

Executive Summary – Enforcement Matter – Case No. 65741
POPE AND COBB CORPORATION
RN101526754
Docket No. 2024-0518-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:

Yes

Location(s) Where Violation(s) Occurred:

Pope and Cobb WWTP, located approximately 4.5 miles north of the intersection of Farm-to-Market Road 17 and State Highway 182, Alba, Wood County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 25, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$25,875

Total Paid to General Revenue: \$745

Total Due to General Revenue: \$25,130

Payment Plan: 35 payments of \$718 each

Compliance History Classifications:

Person/CN - High

Site/RN - High

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 25, 2024

Date(s) of NOE(s): March 1, 2024

Executive Summary – Enforcement Matter – Case No. 65741
POPE AND COBB CORPORATION
RN101526754
Docket No. 2024-0518-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for biochemical oxygen demand (5-day), total suspended solids, and *Escherichia coli* [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013366001, Effluent Limitations and Monitoring Requirements 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. WQ0013366001, 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: Harley Hobson, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1337; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: James Thompson, President, POPE AND COBB CORPORATION, P.O. Box 233, Yantis, Texas 75497

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	Screening	19-Mar-2024	EPA Due	
	PCW	8-Apr-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	POPE AND COBB CORPORATION				
Reg. Ent. Ref. No.	RN101526754				
Facility/Site Region	5-Tyler	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	65741	No. of Violations	3
Docket No.	2024-0518-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Harley Hobson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$22,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	15.0%	Adjustment	Subtotals 2, 3, & 7	\$3,375
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Notes	Enhancement for five months of self-reported effluent violations. Reduction for High Performer Classification.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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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	\$1,048	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$15,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$25,875
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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				
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Final Penalty Amount	\$25,875
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$25,875
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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.			
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PAYABLE PENALTY	\$25,875
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Screening Date	19-Mar-2024	Docket No.	2024-0518-MWD-E	PCW
Respondent	POPE AND COBB CORPORATION			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	65741			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101526754			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			

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>)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

>> Repeat Violator (Subtotal 3)

No	Adjustment Percentage (Subtotal 3)	0%
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>> Compliance History Person Classification (Subtotal 7)

High Performer	Adjustment Percentage (Subtotal 7)	-10%
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>> Compliance History Summary

Compliance History Notes	Enhancement for five months of self-reported effluent violations. Reduction for High Performer Classification.
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Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 15%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 15%

Screening Date	19-Mar-2024	Docket No.	2024-0518-MWD-E	PCW
Respondent	POPE AND COBB CORPORATION	Policy Revision 5 (January 28, 2021)		
Case ID No.	65741	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101526754			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013366001, 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			Percent
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent

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

Adjustment \$12,500

\$12,500

Violation Events

Number of Violation Events	1		31	Number of violation days
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daily		Violation Base Penalty	\$12,500
weekly			
monthly	x		
quarterly			
semiannual			
annual			
single event			

One monthly event is recommended for the month of October 2023.

Good Faith Efforts to Comply

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

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

Violation Subtotal \$12,500

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$1,048
Violation Final Penalty Total	\$14,375
This violation Final Assessed Penalty (adjusted for limits)	\$14,375

Economic Benefit Worksheet

Respondent POPE AND COBB CORPORATION
Case ID No. 65741
Reg. Ent. Reference No. RN101526754
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$15,000	31-Aug-2023	22-Jan-2025	1.40	\$1,048	n/a	\$1,048

Notes for DELAYED costs

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

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,000

TOTAL

\$1,048

Screening Date 19-Mar-2024 Respondent POPE AND COBB CORPORATION Case ID No. 65741 Reg. Ent. Reference No. RN101526754 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2024-0518-MWD-E Base Penalty \$25,000	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	
Rule Cite(s)		30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0013366001, Effluent Limitations and Monitoring Requirements No. 1
Violation Description		Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

>> Environmental, Property and Human Health Matrix

OR		Release	Harm			
		Major	Moderate	Minor		
	Actual		x			
	Potential					

Percent 25.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	

Percent 0.0%

Matrix Notes	A simplified model was used to evaluate biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids were also considered. Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment \$18,750

\$6,250

Violation Events

Number of Violation Events	1	30	Number of violation days
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daily				
weekly				
monthly		x		
quarterly				
semiannual				
annual				
single event				

Violation Base Penalty \$6,250

One monthly event is recommended for the month of September 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 \$6,250

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$0	Violation Final Penalty Total \$7,188
This violation Final Assessed Penalty (adjusted for limits) \$7,188	

Economic Benefit Worksheet

Respondent POPE AND COBB CORPORATION
Case ID No. 65741
Reg. Ent. Reference No. RN101526754
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations captured in Economic Benefit No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 19-Mar-2024 Respondent POPE AND COBB CORPORATION Case ID No. 65741 Reg. Ent. Reference No. RN101526754 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2024-0518-MWD-E Violation Number 3 Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0013366001, Effluent Limitations and Monitoring Requirements No. 1 Violation Description Failed to comply with 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	Percent 15.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	
					Percent 0.0%
	A simplified model was used to evaluate biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				

Adjustment	\$21,250
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	\$3,750
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Violation Events

Number of Violation Events	1	31	Number of violation days
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	daily		Violation Base Penalty	\$3,750
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

One quarterly event is recommended, for the quarter containing the month of August 2023.

Good Faith Efforts to Comply

0.0%	Reduction
Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	
Ordinary	
N/A	X
Notes	The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal	\$3,750
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Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$0	Violation Final Penalty Total
	\$4,313
This violation Final Assessed Penalty (adjusted for limits)	
	\$4,313

Economic Benefit Worksheet

Respondent POPE AND COBB CORPORATION
Case ID No. 65741
Reg. Ent. Reference No. RN101526754
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations captured in Economic Benefit 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

POPE AND COBB CORPORATION
Docket No. 2024-0518-MWD-E
TPDES Permit No. WQ0013366001
Case No. 65741

Effluent Violation Table

	BOD5 Daily Avg. Conc.	BOD5 Single Grab Conc.	BOD5 Daily Avg. Load.	TSS Daily Avg. Conc.	TSS Single Grab Conc.	TSS Daily Avg. Load.	<i>Escherichia coli</i> Daily Avg.	<i>Escherichia coli</i> Single Grab
Monitoring Period	Limit = 10 mg/L	Limit = 35 mg/L	Limit = 0.88 lbs/day	Limit = 15 mg/L	Limit = 60 mg/L	Limit = 1.3 lbs/day	Limit = 126 CFU/100 mL	Limit = 399 CFU/100 mL
August 2023	22.25	39.5	0.964	32.5	82	c	c	c
September 2023	26.63	44.8	1.134	30.1	c	1.559	c	c
October 2023	35.985	107	1.1255	39.1	106	1.50775	1,203.3	1,203.3

mg/L = milligrams per liter

Conc. = concentration

Avg. = average

Load. = loading

TSS = total suspended solids

lbs/day = pounds per day

c = compliant

CFU/100 mL = colony forming units per 100 milliliters

BOD5 = biochemical oxygen demand (5-day)



Compliance History Report

Compliance History Report for CN603583444, POPE AND COBB CORPORATION, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN603583444, POPE AND COBB CORPORATION
Classification: HIGH
Rating: 0.00

Regulated Entity: RN101526754, POPE AND COBB WWTP
Classification: HIGH
Rating: 0.00

Complexity Points: 7
Repeat Violator: NO

CH Group: 14 - Other

Location: approximately 4.5 miles north of the intersection of Farm-to-Market Road 17 and State Highway 182, Alba, Wood County, Texas

TCEQ Region: REGION 05 - TYLER

ID Number(s):
WASTEWATER PERMIT WQ0013366001
WASTEWATER EPA ID TX0103365

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

Date Compliance History Report Prepared: March 18, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 18, 2019 to March 18, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Harley Hobson
Phone: (512) 239-1337

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 17, 2019	(1573291)	Item 19	November 16, 2020	(1716733)
Item 2	May 19, 2019	(1586189)	Item 20	December 20, 2020	(1716734)
Item 3	June 17, 2019	(1586190)	Item 21	January 20, 2021	(1716735)
Item 4	July 20, 2019	(1594638)	Item 22	February 21, 2021	(1729819)
Item 5	August 19, 2019	(1600939)	Item 23	March 21, 2021	(1729820)
Item 6	September 18, 2019	(1607853)	Item 24	March 30, 2021	(1707031)
Item 7	October 20, 2019	(1614720)	Item 25	April 23, 2021	(1729821)
Item 8	November 21, 2019	(1620509)	Item 26	May 18, 2021	(1711596)
Item 9	December 16, 2019	(1627859)	Item 27	May 20, 2021	(1742200)
Item 10	February 20, 2020	(1642103)	Item 28	June 20, 2021	(1748318)
Item 11	March 19, 2020	(1648615)	Item 29	July 18, 2021	(1753118)
Item 12	May 06, 2020	(1646052)	Item 30	August 20, 2021	(1758523)
Item 13	May 20, 2020	(1661529)	Item 31	September 20, 2021	(1767815)
Item 14	June 21, 2020	(1668063)	Item 32	October 19, 2021	(1778378)
Item 15	July 18, 2020	(1675010)	Item 33	November 20, 2021	(1785049)
Item 16	August 20, 2020	(1681778)	Item 34	December 21, 2021	(1792082)
Item 17	September 20, 2020	(1688356)	Item 35	January 17, 2022	(1799931)
Item 18	October 20, 2020	(1694714)	Item 36	February 20, 2022	(1807763)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
POPE AND COBB CORPORATION
RN101526754

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

AGREED ORDER DOCKET NO. 2024-0518-MWD-E

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

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located approximately 4.5 miles north of the intersection of Farm-to-Market Road 17 and State Highway 182 in Wood County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During a record review for the Facility conducted on January 25, 2024, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:

Effluent Violation Table								
	BOD5 Daily Avg. Conc.	BOD5 Single Grab Conc.	BOD5 Daily Avg. Load.	TSS Daily Avg. Conc.	TSS Single Grab Conc.	TSS Daily Avg. Load.	<i>Escherichia coli</i> Daily Avg.	<i>Escherichia coli</i> Single Grab
Monitoring Period	Limit = 10 mg/L	Limit = 35 mg/L	Limit = 0.88 lbs/day	Limit = 15 mg/L	Limit = 60 mg/L	Limit = 1.3 lbs/day	Limit = 126 CFU/100 mL	Limit = 399 CFU/100 mL
August 2023	22.25	39.5	0.964	32.5	82	c	c	c
September 2023	26.63	44.8	1.134	30.1	c	1.559	c	c
October 2023	35.985	107	1.1255	39.1	106	1.50775	1,203.3	1,203.3

mg/L = milligrams per liter Conc. = concentration Avg. = average Load. = loading
TSS = total suspended solids lbs/day = pounds per day c = compliant
CFU/100 mL = colony forming units per 100 milliliters
BOD5 = biochemical oxygen demand (5-day)

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 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. WQ0013366001, Effluent Limitations and Monitoring Requirements 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 \$25,875 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 \$745 of the penalty. The remaining amount of \$25,130 shall be paid in 35 monthly payments of \$718 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 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: POPE AND COBB CORPORATION, Docket No. 2024-0518-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. WQ0013366001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

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

11/8/2024


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

09/20/24
Date

James Thompson
Name (Printed or typed)
Authorized Representative of
POPE AND COBB CORPORATION

President
Title

☐ If mailing address has changed, please check this box and provide the new address below: