

Executive Summary – Enforcement Matter – Case No. 65774
Trinity River Authority of Texas
RN102004355
Docket No. 2024-0563-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Unauthorized action which deprives others of water, severely affects aquatic life, or results in a safety hazard, property damage, or economic loss.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Denton Creek Regional WWTP, 1687 North U.S. Highway 377, Roanoke, Denton County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2023-0228-MWD-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: January 10, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$24,750

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$24,750

Name of SEP: Texas Water Development Board (Third-Party Pre-Approved)

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): February 9, 2024

Complaint Information: Alleged there were approximately 100 dead fish in a swallow structure of the Henrietta creek and the odor of sewage in the area.

Date(s) of Investigation: February 9, 2024

Date(s) of NOE(s): March 25, 2024

Executive Summary – Enforcement Matter – Case No. 65774
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RN102004355
Docket No. 2024-0563-MWD-E

Violation Information

Failed to prevent the unauthorized discharge of wastes into or adjacent to waters in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), Texas Pollutant Discharge Elimination System Permit No. WQ001345700, Permit Conditions No. 2.g].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On February 9, 2024, the Respondent ceased the unauthorized discharge, properly disinfected the area, pumped wastewater back into the sewer system, flushed the affected area, and removed and properly disposed of the dead fish.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Samantha Smith, Enforcement Division, Enforcement Team 7, MC R-12, (512) 239-2099; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Stuart Beckley, Enforcement Division, MC 219, (512) 239-3565

SEP Third-Party Administrator: Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231

Respondent: Matthew S. Jalbert, P.E., Executive Manager, Trinity River Authority of Texas, P.O. Box 240, Arlington, Texas 76004

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	25-Mar-2024	Screening	26-Mar-2024	EPA Due	
	PCW	1-Apr-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	Trinity River Authority of Texas				
Reg. Ent. Ref. No.	RN102004355				
Facility/Site Region	4-Dallas/Fort Worth		Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	65774	No. of Violations	1
Docket No.	2024-0563-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Samantha Smith
		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	\$25,000
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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	24.0%	Adjustment	Subtotals 2, 3, & 7	\$6,000
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Notes: Enhancement for one final order without a denial of liability. Reduction for one notice of intent to audit.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$6,250
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$0
Estimated Cost of Compliance	\$15,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$24,750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$24,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$24,750
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$24,750
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Screening Date	26-Mar-2024	Docket No.	2024-0563-MWD-E	PCW
Respondent	Trinity River Authority of Texas			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	65774			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102004355			
Media	Water Quality			
Enf. Coordinator	Samantha Smith			

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>)	0	0%
	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>)	1	-1%
	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) 24%

>> Repeat Violator (Subtotal 3)

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

Satisfactory Performer	Adjustment Percentage (Subtotal 7)	0%
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>> Compliance History Summary

Compliance History Notes	Enhancement for one final order without a denial of liability. Reduction for one notice of intent to audit.
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Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 24%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 24%

Screening Date	26-Mar-2024	Docket No.	2024-0563-MWD-E	PCW
Respondent	Trinity River Authority of Texas			Policy Revision 5 (January 28, 2021)
Case ID No.	65774			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN102004355			
Media	Water Quality			
Enf. Coordinator	Samantha Smith			
Violation Number	1			
Rule Cite(s)	Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and (4), Texas Pollutant Discharge Elimination System Permit No. WQ001345700, Permit Conditions No. 2.g			
Violation Description	Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state. Specifically, a blockage from construction debris at a manhole located near 2399 Westport Parkway, Fort Worth, Texas, caused an unauthorized discharge of approximately 30,000 gallons of wastewater to Henrietta Creek, resulting in a fish kill of 271 fish.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual	X		
Potential				
		Percent	100.0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	Percent	0.0%		
Matrix Notes	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	\$0		
				\$25,000
Violation Events				
	Number of Violation Events	1	Number of violation days	1
	daily			
	weekly			
	monthly	X		
	quarterly			
	semiannual			
	annual			
	single event			
	Violation Base Penalty	\$25,000		
	One monthly event is recommended from the February 9, 2024 unauthorized discharge date to the February 9, 2024 compliance date.			
Good Faith Efforts to Comply	25.0%	Reduction	\$6,250	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary	X			
N/A				
Notes	The Respondent achieved compliance by February 9, 2024.			
	Violation Subtotal	\$18,750		
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount	\$0	Violation Final Penalty Total	\$24,750	
This violation Final Assessed Penalty (adjusted for limits)				
\$24,750				

Economic Benefit Worksheet

Respondent Trinity River Authority of Texas
Case ID No. 65774
Reg. Ent. Reference No. RN102004355
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	\$15,000	9-Feb-2024	9-Feb-2024	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 Remediation/Disposal cost to cease the discharge, properly disinfect the area, pump wastewater back into the sewer system, flush the affected area, and remove and properly dispose of the dead fish. The Date Required is the date of the unauthorized discharge, 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

\$15,000

TOTAL

\$0



Compliance History Report

Compliance History Report for CN601265945, RN102004355, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN601265945, Trinity River Authority Of Texas
Classification: SATISFACTORY **Rating:** 4.65

Regulated Entity: RN102004355, DENTON CREEK REGIONAL WWTP
Classification: SATISFACTORY **Rating:** 4.06

Complexity Points: 10
Repeat Violator: NO

CH Group: 08 - Sewage Treatment Facilities

Location: 1687 North United States Highway 377, Roanoke, Denton County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
STORMWATER PERMIT TXR05DB74
STORMWATER PERMIT TXR1568RW
WASTEWATER EPA ID TX0104957
STORMWATER PERMIT TXR1527QB
WASTEWATER PERMIT WQ0013457001

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

Date Compliance History Report Prepared: August 29, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 29, 2019 to August 29, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Samantha Smith **Phone:** (512) 239-2099

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: 08/04/2020 ADMINORDER 2019-1722-MWD-E (Findings Order-Agreed Order Without Denial)
- Classification: Major
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
- Rqmt Prov: Permit Conditions 2.g PERMIT
- Description: Failure to prevent the unauthorized discharge of wastewater resulting in a documented serious impact to the environment.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	September 13, 2019	(1607892)	Item 5	December 19, 2019	(1627896)
Item 2	September 27, 2019	(1600975)	Item 6	January 17, 2020	(1635522)
Item 3	October 18, 2019	(1614757)	Item 7	February 17, 2020	(1642139)
Item 4	November 15, 2019	(1620546)	Item 8	March 18, 2020	(1648651)

Item 9	June 19, 2020	(1668099)	Item 36	June 20, 2022	(1836556)
Item 10	July 17, 2020	(1675046)	Item 37	July 20, 2022	(1843741)
Item 11	September 17, 2020	(1688391)	Item 38	August 22, 2022	(1849903)
Item 12	October 16, 2020	(1694752)	Item 39	September 20, 2022	(1857672)
Item 14	November 19, 2020	(1716842)	Item 40	October 19, 2022	(1864026)
Item 15	December 18, 2020	(1716843)	Item 41	November 18, 2022	(1870935)
Item 16	December 28, 2020	(1685224)	Item 42	January 19, 2023	(1883603)
Item 17	January 15, 2021	(1698079)	Item 43	March 17, 2023	(1899989)
Item 18	February 04, 2021	(1699946)	Item 44	March 30, 2023	(1893814)
Item 19	February 18, 2021	(1729922)	Item 45	April 20, 2023	(1906789)
Item 20	March 18, 2021	(1729923)	Item 46	June 19, 2023	(1920550)
Item 21	April 20, 2021	(1729924)	Item 47	July 13, 2023	(1909594)
Item 22	May 19, 2021	(1742252)	Item 48	July 19, 2023	(1927536)
Item 23	June 17, 2021	(1748334)	Item 49	August 18, 2023	(1934477)
Item 24	July 19, 2021	(1753152)	Item 50	September 19, 2023	(1940654)
Item 25	August 18, 2021	(1758557)	Item 51	October 19, 2023	(1947456)
Item 26	September 20, 2021	(1767849)	Item 52	November 16, 2023	(1953142)
Item 27	October 18, 2021	(1778412)	Item 53	December 19, 2023	(1962927)
Item 28	November 18, 2021	(1785083)	Item 54	February 19, 2024	(1978583)
Item 29	December 17, 2021	(1792116)	Item 55	March 19, 2024	(1985144)
Item 30	January 14, 2022	(1775447)	Item 56	March 26, 2024	(1981075)
Item 31	January 19, 2022	(1799965)	Item 57	April 19, 2024	(1991688)
Item 32	February 15, 2022	(1807797)	Item 58	May 17, 2024	(1998122)
Item 33	March 21, 2022	(1814840)	Item 59	June 17, 2024	(2005089)
Item 34	April 19, 2022	(1821409)	Item 60	July 19, 2024	(1988815)
Item 35	May 17, 2022	(1830306)	Item 61	July 23, 2024	(1994340)

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.

N/A

F. Environmental audits:

Notice of Intent Date: 04/12/2023 (1896269)

No DOV Associated

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
TRINITY RIVER AUTHORITY OF
TEXAS
RN102004355

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

AGREED ORDER DOCKET NO. 2024-0563-MWD-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Trinity River Authority of Texas (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 at 1687 North United States Highway 377 in Roanoke, Denton 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 an investigation at the Facility conducted on February 9, 2024, an investigator documented that a blockage from construction debris at a manhole located near 2399 Westport Parkway, Fort Worth, Texas, caused an unauthorized discharge of approximately 30,000 gallons of wastewater to Henrietta Creek, resulting in a fish kill of 271 fish.
3. The Executive Director recognizes that on February 9, 2024, the Respondent ceased the unauthorized discharge, properly disinfected the area, pumped wastewater back into the sewer system, flushed the affected area, and removed and properly disposed of the dead fish.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., the Respondent failed to prevent the unauthorized discharge of wastes into or adjacent to waters in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), Texas Pollutant Discharge Elimination System Permit No. WQ001345700, Permit Conditions No. 2.g.
3. 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.
4. An administrative penalty in the amount of \$24,750 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Pursuant to TEX. WATER CODE § 7.067, \$24,750 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A" - incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 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: Trinity River Authority of Texas, Docket No. 2024-0563-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 \$24,750 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. 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.
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



For the Executive Director

Date

2/10/2025

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

December 5, 2024

Date

Matthew S. Jalbert, P.E.

Name (Printed or typed)
Authorized Representative of
Trinity River Authority of Texas

Executive Manager, Northern Region

Title

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.

Attachment A
Docket Number: 2024-0563-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Trinity River Authority of Texas
Payable Penalty Amount:	\$24,750
SEP Offset Amount:	\$24,750
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Texas Water Development Board
Project Name:	<i>Water-Level Recorder Data in Every Texas County</i>
Total Project Budget:	\$997,500
Location of SEP:	Statewide; preference for Denton County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Water Development Board** for the *Water-Level Recorder Data in Every Texas County* project (the “Project”). The Project is to purchase, install, and maintain automatic water-level recorders in unused wells in the remaining one hundred sixty-six (166) counties. The Third-Party Administrator shall give preference to installing water-level recorders initially in counties in which there are 1) no existing automatic water-level recorder wells, 2) no groundwater conservation district, or 3) groundwater conservation districts that do not have the staff and/or the financial ability to install an automatic water-level recorder. The Project will be done in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent’s signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit from this SEP.

B. Environmental Benefit

The groundwater stored within Texas’ minor and major aquifers is an important natural resource that is relied upon to meet the water supply demands of Texans across the state. Many factors affect the availability of this resource including drought and increased demand. This Project will provide statewide comprehensive real-time groundwater level data to Texas counties, cities, groundwater conservation districts, water supply companies, and individual well owners.

The availability of this comprehensive data will promote awareness of the effects of drought on Texas' aquifers and assist in groundwater management planning and use throughout the state.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Water Development Board SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Water Development Board
Attention: Finance
P.O. Box 13231
Austin, Texas 78711-3231

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the 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 ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the 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, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

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

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution 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 the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.