**Executive Summary – Enforcement Matter – Case No. 65737**
**City of Rio Vista**
**RN101919876**
**Docket No. 2024-0514-MWD-E**

**Order Type:**
1660 Agreed Order
**Findings Order Justification:**
N/A
**Media:**
MWD
**Small Business:**
No
**Location(s) Where Violation(s) Occurred:**
City of Rio Vista WWTF, 2,400 feet south and 4,000 feet east of the intersection of Farm-to-Market Road 916 and State Highway 174, Rio Vista, Johnson County
**Type of Operation:**
Wastewater treatment facility
**Other Significant Matters:**
Additional Pending Enforcement Actions: No
Past-Due Penalties: No
Past-Due Fees: No
Other: N/A
Interested Third-Parties: None
**Texas Register Publication Date:** February 27, 2026
**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** $18,000
**Amount Deferred for Expedited Settlement:** $3,600
**Total Paid to General Revenue:** $0
**Total Due to General Revenue:** $0
Payment Plan: N/A
**Supplemental Environmental Project ("SEP") Conditional Offset:** $14,400
Name of SEP: Lift Station 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 24, 2024
**Date(s) of NOE(s):** March 5, 2024

**Executive Summary – Enforcement Matter – Case No. 65737**
**City of Rio Vista**
**RN101919876**
**Docket No. 2024-0514-MWD-E**

## *Violation Information*

Failed to comply with permitted effluent limitations for ammonia nitrogen [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013546002, Effluent Limitations and Monitoring Requirements No. 1].

## *Corrective Actions/Technical Requirements*

**Corrective Action(s) Completed:**

N/A

**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 effluent limits of TPDES Permit No. WQ0013546002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

## *Contact Information*

**TCEQ Attorney:** N/A
**TCEQ Enforcement Coordinator:** Elizabeth Vanderwerken, Enforcement Division, Enforcement Backlog Team, MC 219, (512) 239-5900; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548
**TCEQ SEP Coordinator**: Adena Crider, Litigation Division, MC 175, (512) 239-0648
**Respondent:** The Honorable Jeff Faraizl, Mayor, City of Rio Vista, P.O. Box 129, Rio Vista, Texas 76093-0129
**Respondent's Attorney:** N/A

# Penalty Calculation Worksheet (PCW)

*Policy Revision 5 (January 28, 2021)* — *PCW Revision February 11, 2021*

| DATES | | | | | | |
|---|---|---|---|---|---|---|
| **Assigned** | 18-Mar-2024 | | | | | |
| **PCW** | 7-May-2025 | **Screening** | 19-Mar-2024 | **EPA Due** | | |

**RESPONDENT/FACILITY INFORMATION**

| | | | |
|---|---|---|---|
| **Respondent** | City of Rio Vista | | |
| **Reg. Ent. Ref. No.** | RN101919876 | | |
| **Facility/Site Region** | 4-Dallas/Fort Worth | **Major/Minor Source** | Minor |

**CASE INFORMATION**

| | | | |
|---|---|---|---|
| **Enf./Case ID No.** | 65737 | **No. of Violations** | 1 |
| **Docket No.** | 2024-0514-MWD-E | **Order Type** | 1660 |
| **Media Program(s)** | Water Quality | **Government/Non-Profit** | Yes |
| **Multi-Media** | | **Enf. Coordinator** | Elizabeth Vanderwerken |
| | | **EC's Team** | Enforcement Team BB |

**Admin. Penalty $ Limit Minimum** $0 **Maximum** $25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** — ***Subtotal 1*** **$11,250**

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

**Compliance History** **60.0%** Adjustment — ***Subtotals 2, 3, & 7*** **$6,750**

Notes: Enhancement for six months of self-reported effluent violations, one NOV with the same/similar violations, and one order without a denial of liability.

**Culpability** No **0.0%** Enhancement — ***Subtotal 4*** **$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** — ***Subtotal 5*** **$0**

**Economic Benefit** **0.0%** Enhancement* — ***Subtotal 6*** **$0**

Total EB Amounts $629
Estimated Cost of Compliance $15,000

**Capped at the Total EB $ Amount*

**SUM OF SUBTOTALS 1-7** — ***Final Subtotal*** **$18,000**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** — ***Adjustment*** **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

***Final Penalty Amount*** **$18,000**

**STATUTORY LIMIT ADJUSTMENT** — ***Final Assessed Penalty*** **$18,000**

**DEFERRAL** **20.0%** Reduction — ***Adjustment*** **-$3,600**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY** **$14,400**

| | | | |
|---|---|---|---|
| **Screening Date** | 19-Mar-2024 | **Docket No.** 2024-0514-MWD-E | **PCW** |
| **Respondent** | City of Rio Vista | | *Policy Revision 5 (January 28, 2021)* |
| **Case ID No.** | 65737 | | *PCW Revision February 11, 2021* |
| **Reg. Ent. Reference No.** | RN101919876 | | |
| **Media** | Water Quality | | |
| **Enf. Coordinator** | Elizabeth Vanderwerken | | |

# 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 (*number of NOVs meeting criteria*) | 7 | 35% |
| | Other written NOVs | 0 | 0% |
| Orders | Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*) | 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 (*number of judgments or consent decrees meeting criteria*) | 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 (*number of counts*) | 0 | 0% |
| Emissions | Chronic excessive emissions events (*number of events*) | 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 *(number of audits for which notices were submitted)* | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*) | 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)*** 60%

**>> 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 six months of self-reported effluent violations, one NOV with the same/similar violations, and one order without a denial of liability.

***Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)*** 60%

**>> Final Compliance History Adjustment**

***Final Adjustment Percentage*** ****capped at 100%*** 60%

| | | | |
|---|---|---|---|
| **Screening Date** | 19-Mar-2024 | **Docket No.** 2024-0514-MWD-E | **PCW** |
| **Respondent** | City of Rio Vista | | *Policy Revision 5 (January 28, 2021)* |
| **Case ID No.** | 65737 | | *PCW Revision February 11, 2021* |
| **Reg. Ent. Reference No.** | RN101919876 | | |
| **Media** | Water Quality | | |
| **Enf. Coordinator** | Elizabeth Vanderwerken | | |

**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. WQ0013546002, 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**

| **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 to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed to insignificant amounts of pollutants which 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: 3 — 118 Number of violation days

| | |
|---|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

**Violation Base Penalty** $11,250

Three quarterly events are recommended for the quarters containing the months February, April, June, and September 2023.

## 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** $11,250

## Economic Benefit (EB) for this violation

**Estimated EB Amount** $629

## Statutory Limit Test

**Violation Final Penalty Total** $18,000

**This violation Final Assessed Penalty (adjusted for limits)** $18,000

# Economic Benefit Worksheet

**Respondent** City of Rio Vista
**Case ID No.** 65737
**Reg. Ent. Reference No.** RN101919876
**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 |
|---|---|---|---|---|---|---|---|
| **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 | 28-Feb-2023 | 31-Dec-2023 | 0.84 | $629 | n/a | $629 |
| 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 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 | $629 |
|---|---|---|---|

| City of Rio Vista<br>Docket No. 2024-0514-MWD-E<br>TPDES Permit No. WQ0013546002<br>Case No. 65737 | | | |
|---|---|---|---|
| Effluent Violation Table | | | |
| | Ammonia Nitrogen Daily Average Concentration | Ammonia Nitrogen Single Grab Concentration | Ammonia Nitrogen Daily Average Loading |
| Monitoring Period | Limit = 3 mg/L | Limit = 15 mg/L | Limit = 2.5 lbs/day |
| February 2023 | 3.66 | c | c |
| April 2023 | 3.77 | c | c |
| June 2023 | 4.5 | c | 2.5433 |
| September 2023 | 7.49 | 19.9 | 3.7293 |

mg/L = milligrams per liter lbs/day = pounds per day

c = compliant

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

# Compliance History Report

Compliance History Report for CN600651178, RN101919876, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

**Customer, Respondent, or Owner/Operator:** CN600651178, City of Rio Vista **Classification:** SATISFACTORY **Rating:** 3.31

**Regulated Entity:** RN101919876, CITY OF RIO VISTA **Classification:** SATISFACTORY **Rating:** 3.31

**Complexity Points:** 8 **Repeat Violator:** NO

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

**Location:** 2,400 feet south and 4,000 feet east of the intersection of Farm-to-Market Road 916 and State Highway 174, Johnson County, Texas

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

**ID Number(s):**

**WASTEWATER** PERMIT WQ0013546002 **WASTEWATER** EPA ID TX0135411

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

**Date Compliance History Report Prepared:** April 25, 2025

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 25, 2020 to April 25, 2025

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

**Name:** Madison Stringer **Phone:** (512) 239-1126

## 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: 05/12/2020 ADMINORDER 2019-0839-MWD-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: Eff. Lim. and Mon. Req. Nos. 1 and 2 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 | July 08, 2020 | (1668932) | Item 9 | December 21, 2021 | (1792969) |
| Item 2 | September 23, 2020 | (1689217) | Item 10 | January 25, 2022 | (1800792) |
| Item 3 | June 13, 2021 | (1743493) | Item 11 | February 28, 2022 | (1808611) |
| Item 4 | July 20, 2021 | (1753984) | Item 12 | March 28, 2022 | (1815710) |
| Item 5 | August 17, 2021 | (1759337) | Item 13 | May 20, 2022 | (1822294) |
| Item 6 | September 20, 2021 | (1768739) | Item 14 | July 19, 2022 | (1844573) |
| Item 7 | October 19, 2021 | (1779926) | Item 15 | September 28, 2022 | (1858528) |
| Item 8 | November 04, 2021 | (1785980) | | | |

| | | | | | |
|---|---|---|---|---|---|
| Item 16 | November 18, 2022 | (1864865) | Item 25 | November 20, 2023 | (1953957) |
| Item 17 | November 21, 2022 | (1871755) | Item 26 | December 19, 2023 | (1963760) |
| Item 18 | December 21, 2022 | (1877636) | Item 27 | January 20, 2024 | (1970325) |
| Item 19 | January 25, 2023 | (1884441) | Item 28 | February 19, 2024 | (1979406) |
| Item 20 | February 21, 2023 | (1892238) | Item 29 | March 17, 2024 | (1985966) |
| Item 21 | May 29, 2023 | (1907620) | Item 30 | May 02, 2024 | (1992507) |
| Item 22 | June 21, 2023 | (1921387) | Item 31 | May 06, 2024 | (1998942) |
| Item 23 | August 18, 2023 | (1935285) | Item 32 | June 20, 2024 | (2005907) |
| Item 24 | September 17, 2023 | (1941529) | Item 33 | January 09, 2025 | (2044938) |

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

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

1 Date: 06/30/2024 (2013467)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

2 Date: 07/31/2024 (2019272)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

3 Date: 08/16/2024 (1994127)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.7(i)
TX0135411 PERMIT
WQ0013546002 PERMIT

Description: Failure to equip washdown hoses with atmospheric vacuum breakers. Specifically, vacuum breakers were not installed on one of the two water hose bibs using potable water for washdown purposes at the plant.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.3(b)(6)
TX0135411 PERMIT
WQ0013546002 PERMIT

Description: Failure to provide ventilation for a lift station. Specifically, Lift Station No. 1, a.k.a. "Ballpark Lift Station," did not have ventilation for their wet well.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TX0135411 PERMIT
WQ0013546002 PERMIT

Description: Failure to submit the annual sludge report. Specifically, the sludge reports were missing for the following reporting periods: Aug 2019 - July 2020, Sept 2020 - Aug 2021, Sept 2021 - Aug 2022. and Sept 2022 - Aug 2023.

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
TX0135411 PERMIT
WQ0013546002 PERMIT

Description: Failure to prevent the unauthorized discharges of wastewater. Specifically, four sanitary sewer overflows (SSOs) have been reported since the permit was issued that total an estimated 3,100 gallons.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.7(d)
TX0135411 PERMIT
WQ0013546002 PERMIT

Description: Failure to provide monitoring results at the intervals specified in the permit. Specifically, since the date of permit issuance on March 12, 2020, ten discharge monitoring reports (DMRs) were submitted late. These monitoring periods included March through April 2020, October 2020 through March 2021, and February through March 2023.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TX0135411 PERMIT
WQ0013546002 PERMIT

Description: Failure to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TX0135411 PERMIT
WQ0013546002 PERMIT
Description: Failure to submit the Summary Transmittal Letter in accordance with the requirements of 30 TAC Section 217.6(d) within 120 days from permit issuance. Specifically, the permittee had not submitted the Summary Transmittal Letter since permit issuance on March 12, 2020.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TX0135411 PERMIT
WQ0013546002 PERMIT
Description: Failure to provide adequate safeguards to prevent the discharge of untreated or partially treated wastes during electrical power failure by means of alternate power sources, standby generators, and/or retention structures at lift stations.

4 Date: 08/31/2024 (2026066)
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: 09/30/2024 (2032173)
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: 10/31/2024 (2044937)
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: 12/31/2024 (2051439)
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

## Component Appendices

### Appendix A
### All NOVs Issued During Component Period 4/25/2020 and 4/25/2025

1 Date: 03/20/2020 (1637503)

Self Report? NO Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
PERMIT CONDITIONS 2(G) PERMIT
Description: Failure to prevent the unauthorized discharge of wastewater.

2 Date: 03/31/2020 (1668933)

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: 07/31/2020 (1682671)

Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

4 Date: 09/30/2020 (1695581)

Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

5 Date: 11/30/2020 (1743498)

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: 04/30/2021 (1743496)

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: 05/31/2021 (1748745)

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: 05/18/2022 (1811577)

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 30, SubChapter J 30.331(b)

30 TAC Chapter 305, SubChapter F 305.125(1)
OTHER REQUIREMENTS PERMIT

Description: Failure to obtain a valid wastewater system operations company registration.

Self Report? NO Classification: Moderate

Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
PERMIT CONDITIONS PERMIT

Description: Allegation: failure to prevent the discharge of untreated or inadequately treated wastes.

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
MONITORING AND REPORTING REQUIREMENTS PERMIT
TWC Chapter 26 26.039

Description: Failure of permittee to notify the TCEQ within 24 hours of becoming aware of the noncompliance.

9 Date: 05/31/2022 (1837406)

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

10 Date: 07/31/2022 (1851098)

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

11 Date: 09/23/2022 (1833143)

Self Report? NO Classification: Minor

Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
TX0135411 PERMIT
WQ0013546002 PERMIT

Description: Failure to maintain compliance with the permitted effluent limits.

Self Report? NO Classification: Moderate

Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
TX0135411 PERMIT
WQ0013546002 PERMIT

Description: Failure to maintain compliance with the permitted effluent limits.

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
TX0135411 PERMIT
WQ0013546002 PERMIT

Description: Failure to properly operate and maintain the facility.

12 Date: 02/28/2023 (1900827)

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

13 Date: 04/17/2023 (1888965)

Self Report? NO Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.039(b)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 327 327.32(b)
TX0135411 PERMIT
WQ0013546002 PERMIT
Description: Failure to provide notification of any noncompliance which may endanger human health or safety, or the environment.

Self Report? NO Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
TX0135411 PERMIT
WQ0013546002 PERMIT
Description: Failure to prevent the unauthorized discharge of wastewater from the collection system. There shall be no unauthorized discharge of wastewater.

14 Date: 04/30/2023 (1914757)

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

15 Date: 06/30/2023 (1928362)

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

16* Date: 09/30/2023 (1948275)

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

17* Date: 06/30/2024 (2013467)

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

18* Date: 07/31/2024 (2019272)

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

19* Date: 08/16/2024 (1994127)

Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 317 317.7(i)
TX0135411 PERMIT
WQ0013546002 PERMIT
Description: Failure to equip washdown hoses with atmospheric vacuum breakers. Specifically, vacuum breakers were not installed on one of the two water hose bibs using potable water for washdown purposes at the plant.

Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 317 317.3(b)(6)
TX0135411 PERMIT
WQ0013546002 PERMIT
Description: Failure to provide ventilation for a lift station. Specifically, Lift Station No. 1, a.k.a. "Ballpark Lift Station," did not have ventilation for their wet well.

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
TX0135411 PERMIT
WQ0013546002 PERMIT
Description: Failure to submit the annual sludge report. Specifically, the sludge reports were missing for the following reporting periods: Aug 2019 - July 2020, Sept 2020 - Aug 2021, Sept 2021 - Aug 2022. and Sept 2022 - Aug 2023.

Self Report? NO Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
TX0135411 PERMIT
WQ0013546002 PERMIT
Description: Failure to prevent the unauthorized discharges of wastewater. Specifically, four sanitary sewer overflows (SSOs) have been reported since the permit was issued that total an estimated 3,100 gallons.

Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.7(d)
TX0135411 PERMIT
WQ0013546002 PERMIT
Description: Failure to provide monitoring results at the intervals specified in the permit. Specifically, since the date of permit issuance on March 12, 2020, ten discharge monitoring reports (DMRs) were submitted late. These monitoring periods included March through April 2020, October 2020 through March 2021, and February through March 2023.

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
TX0135411 PERMIT
WQ0013546002 PERMIT
Description: Failure to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%.

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
TX0135411 PERMIT
WQ0013546002 PERMIT
Description: Failure to submit the Summary Transmittal Letter in accordance with the requirements of 30 TAC Section 217.6(d) within 120 days from permit issuance. Specifically, the permittee had not submitted the Summary Transmittal Letter since permit issuance on March 12, 2020.

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
TX0135411 PERMIT
WQ0013546002 PERMIT
Description: Failure to provide adequate safeguards to prevent the discharge of untreated or partially treated wastes during electrical power failure by means of alternate power sources, standby generators, and/or retention structures at lift stations.

20* Date: 08/31/2024 (2026066)

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

21 Date: 09/30/2024 (2032173)

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

22 Date: 10/31/2024 (2044937)

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

23 Date: 12/31/2024 (2051439)

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

* NOVs applicable for the Compliance History rating period 9/1/2019 to 8/31/2024

**Appendix B**
**All Investigations Conducted During Component Period April 25, 2020 and April 25, 2025**

| | | | | | |
|---|---|---|---|---|---|
| Item 1 | May 19, 2020** | (1637503) | Item 26* | January 25, 2023** | (1884441) |
| Item 2* | July 08, 2020** | (1668932) | Item 27* | February 21, 2023** | (1892238) |
| Item 3 | August 20, 2020** | (1682671) | Item 28 | April 21, 2023** | (1900827) |
| Item 4* | September 23, 2020** | (1689217) | Item 29* | May 29, 2023** | (1907620) |
| Item 5 | November 11, 2020** | (1695581) | Item 30 | June 16, 2023** | (1909191) |
| Item 6* | June 13, 2021** | (1743493) | Item 31* | June 21, 2023** | (1921387) |
| Item 7 | June 22, 2021** | (1748745) | Item 32 | July 18, 2023** | (1928362) |
| Item 8* | July 20, 2021** | (1753984) | Item 33* | August 18, 2023** | (1935285) |
| Item 9* | August 17, 2021** | (1759337) | Item 34* | September 17, 2023** | (1941529) |
| Item 10* | September 20, 2021** | (1768739) | Item 35 | October 21, 2023** | (1948275) |
| Item 11* | October 19, 2021** | (1779926) | Item 36* | November 20, 2023** | (1953957) |
| Item 12* | November 04, 2021** | (1785980) | Item 37* | December 19, 2023** | (1963760) |
| Item 13* | December 21, 2021** | (1792969) | Item 38* | January 20, 2024** | (1970325) |
| Item 14* | January 25, 2022** | (1800792) | Item 39* | February 19, 2024** | (1979406) |
| Item 15* | February 28, 2022** | (1808611) | Item 40 | March 14, 2024** | (1956142) |
| Item 16* | March 28, 2022** | (1815710) | Item 41* | March 17, 2024** | (1985966) |
| Item 17* | May 20, 2022** | (1822294) | Item 42* | May 02, 2024** | (1992507) |
| Item 18 | June 20, 2022** | (1837406) | Item 43* | May 06, 2024** | (1998942) |
| Item 19* | July 19, 2022** | (1844573) | Item 44* | June 20, 2024** | (2005907) |
| Item 20 | August 17, 2022** | (1851098) | Item 45 | July 20, 2024** | (2013467) |
| Item 21* | September 28, 2022** | (1858528) | Item 46 | August 14, 2024** | (1994127) |
| Item 22 | October 20, 2022** | (1833133) | Item 47 | September 16, 2024 | (2019272) |
| Item 23* | November 18, 2022** | (1864865) | Item 48 | October 20, 2024 | (2032173) |
| Item 24* | November 21, 2022** | (1871755) | Item 49 | January 09, 2025 | (2044937) |
| Item 25* | December 21, 2022** | (1877636) | Item 50 | January 31, 2025 | (2035696) |

* No violations documented during this investigation
**Investigation applicable for the Compliance History Rating period between 09/01/2019 and 08/31/2024.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

| | | |
|---|---|---|
| **IN THE MATTER OF AN** | **§** | **BEFORE THE** |
| **ENFORCEMENT ACTION** | **§** | |
| **CONCERNING** | **§** | **TEXAS COMMISSION ON** |
| **CITY OF RIO VISTA** | **§** | |
| **RN101919876** | **§** | **ENVIRONMENTAL QUALITY** |

**AGREED ORDER**
**DOCKET NO. 2024-0514-MWD-E**

## I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a wastewater treatment facility located at 2,400 feet south and 4,000 feet east of the intersection of Farm-to-Market Road 916 and State Highway 174 in Rio Vista, Johnson 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 $18,000 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").The amount of $3,600 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

   Pursuant to TEX. WATER CODE § 7.067, $14,400 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

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

7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.

8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

## II. ALLEGATIONS

During a record review for the Facility conducted on January 24, 2024, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013546002, Effluent Limitations and Monitoring Requirements No. 1, as shown in the attached effluent violation table:

| Effluent Violation Table | | | |
|---|---|---|---|
| | Ammonia Nitrogen Daily Average Concentration | Ammonia Nitrogen Single Grab Concentration | Ammonia Nitrogen Daily Average Loading |
| Monitoring Period | Limit = 3 mg/L | Limit = 15 mg/L | Limit = 2.5 lbs/day |
| February 2023 | 3.66 | c | c |
| April 2023 | 3.77 | c | c |
| June 2023 | 4.5 | c | 2.5433 |
| September 2023 | 7.49 | 19.9 | 3.7293 |

mg/L = milligrams per liter lbs/day = pounds per day

c = compliant

## III. DENIALS

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

## IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Rio Vista, Docket No. 2024-0514-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 I, Paragraph No. 4. The amount of $14,400 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 effluent limits of TPDES Permit No. WQ0013546002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the 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 76118-6951

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.

7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____ _____
For the Commission Date

Kristie Mello-Jurach 03/29/2026
_____ _____
For the Executive Director Date

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

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

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

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

_____ 2-2-26
Signature Date

Jeff F. Farrar Mayor
_____ _____
Name (Printed or typed) Title
Authorized Representative of
City of Rio Vista

☐ *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: 2024-0514-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

| | |
|---|---|
| **Respondent:** | City of Rio Vista |
| **Penalty Amount:** | $14,400 |
| **SEP Offset Amount:** | $14,400 |
| **Type of SEP:** | Compliance |
| **Project Name:** | *Lift Station Improvements* |
| **Location of SEP:** | Johnson 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").

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.

## 1. Project Description

### *A. Project*

Respondent hired a contractor to purchase and install replacement pumps at three lift stations at the Facility. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for the replacement pumps (the "Project"). Respondent hired qualified contractors to perform the Project. The SEP was performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent used 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. Expenses. No portion of the SEP Offset Amount was 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 had no prior commitment to perform this Project and that the SEP was 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 preventing wastewater discharges and improving the quality of effluent released into the environment. Wastewater discharges 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. Expenses*

Respondent spent at least the SEP Offset Amount to complete the project described in Section 1.A, above, and complied with all other provisions of this SEP. Respondent understood that it may have cost more than the SEP Offset Amount to complete the Project.

**Expenses**

| Item | Total |
|---|---|
| 2 HP Hydromatic Grinder Pump | $5,914.06 |
| 3 HP Hydromatic Pump | $3,675.00 |
| 14.1 HP Sulzer Pump | $6,896.98 |
| **Total** | **$16,486.04** |

**2. Records**

As of July 29, 2025, Respondent provided TCEQ the following documentation as proof of completion of the proposed SEP:

A. An itemized list of expenditures and total cost of the Project;

B. Copies of invoices or receipts corresponding to the itemized list in paragraph 2.A., above;

C. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 2.A., above;

D. A certified statement of SEP completion and document authentication;

E. A detailed map showing the specific location of the project site(s); and

F. Photographs of the completed Project.

**3. Additional Information and Access**

Respondent shall provide additional information as requested by TCEQ staff and shall allow immediate (i.e., within 24 hours) 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.

**4. 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 in Sections 2 and 3 above, the Executive Director ("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 below:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

**5. 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.

**6. Recognition**

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

**7. 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.