

Executive Summary – Enforcement Matter – Case No. 65065

City of Whitewright

RN104957840

Docket No. 2023-1674-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:

Whitewright WWTP, 810 1/2 North Bond Street, Whitewright, Grayson County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 12, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$21,125

Total Paid to General Revenue: \$21,125

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 26, 2023

Date(s) of NOE(s): October 12, 2023

**Executive Summary – Enforcement Matter – Case No. 65065
City of Whitewright
RN104957840
Docket No. 2023-1674-MWD-E**

Violation Information

Failed to comply with the permitted effluent limitations for total suspended solids, ammonia nitrogen, and carbonaceous biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010644001, Effluent Limitations and Monitoring Requirement No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010644001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most recent 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: Megan Crinklaw, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1129; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable Sarah Owen, Mayor, City of Whitewright, P.O. Box 966, Whitewright, Texas 75491

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	23-Oct-2023	Screening	20-Nov-2023	EPA Due	
	PCW	4-Dec-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Whitewright
Reg. Ent. Ref. No.	RN104957840
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	65065	No. of Violations	2
Docket No.	2023-1674-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Megan Crinklaw
		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	\$16,250
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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	30.0%	Adjustment	Subtotals 2, 3, & 7	\$4,875
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Notes: Enhancement for two months of self-reported effluent violations and one enforcement order with 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: \$2,438
Estimated Cost of Compliance: \$20,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$21,125
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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	\$21,125
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$21,125
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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	\$21,125
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Screening Date	20-Nov-2023	Docket No.	2023-1674-MWD-E	PCW
Respondent	City of Whitewright			
Case ID No.	65065			
Reg. Ent. Reference No.	RN104957840			
Media	Water Quality			
Enf. Coordinator	Megan Crinklaw			

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>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 30%

>> 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 two months of self-reported effluent violations and one enforcement order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date 20-Nov-2023 Respondent City of Whitewright Case ID No. 65065 Reg. Ent. Reference No. RN104957840 Media Water Quality Enf. Coordinator Megan Crinklaw	Docket No. 2023-1674-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010644001, Effluent Limitations and Monitoring Requirement No. 1		
Violation Description	Failed to comply with the 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			Percent 50.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Ammonia nitrogen was considered to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed to pollutants that exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$12,500
\$12,500	

Violation Events

Number of Violation Events	1	31	Number of violation days
	daily		
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		
Violation Base Penalty \$12,500			
One monthly event is recommended for the month of August 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			\$12,500

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$2,438
Violation Final Penalty Total	\$16,250
This violation Final Assessed Penalty (adjusted for limits)	
\$16,250	

Economic Benefit Worksheet

Respondent City of Whitewright
Case ID No. 65065
Reg. Ent. Reference No. RN104957840
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)	\$20,000	31-Aug-2022	6-Feb-2025	2.44	\$2,438	n/a	\$2,438
Notes for DELAYED costs	Estimated 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	\$20,000	TOTAL	\$2,438
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Screening Date 20-Nov-2023 Respondent City of Whitewright Case ID No. 65065 Reg. Ent. Reference No. RN104957840 Media Water Quality Enf. Coordinator Megan Crinklaw Violation Number 2	Docket No. 2023-1674-MWD-E Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010644001, Effluent Limitations and Monitoring Requirement No. 1 Violation Description Failed to comply with the permitted effluent limitations, as shown in the attached effluent violation table.	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%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	

Percent 0.0%

Matrix Notes
 A simplified model was used to evaluate ammonia nitrogen and carbonaceous biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids was also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1	89	Number of violation days
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	daily		weekly		monthly		quarterly	x	semiannual		annual		single event	
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Violation Base Penalty \$3,750

One quarterly event is recommended for the quarter containing the months of February, March, and April of 2023.

Good Faith Efforts to Comply

	0.0%	
		Reduction \$0

	Before NOE/NOV	NOE/NOV to EDP RP/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
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Estimated EB Amount \$0	Violation Final Penalty Total \$4,875
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This violation Final Assessed Penalty (adjusted for limits) \$4,875

Economic Benefit Worksheet

Respondent City of Whitewright
Case ID No. 65065
Reg. Ent. Reference No. RN104957840
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	See 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

TOTAL

City of Whitewright Wastewater Treatment Plant TPDES Permit No. WQ0010644001 Docket No. 2023-1674-MWD-E Case No.65065							
Effluent Violation Table							
	CBOD5 Daily Avg. Conc. (mg/L)	Ammonia Nitrogen Daily Avg. Conc. (mg/L)	Ammonia Nitrogen Daily Max. Conc. (mg/L)	Ammonia Nitrogen Daily Avg. Load. (lbs/day)	TSS Daily Avg. Conc. (mg/L)	TSS Daily Max. Conc. (mg/L)	TSS Daily Avg. Load. (lbs/day)
Monitoring Period	Limit = 20 mg/L	Limit = 5 mg/L	Limit = 10 mg/L	Limit = 26 lbs/day	Limit = 20 mg/L	Limit = 45 mg/L	Limit = 105 lbs/day
August 2022	c	9.3	34.3	c	c	c	c
February 2023	c	7.29	12.8	c	29.5	c	112.95
March 2023	22.5	11.26	17.3	32.33	47	78	131.27
April 2023	c	6.21	14.8	c	c	c	c

CBOD5 = carbonaceous biochemical oxygen demand 5-day TSS = total suspended solids

Avg. = average Max. = maximum mg/L = milligrams per liter

lbs/day = pounds per day Conc. = concentration Load. = loading c = compliant



Compliance History Report

Compliance History Report for CN600446116, RN104957840, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600446116, City of Whitewright **Classification:** SATISFACTORY **Rating:** 2.91

Regulated Entity: RN104957840, WHITEWRIGHT WWTP **Classification:** SATISFACTORY **Rating:** 2.91

Complexity Points: 3 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: located at 810 ½ North Bond Street, in the City of Whitewright, in Grayson County, Texas 75491

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
WASTEWATER PERMIT WQ0010644001 **WASTEWATER EPA ID** TX0033294

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

Date Compliance History Report Prepared: April 01, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 01, 2019 to April 01, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Megan Crinklaw **Phone:** (512) 239-1129

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 04/09/2019 ADMINORDER 2018-1032-MWD-E (1660 Order-Agreed Order With Denial)
- Classification: Moderate
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
- Rqmt Prov: Effluent Limits PERMIT
- Description: Failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010644001, Effluent Limitations and Monitoring Requirements No. 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 20, 2019	(1584204)	Item 7	February 20, 2020	(1641133)
Item 2	July 22, 2019	(1593637)	Item 8	March 20, 2020	(1647650)
Item 3	August 21, 2019	(1599965)	Item 9	April 20, 2020	(1653996)
Item 4	September 23, 2019	(1606868)	Item 10	May 19, 2020	(1660572)
Item 5	December 20, 2019	(1626877)	Item 11	June 17, 2020	(1667089)
			Item 12	July 20, 2020	(1674037)
Item 6	January 21, 2020	(1634518)	Item 13	August 19, 2020	(1680815)

Item 14	September 18, 2020	(1687384)	Item 30	June 15, 2022	(1823582)
Item 15	October 20, 2020	(1693724)	Item 31	June 21, 2022	(1835556)
Item 16	November 20, 2020	(1713863)	Item 32	July 20, 2022	(1842756)
Item 17	December 17, 2020	(1713864)	Item 33	August 19, 2022	(1848887)
Item 18	March 19, 2021	(1726928)	Item 34	October 20, 2022	(1863044)
Item 19	April 20, 2021	(1726929)	Item 35	November 21, 2022	(1869956)
Item 20	May 20, 2021	(1740769)	Item 36	December 21, 2022	(1875806)
Item 21	August 20, 2021	(1757621)	Item 37	January 20, 2023	(1882626)
Item 22	September 17, 2021	(1766802)	Item 38	February 20, 2023	(1890438)
Item 23	October 25, 2021	(1777301)	Item 39	June 20, 2023	(1919576)
Item 24	November 19, 2021	(1784093)	Item 40	July 20, 2023	(1926541)
Item 25	December 17, 2021	(1791127)	Item 41	September 20, 2023	(1939639)
Item 26	February 21, 2022	(1806788)	Item 42	October 19, 2023	(1946487)
Item 27	March 21, 2022	(1813853)	Item 43	November 20, 2023	(1952178)
Item 28	April 20, 2022	(1820426)	Item 44	December 18, 2023	(1961945)
Item 29	May 23, 2022	(1829263)	Item 45	January 22, 2024	(1968539)

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: 04/30/2023 (1912968) | | |
| | 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: 07/31/2023 (1933499) | | |
| | 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 WHITEWRIGHT
RN104957840

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

AGREED ORDER DOCKET NO. 2023-1674-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 Whitewright (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 plant located at 810 1/2 North Bond Street in Whitewright, Grayson 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 July 26, 2023, an investigator documented that the Respondent did not comply with the permitted effluent limitations, as shown in the effluent violation table below:

	CBOD5 Daily Avg. Conc. (mg/L)	Ammonia Nitrogen Daily Avg. Conc. (mg/L)	Ammonia Nitrogen Daily Max. Conc. (mg/L)	Ammonia Nitrogen Daily Avg. Load. (lbs/day)	TSS Daily Avg. Conc. (mg/L)	TSS Daily Max. Conc. (mg/L)	TSS Daily Avg. Load. (lbs/day)
Monitoring Period	Limit = 20 mg/L	Limit = 5 mg/L	Limit = 10 mg/L	Limit = 26 lbs/day	Limit = 20 mg/L	Limit = 45 mg/L	Limit = 105 lbs/day
August 2022	c	9.3	34.3	c	c	c	c
February 2023	c	7.29	12.8	c	29.5	c	112.95
March 2023	22.5	11.26	17.3	32.33	47	78	131.27
April 2023	c	6.21	14.8	c	c	c	c

CBOD5 = carbonaceous biochemical oxygen demand 5-day TSS = total suspended solids
Avg. = average Max. = maximum mg/L = milligrams per liter
lbs/day = pounds per day Conc. = concentration Load. = loading c = Compliant

II. CONCLUSIONS OF LAW

- As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
- As evidenced by Finding of Fact No. 2, the Respondent failed to comply with the 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. WQ0010644001, Effluent Limitations and Monitoring Requirement No. 1.
- Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
- An administrative penalty in the amount of \$21,125 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$21,125 penalty.

III. ORDERING PROVISIONS

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

- The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only

the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Whitewright, Docket No. 2023-1674-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, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010644001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most recent self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with 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
Dallas/ Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118

3. All relief not expressly granted in this Order is denied.

4. 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.
5. 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.
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 in this Order.
7. 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.
8. 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.
9. 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.
10. 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



For the Executive Director

7/8/2024

Date

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

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

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

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



Signature

6/3/2024

Date


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



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.