator documented that:
 - a. The Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:

Effluent Violation Table					
	<i>Escherichia coli</i> Daily Average Conc.	<i>Escherichia coli</i> Single Grab Conc.	BOD5 Daily Average Conc.	BOD5 Daily Average Loading	DO Monthly Min. Conc.
Monitoring Period	Limit = 126 CFU/100 mL	Limit = 399 CFU/100 mL	Limit = 30 mg/L	Limit = 124 lbs/day	Limit = 4.0 mg/L
January 2022	1,427	435	c	c	c
February 2022	1,246.5	c	33.33	c	c
March 2022	c	c	47.6	c	c
April 2022	c	c	42.25	c	c
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June 2022	1,213	c	33.2	c	c
July 2022	441.5	c	47.75	c	1.6
August 2022	150	c	34.75	c	c
September 2022	668	649	54.4	128.31	c
October 2022	1,426.5	1,120	31.25	c	c

Conc. = concentration DO = dissolved oxygen Min. = minimum
lbs/day = pounds per day mg/L = milligrams per liter c = compliant
CFU/100 mL = colony forming units per 100 milliliters
BOD5 = biochemical oxygen demand (5-day)

- b. The quarterly progress reports were not submitted for the quarterly monitoring periods ending on July 1, 2022 and October 1, 2022.
 - c. The discharge monitoring reports ("DMRs") for February, March, and April 2022 were not submitted by the 20th day of the following month.
3. The Executive Director recognizes that the City implemented the following corrective measures at the Facility:
 - a. On July 24, 2023, submitted the February, March, and April 2022 DMRs;

- b. On August 14, 2023, submitted the quarterly progress report to the TCEQ for the quarterly monitoring periods ending on October 1, 2022;
- c. By February 29, 2024, developed and implement procedures and conducted employee training to ensure quarterly progress reports are submitted to the TCEQ within 14 days after the quarter ends; and
- d. On February 29, 2024, submitted the quarterly progress report to the TCEQ for the quarterly monitoring periods ending on July 1, 2022.

II. CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
- 2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010076005, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 6.
- 3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to submit a complete quarterly progress report which shall be submitted no later than 14 days following each schedule date, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (18) and TPDES Permit No. WQ0010076005, Other Requirements No. 9.
- 4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to timely submit monitoring results at intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0010076005, Monitoring and Reporting Requirements No. 1.
- 5. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
- 6. An administrative penalty in the amount of \$114,675 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Pursuant to TEX. WATER CODE § 7.067, \$114,675 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A" - incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 6 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Childress, Docket No. 2023-0867-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete the SEP as set forth in Section II, Conclusion of Law No. 6. The amount of \$114,675 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010076005, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

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. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
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. 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.
10. 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.

11. 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

08/24/2025

For the Executive Director

Date

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

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

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

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

Kerlin L. Hodges

Signature

6/17/25

Date

Kerlin Hodges

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

City Manager

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: 2023-0867-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Childress
Penalty Amount:	\$114,675
SEP Offset Amount:	\$114,675
Type of SEP:	Compliance
Project Name:	<i>Aerator Improvements</i>
Location of SEP:	Childress 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 approximately four aerators at the Facility. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for aerators (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement or invitation for bids, including publication, related to the SEP must include the enforcement statement as stated below in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP. The Commission’s approval and issuance of this Agreed Order shall not itself be construed to authorize any activity for which Respondent is required by statute or rule to obtain authorization from the Commission.

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

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

B. Environmental Benefit

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

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

C. Minimum Expenditure

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

Estimated Cost Schedule

Item	Cost	Quantity	Total
Aerators	\$75,000	4	\$300,000
Total			\$300,000

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.