

**Executive Summary – Enforcement Matter – Case No. 65282**  
**Riverbend Water Resources District**  
**RN101274231**  
**Docket No. 2024-0120-IWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IWD

**Small Business:**

No

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

Red River Redevelopment Authority, located approximately 2.4 miles south of the intersection of Bowie Parkway and U.S. Highway 82, and approximately ten miles east of New Boston, Bowie County

**Type of Operation:**

Municipal 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:** November 15, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$25,463

**Amount Deferred for Expedited Settlement:** \$5,092

**Total Paid to General Revenue:** \$20,371

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**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:** November 3, 2023

**Date(s) of NOE(s):** November 27, 2023

**Executive Summary – Enforcement Matter – Case No. 65282**  
**Riverbend Water Resources District**  
**RN101274231**  
**Docket No. 2024-0120-IWD-E**

***Violation Information***

Failed to comply wither permitted effluent limitations for total silver, ph, total suspended solids, *Escherichia coli*, and carbonaceous biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.121(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004664000, Phase I Effluent Limitations and Monitoring Requirements Nos. 1 and 2 for Outfall Nos. 001 and 101].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By October 31, 2023, the Respondent implemented corrective measures at the Facility and achieved compliance with the permitted effluent limitations in TPDES Permit No. WQ0004664000.

**Technical Requirements:**

N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Taylor Williamson, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-2097; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Van Alexander, President, Riverbend Water Resources District, 228 Texas Avenue, Suite A, New Boston, Texas 75570

Kyle Dooley, Executive Director, Riverbend Water Resources District, 228 Texas Avenue, Suite A, New Boston, Texas 75570

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	4-Dec-2023	<b>Screening</b>	5-Jan-2024	<b>EPA Due</b>	5-Sep-2023
	<b>PCW</b>	19-Jan-2024				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Riverbend Water Resources District				
<b>Reg. Ent. Ref. No.</b>	RN101274231				
<b>Facility/Site Region</b>	5-Tyler	<b>Major/Minor Source</b>	Major		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	65282	<b>No. of Violations</b>	2
<b>Docket No.</b>	2024-0120-IWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Taylor Williamson
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$24,250
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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.

<b>Compliance History</b>	30.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$7,275
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Notes: Enhancement for one month of self-reported effluent violations and one agreed order without a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$6,062
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1,041
Estimated Cost of Compliance	\$25,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$25,463
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$25,463
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$25,463
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<b>DEFERRAL</b>	20.0%	<b>Reduction</b>	<b>Adjustment</b>	-\$5,092
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$20,371
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<b>Screening Date</b>	5-Jan-2024	<b>Docket No.</b>	2024-0120-IWD-E	<b>PCW</b>
<b>Respondent</b>	Riverbend Water Resources District			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	65282			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN101274231			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Taylor Williamson			

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> )	1	5%
	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) 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 one month of self-reported effluent violations and one agreed order without a denial of liability.
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Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 30%

<b>Screening Date</b> 5-Jan-2024 <b>Respondent</b> Riverbend Water Resources District <b>Case ID No.</b> 65282 <b>Reg. Ent. Reference No.</b> RN101274231 <b>Media</b> Water Quality <b>Enf. Coordinator</b> Taylor Williamson	<b>Docket No.</b> 2024-0120-IWD-E  <div style="text-align: right; font-size: small;"> <i>Policy Revision 5 (January 28, 2021)</i>  <i>PCW Revision February 11, 2021</i> </div>	<b>PCW</b>		
<b>Violation Number</b> <span style="border: 1px solid black; padding: 2px 10px;">1</span>				
<b>Rule Cite(s)</b> <span style="border: 1px solid black; padding: 5px;">30 Tex. Admin. Code § 305.121(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004664000, Phase I Effluent Limitations and Monitoring Requirements Nos. 1 and 2 for Outfall No. 001</span>				
<b>Violation Description</b> <span style="border: 1px solid black; padding: 5px;">Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.</span>				
<b>Base Penalty</b>		\$25,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	Harm			
	Release	Major	Moderate	Minor
	Actual			x
	Potential			
		<b>Percent</b>	30.0%	
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
		<b>Percent</b>	0.0%	
Matrix Notes	<i>Escherichia coli</i> , carbonaceous biochemical oxygen demand 5-day, pH, silver, and total suspended solids were evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
<b>Adjustment</b>		\$17,500		
		\$7,500		
<b>Violation Events</b>				
Number of Violation Events		3	153	
		Number of violation days		
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
<b>Violation Base Penalty</b>		\$22,500		
Three quarterly events are recommended for the quarters containing the months of December 2022, and January, April, June, and July 2023.				
<b>Good Faith Efforts to Comply</b>		<b>25.0%</b>	Reduction	
		\$5,625		
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary	x		
	N/A			
	Notes	The Respondent achieved compliance by October 31, 2023.		
<b>Violation Subtotal</b>		\$16,875		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		\$1,041	<b>Violation Final Penalty Total</b>	
		\$23,625		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$23,625		

# Economic Benefit Worksheet

**Respondent** Riverbend Water Resources District  
**Case ID No.** 65282  
**Reg. Ent. Reference No.** RN101274231  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	31-Dec-2022	31-Oct-2023	0.83	\$1,041	n/a	\$1,041

### Notes for DELAYED costs

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

## Avoided Costs

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

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

### Notes for AVOIDED costs

### Approx. Cost of Compliance

\$25,000

### TOTAL

\$1,041

<b>Screening Date</b> 5-Jan-2024 <b>Respondent</b> Riverbend Water Resources District <b>Case ID No.</b> 65282 <b>Reg. Ent. Reference No.</b> RN101274231 <b>Media</b> Water Quality <b>Enf. Coordinator</b> Taylor Williamson	<b>Docket No.</b> 2024-0120-IWD-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	2	
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 305.121(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0004664000, Phase I Effluent Limitations and Monitoring Requirements No. 1 for Outfall No. 101
<b>Violation Description</b>		Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

  

<b>Base Penalty</b>	\$25,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Release</b>	<b>Harm</b>			
		Major	Moderate	Minor	
	Actual				
	Potential			x	<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">7.0%</span>

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">0.0%</span>

  

Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$23,250
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	\$1,750
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**Violation Events**

Number of Violation Events	1	30	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			<b>Violation Base Penalty</b> <span style="border: 1px solid black; padding: 2px;">\$1,750</span>

  

One single event is recommended.
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**Good Faith Efforts to Comply**

	<b>25.0%</b>	
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent achieved compliance by October 31, 2023.	

  

<b>Violation Subtotal</b>	\$1,313
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$0	<b>Statutory Limit Test</b>
		<b>Violation Final Penalty Total</b> <span style="border: 1px solid black; padding: 2px;">\$1,838</span>
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> <span style="border: 1px solid black; padding: 2px;">\$1,838</span>

# Economic Benefit Worksheet

**Respondent** Riverbend Water Resources District  
**Case ID No.** 65282  
**Reg. Ent. Reference No.** RN101274231  
**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

\$0

**TOTAL**

\$0



Riverbend Water Resources District TPDES Permit No. WQ000466400 Case No. 65282 Docket No. 2024-0120-IWD-E						
Effluent Violation Table						
	Outfall No. 001 CBOD Daily Max. Conc.	Outfall No. 001 CBOD Daily Max. Loading	Outfall No. 001 <i>E. coli</i> Daily Avg.	Outfall No. 001 <i>E. coli</i> Daily Max.	Outfall No. 001 TSS Daily Max. Conc.	Outfall No. 001 TSS Daily Max. Loading
Month/Year	Limit = 20 mg/L	Limit = 250 lbs/day	Limit = 126 CFU/100ml	Limit = 394 CFU/100ml	Limit = 40 mg/L	Limit = 320 lbs/day
January 2023	C	C	>5	>2,419.6	C	C
April 2023	C	C	C	C	66	348
June 2023	C	C	C	1,986	C	C
July 2023	64.5	287	C	C	C	C

	Outfall No. 001 pH Min.	Outfall No. 001 Silver Daily Avg. Conc.	Outfall No. 001 Silver Daily Max. Conc.	Outfall No. 101 TTO Daily Max Loading
Month/Year	Limit = 6 SU	Limit = 0.0034 mg/L	Limit = 0.0071 mg/L	Limit = 0.747 lbs/day
December 2022	C	0.0062	<0.008	C
January 2023	C	0.006	C	C
April 2023	5.6	C	C	0.78

CBOD = carbonaceous biochemical oxygen demand 5-day

*E. coli* = *Escherichia coli*

TSS = total suspended solids

TTO = total toxic organics

Max. = maximum

Min. = minimum

Conc. = concentration

Avg. = average

mg/L = milligrams per liter

lbs/day = pounds per day

CFU/100ml = colony forming units per 100 milliliters

SU = standard units

C = compliant

No. = number



# Compliance History Report

Compliance History Report for CN604522086, RN101274231, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN604522086, Riverbend Water Resources District  
**Classification:** SATISFACTORY  
**Rating:** 0.50

**Regulated Entity:** RN101274231, RED RIVER REDEVELOPMENT AUTHORITY  
**Classification:** SATISFACTORY  
**Rating:** 2.31

**Complexity Points:** 10  
**Repeat Violator:** NO

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

**Location:** 2.4 miles south of the intersection of Bowie Parkway and United States Highway 82, and approximately 10 miles east of the City of New Boston, Bowie County, Texas

**TCEQ Region:** REGION 05 - TYLER

**ID Number(s):**  
**STORMWATER PERMIT** TXR05ED01  
**WASTEWATER PERMIT** WQ0004664000  
**WASTEWATER EPA ID** TX0126098  
**POLLUTION PREVENTION PLANNING ID NUMBER** P06970

**INDUSTRIAL AND HAZARDOUS WASTE EPA ID** TXR000057349

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

**Date Compliance History Report Prepared:** August 20, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** August 20, 2019 to August 20, 2024

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Taylor Williamson  
**Phone:** (512) 239-2097

## 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: 03/05/2020 ADMINORDER 2019-0390-IWD-E (Findings Order-Agreed Order Without 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: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

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

N/A

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

N/A

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

Item 1	October 18, 2019	(1615230)	Item 4	January 15, 2020	(1635993)
Item 2	November 20, 2019	(1621033)	Item 5	February 12, 2020	(1642616)
Item 3	December 16, 2019	(1628371)	Item 6	March 18, 2020	(1649118)

Item 7	April 16, 2020	(1655483)	Item 35	May 19, 2022	(1941123)
Item 8	May 14, 2020	(1662030)	Item 36	June 16, 2022	(1941126)
Item 9	June 10, 2020	(1668570)	Item 37	July 20, 2022	(1941129)
Item 10	June 29, 2020	(1651478)	Item 38	July 28, 2022	(1832812)
Item 11	July 07, 2020	(1658852)	Item 39	August 17, 2022	(1941132)
Item 12	July 14, 2020	(1675522)	Item 40	September 20, 2022	(1941136)
Item 13	August 19, 2020	(1682296)	Item 41	October 20, 2022	(1941140)
Item 14	August 25, 2020	(1658861)	Item 42	November 15, 2022	(1941143)
Item 15	September 18, 2020	(1941134)	Item 43	December 20, 2022	(1941146)
Item 16	October 08, 2020	(1677208)	Item 44	February 13, 2023	(1885731)
Item 17	October 13, 2020	(1941138)	Item 45	March 20, 2023	(1941118)
Item 18	November 12, 2020	(1941141)	Item 46	April 17, 2023	(1941121)
Item 19	December 17, 2020	(1941144)	Item 47	May 12, 2023	(1897910)
Item 20	January 14, 2021	(1941147)	Item 48	June 15, 2023	(1941127)
Item 21	March 10, 2021	(1941116)	Item 49	September 14, 2023	(1924484)
Item 22	March 11, 2021	(1704484)	Item 50	September 20, 2023	(1941137)
Item 23	April 16, 2021	(1941119)	Item 51	October 19, 2023	(1947908)
Item 24	May 28, 2021	(1723621)	Item 52	November 20, 2023	(1953595)
Item 25	July 13, 2021	(1941128)	Item 53	December 12, 2023	(1963384)
Item 26	August 19, 2021	(1941131)	Item 54	January 18, 2024	(1969958)
Item 27	September 16, 2021	(1941135)	Item 55	February 09, 2024	(1943203)
Item 28	October 20, 2021	(1941139)	Item 56	February 13, 2024	(1979034)
Item 29	November 22, 2021	(1941142)	Item 57	February 14, 2024	(1971859)
Item 30	December 17, 2021	(1941145)	Item 58	March 14, 2024	(1985595)
Item 31	January 20, 2022	(1941148)	Item 59	April 18, 2024	(1992136)
Item 32	February 14, 2022	(1941114)	Item 60	May 20, 2024	(1998567)
Item 33	March 10, 2022	(1941117)	Item 61	July 10, 2024	(1996467)
Item 34	April 18, 2022	(1941120)			

**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:      05/31/2024      (2005530)  
          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:**

**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  
RIVERBEND WATER RESOURCES  
DISTRICT  
RN101274231

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

## AGREED ORDER DOCKET NO. 2024-0120-IWD-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Riverbend Water Resources District (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a municipal wastewater treatment plant located at approximately 2.4 miles south of the intersection of Bowie Parkway and United States Highway 82, and approximately 10 miles east of the City of New Boston in New Boston, Bowie County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$25,463 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$20,371 of the penalty and \$5,092 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that by October 31, 2023, the Respondent implemented corrective measures at the Facility and achieved compliance with the permitted effluent limitations in Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004664000.

## **II. ALLEGATIONS**

During a record review for the Facility conducted on November 3, 2023, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.121(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0004664000, Phase I Effluent Limitations and Monitoring Requirements Nos. 1 and 2 for Outfall Nos. 001 and 101, as shown in the effluent violation table below.

Effluent Violation Table						
	Outfall No. 001 CBOD Daily Max. Conc.	Outfall No. 001 CBOD Daily Max. Loading	Outfall No. 001 <i>E. coli</i> Daily Avg.	Outfall No. 001 <i>E. coli</i> Daily Max.	Outfall No. 001 TSS Daily Max. Conc.	Outfall No. 001 TSS Daily Max. Loading
Month/Year	Limit = 20 mg/L	Limit = 250 lbs/day	Limit = 126 CFU/100ml	Limit = 394 CFU/100ml	Limit = 40 mg/L	Limit = 320 lbs/day
January 2023	C	C	>5	>2,419.6	C	C
April 2023	C	C	C	C	66	348
June 2023	C	C	C	1,986	C	C
July 2023	64.5	287	C	C	C	C

	Outfall No. 001 pH Min.	Outfall No. 001 Silver Daily Avg. Conc.	Outfall No. 001 Silver Daily Max. Conc.	Outfall No. 101 TTO Daily Max Loading
Month/Year	Limit = 6 SU	Limit = 0.0034 mg/L	Limit = 0.0071 mg/L	Limit = 0.747 lbs/day
December 2022	C	0.0062	<0.008	C
January 2023	C	0.006	C	C
April 2023	5.6	C	C	0.78

CBOD = carbonaceous biochemical oxygen demand 5-day  
*E. coli* = *Escherichia coli*  
TSS = total suspended solids  
TTO = total toxic organics  
Max. = maximum  
Min. = minimum  
Conc. = concentration

Avg. = average  
mg/L = milligrams per liter  
lbs/day = pounds per day  
CFU/100ml = colony forming units per 100 milliliters  
SU = standard units  
C = compliant  
No. = number

### III. DENIALS

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

### IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re:Riverbend Water Resources District , Docket No. 2024-0120-IWD-E" to:  
  

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting,

lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.



**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

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Date

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For the Executive Director

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11/27/2024

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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.

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Signature

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Date

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Name (Printed or typed)

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Title

Authorized Representative of  
RIVERBEND WATER RESOURCES DISTRICT

☐ 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.