Executive Summary – Enforcement Matter – Case No. 64454
City of Miles
RN101918886
Docket No. 2024-0619-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 Miles WWTF, located at the northeastern corner of the intersection of Farm-to-Market Road 1692 and Paint Rock Road, Miles, Runnels 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: December 26, 2025
Comments Received: No

Penalty Information

Total Penalty Assessed: $30,750
Amount Deferred for Expedited Settlement: $6,150
Total Paid to General Revenue: $0
Total Due to General Revenue: $0
Payment Plan: N/A
Supplemental Environmental Project ("SEP") Conditional Offset: $24,600
Name of SEP: Effluent Discharge Improvements (Compliance)
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: March 29, 2022
Date(s) of NOE(s): May 2, 2022

Violation Information

1. Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid Class D license or higher. Specifically, process control activities were conducted at the Facility by persons not holding a valid Class D wastewater license or higher [30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TCEQ Permit No. WQ0010138001, Special Provisions No. 2].

2. Failed to have automatic flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less often than annually. Specifically, the irrigation meter had not been calibrated in the previous 12 months [30 TEX. ADMIN. CODE §§ 305.125(1) and 217.33(a) and TCEQ Permit No. WQ0010138001, Monitoring Requirements No. 5].

3. Failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative for a period of three years. Specifically, the biochemical oxygen demand (5-day) ("BOD5") records for August, September, November, and December 2019 and July 2021 and the pH records for June 2019 through February 2021 were not maintained at the Facility and were not available for review [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 319.7(a) and (c) and TCEQ Permit No. WQ0010138001, Monitoring Requirements No. 3.b].

4. Failed to timely submit a complete annual sludge report ("ASR") to the TCEQ by September 30th of each year. Specifically, the 2021 ASR was not submitted to the TCEQ by September 30, 2021 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TCEQ Permit No. WQ0010138001, Sludge Provisions, Section III, G].

5. Failed to comply with permitted effluent limitations. Specifically, during the investigation it was found that the BOD5 single grab limit of 100 milligrams per liter ("mg/L") was exceeded in July 2020 with a result of 235 mg/L, in October 2020 with a result of 103 mg/L, and in August 2021 with a result of 120 mg/L [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010138001, Effluent Limitations and Monitoring Requirements A].

6. Failed to maintain the proper application rate for the land application. Specifically, the Respondent is permitted to land apply on 115 acres at a rate of 0.78 acre-feet/acre/year, but records from January 2021 through December 2021 indicate the Respondent land applied at a rate of 9.4 acre-feet on only five acres [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010138001, Special Provisions No. 6].

7. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, there was tree growth compromising the embankments of the oxidation/storage ponds [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TCEQ Permit No. WQ0010138001, Operational Requirements No. 1].

8. Failed to ensure the Facility and all of its systems of application are properly operated and maintained. Specifically, the application site was covered in native vegetation instead of Coastal Bermuda grass as required [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TCEQ Permit No. WQ0010138001, Special Provisions No. 6].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. By March 29, 2022, submitted the 2021 ASR to the TCEQ;

b. By June 1, 2022, had a licensed wastewater treatment facility operator with a valid Class D wastewater license at the Facility; and

c. By July 17, 2024, had calibrated the irrigation meter.

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:

a. Within 30 days:

i. Ensure that monitoring/reporting records are readily available for a period of three years; and

ii. Develop and implement procedures and conduct employee training to ensure that:

1. The flow measuring devices are calibrated annually; and

2. Land application is at or below 0.78 acre-feet/acre/year on the 115 acres permitted.

b. Within 45 days, submit written certification to demonstrate compliance with a.

c. Within 60 days, remove the trees from the embankments of the oxidation/storage ponds, and inspect the liners to confirm if they are still intact.

d. Within 75 days, submit written certification to demonstrate compliance with c.

e. Within 130 days, submit written certification of compliance with the permitted effluent limitations of TCEQ Permit No. WQ0010138001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the

most current discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

f. Within 160 days, replace the native vegetation within the land application site with Coastal Bermuda grass.

g. Within 175 days, submit written certification to demonstrate compliance with f.

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 R-12, (512) 239-2548
TCEQ SEP Coordinator: Adena Crider, Litigation Division, MC 175, (512) 239-0648
Respondent: The Honorable Tammy Pitt, Mayor, City of Miles, P.O. Box 398, Miles, Texas 76861
Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

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

DATES						
	Assigned	9-May-2022				
	PCW	28-May-2024	**Screening**	20-May-2022	**EPA Due**	

RESPONDENT/FACILITY INFORMATION

Respondent	City of Miles		
Reg. Ent. Ref. No.	RN101918886		
Facility/Site Region	3-Abilene	**Major/Minor Source**	Minor

CASE INFORMATION

Enf./Case ID No.	64454	**No. of Violations**	9
Docket No.	2024-0619-MWD-E	**Order Type**	1660
Media Program(s)	Water Quality	**Government/Non-Profit**	Yes
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*** **$35,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **-10.0%** Adjustment — ***Subtotals 2, 3, & 7*** **-$3,500**

Notes: Reduction for High Performer Classification.

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*** **-$750**

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

Total EB Amounts $16,417
Estimated Cost of Compliance $109,649

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — ***Final Subtotal*** **$30,750**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$30,750**

STATUTORY LIMIT ADJUSTMENT — ***Final Assessed Penalty*** **$30,750**

DEFERRAL **20.0%** Reduction — ***Adjustment*** **-$6,150**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$24,600**

Screening Date	20-May-2022	**Docket No.** 2024-0619-MWD-E	**PCW**
Respondent	City of Miles		*Policy Revision 5 (January 28, 2021)*
Case ID No.	64454		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN101918886		
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 (*number of NOVs meeting criteria*)	0	0%
	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	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 (*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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer Classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** -10%

Screening Date	20-May-2022	**Docket No.** 2024-0619-MWD-E	**PCW**
Respondent	City of Miles		*Policy Revision 5 (January 28, 2021)*
Case ID No.	64454		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN101918886		
Media	Water Quality		
Enf. Coordinator	Harley Hobson		

Violation Number	1
Rule Cite(s)	30 Tex. Admin. Code §§ 30.350(d) and 305.125(1) and Texas Commission on Environmental Quality ("TCEQ") Permit No. WQ0010138001, Special Provisions No. 2
Violation Description	Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid Class D license or higher. Specifically, process control activities were conducted at the Facility by persons not holding a valid Class D wastewater license or higher.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to pollutants that would 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: 2 — 52 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $7,500

Two monthly events are recommended, calculated from the March 29, 2022 investigation date to the May 20, 2022 screening date.

Good Faith Efforts to Comply

10.0% Reduction $750

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes: The Respondent achieved compliance by June 1, 2022.

Violation Subtotal $6,750

Economic Benefit (EB) for this violation

Estimated EB Amount $6,058

Statutory Limit Test

Violation Final Penalty Total $6,000

This violation Final Assessed Penalty (adjusted for limits) $6,000

Economic Benefit Worksheet

Respondent City of Miles
Case ID No. 64454
Reg. Ent. Reference No. RN101918886
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)	$40,000	29-Mar-2022	1-Jun-2022	0.18	$351	n/a	$351
Notes for DELAYED costs	Estimated Other cost to hire an operator with a valid Class D wastewater license or higher to operate the Facility. The Date Required is the investigation date, 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	$40,000	29-Mar-2022	20-May-2022	0.14	$8	$5,699	$5,707
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	Estimated Personnel avoided cost to hire an operator with a valid Class D wastewater license or higher to operate the Facility. The Date Required is the investigation date, and the Final Date is the screening date.						

Approx. Cost of Compliance	$45,699	TOTAL	$6,058

Screening Date	20-May-2022	**Docket No.** 2024-0619-MWD-E	**PCW**
Respondent	City of Miles		*Policy Revision 5 (January 28, 2021)*
Case ID No.	64454		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN101918886		
Media	Water Quality		
Enf. Coordinator	Harley Hobson		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 217.33(a) and TCEQ Permit No. WQ0010138001, Monitoring Requirements No. 5

Violation Description Failed to have automatic flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less often than annually. Specifically, the irrigation meter had not been calibrated in the previous 12 months.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR	Harm			
Release	Major	Moderate	Minor	
Actual				
Potential		x		**Percent** 5.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor	
				Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $23,750

$1,250

Violation Events

Number of Violation Events: 2 — 417 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single events are recommended, one for each year not calibrated.

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 $2,500

Economic Benefit (EB) for this violation

Estimated EB Amount $307

Statutory Limit Test

Violation Final Penalty Total $2,250

This violation Final Assessed Penalty (adjusted for limits) $2,250

Economic Benefit Worksheet

Respondent City of Miles
Case ID No. 64454
Reg. Ent. Reference No. RN101918886
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
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	$100	29-Mar-2022	20-Dec-2024	2.73	$14	n/a	$14
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$250	29-Mar-2022	17-Jul-2024	2.30	$29	n/a	$29

Notes for DELAYED costs

Estimated Training/Sampling cost to develop and implement procedures and conduct employee training to ensure that the flow measuring devices are calibrated annually. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

Estimated Other cost to calibrate the irrigation meter. The Date Required is the investigation date, 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	$250	29-Mar-2021	20-May-2022	1.14	$14	$250	$264
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs

Estimated avoided cost to calibrate the irrigation meter. The Date Required is 12 months prior to the investigation, and the Final Date is the screening date.

Approx. Cost of Compliance $600

TOTAL $307

Screening Date	20-May-2022	**Docket No.** 2024-0619-MWD-E	**PCW**
Respondent	City of Miles		*Policy Revision 5 (January 28, 2021)*
Case ID No.	64454		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN101918886		
Media	Water Quality		
Enf. Coordinator	Harley Hobson		

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (11)(B) and 319.7(a) and (c) and TCEQ Permit No. WQ0010138001, Monitoring Requirements No. 3.b

Violation Description Failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative for a period of three years. Specifically, the biochemical oxygen demand (5-day) ("BOD5") records for August, September, November, and December 2019 and July 2021 and the pH records for June 2019 through February 2021 were not maintained at the Facility and were not available for review.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 2.5%

Matrix Notes: Between 30% and 70% of the rule requirement was not met.

Adjustment $24,375

$625

Violation Events

Number of Violation Events: 22 — 52 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $13,750

Twenty-two single events are recommended, one for each month with incomplete records.

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 $13,750

Economic Benefit (EB) for this violation

Estimated EB Amount $21

Statutory Limit Test

Violation Final Penalty Total $12,375

This violation Final Assessed Penalty (adjusted for limits) $12,375

Economic Benefit Worksheet

Respondent City of Miles
Case ID No. 64454
Reg. Ent. Reference No. RN101918886
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
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	$150	28-Mar-2022	20-Dec-2024	2.73	$21	n/a	$21
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 Record Keeping System cost to ensure that monitoring/reporting records are readily available for a period of three years. The Date Required is the investigation date, 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	$150	TOTAL	$21

Screening Date	20-May-2022	**Docket No.** 2024-0619-MWD-E	**PCW**
Respondent	City of Miles		*Policy Revision 5 (January 28, 2021)*
Case ID No.	64454		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN101918886		
Media	Water Quality		
Enf. Coordinator	Harley Hobson		

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17) and TCEQ Permit No. WQ0010138001, Sludge Provisions, Section III, G

Violation Description Failed to timely submit a complete annual sludge report ("ASR") to the TCEQ by September 30th of each year. Specifically, the 2021 ASR was not submitted to the TCEQ by September 30, 2021.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes: Less than 30% of the rule requirements were not met.

Adjustment $24,750

$250

Violation Events

Number of Violation Events: 1 — 180 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $250

One single event is recommended.

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 $250

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $225

This violation Final Assessed Penalty (adjusted for limits) $225

Economic Benefit Worksheet

Respondent City of Miles
Case ID No. 64454
Reg. Ent. Reference No. RN101918886
Media Water Quality
Violation No. 4

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	$50	30-Sep-2021	29-Mar-2022	0.49	$1	n/a	$1
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 Record Keeping cost to submit complete ASR for the year 2021 in accordance with the permit. The Date Required is the ASR due date, and the Final Date is the date the ASR was submitted.						
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	$50	TOTAL	$1

Screening Date	20-May-2022	**Docket No.** 2024-0619-MWD-E	**PCW**
Respondent	City of Miles		*Policy Revision 5 (January 28, 2021)*
Case ID No.	64454		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN101918886		
Media	Water Quality		
Enf. Coordinator	Harley Hobson		

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0010138001, Effluent Limitations and Monitoring Requirements A

Violation Description Failed to comply with permitted effluent limitations. Specifically, during the investigation it was found that the BOD5 single grab limit of 100 milligrams per liter ("mg/L") was exceeded in July 2020 with a result of 235 mg/L.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm Major	Moderate	Minor
	Actual			
	Potential	x		

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to pollutants that exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 1 — 31 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $3,750

One single event is recommended.

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 $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $1,156

Statutory Limit Test

Violation Final Penalty Total $3,375

This violation Final Assessed Penalty (adjusted for limits) $3,375

Economic Benefit Worksheet

Respondent City of Miles
Case ID No. 64454
Reg. Ent. Reference No. RN101918886
Media Water Quality
Violation No. 5

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)	$5,000	31-Jul-2020	15-Mar-2025	4.62	$1,156	n/a	$1,156
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	$5,000	TOTAL	$1,156

Screening Date	20-May-2022	**Docket No.** 2024-0619-MWD-E	**PCW**
Respondent	City of Miles		*Policy Revision 5 (January 28, 2021)*
Case ID No.	64454		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN101918886		
Media	Water Quality		
Enf. Coordinator	Harley Hobson		

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0010138001, Effluent Limitations and Monitoring Requirements A

Violation Description Failed to comply with permitted effluent limitations. Specifically, during the investigation it was found that the BOD5 single grab limit of 100 mg/L was exceeded in October 2020 with a result of 103 mg/L and in August 2021 with a result of 120 mg/L.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR	Harm			
Release	Major	Moderate	Minor	
Actual				
Potential			x	**Percent** 3.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor	
				Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $24,250

$750

Violation Events

Number of Violation Events: 2 — 62 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,500

Two single events are recommended, one for each month that was exceeded.

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 $1,500

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $1,350

This violation Final Assessed Penalty (adjusted for limits) $1,350

Economic Benefit Worksheet

Respondent City of Miles
Case ID No. 64454
Reg. Ent. Reference No. RN101918886
Media Water Quality
Violation No. 6

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)				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 Econonmic Benefit Worksheet for Violation No. 5.						
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 20-May-2022 **Docket No.** 2024-0619-MWD-E **PCW**

Respondent City of Miles

Policy Revision 5 (January 28, 2021)

Case ID No. 64454

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101918886

Media Water Quality

Enf. Coordinator Harley Hobson

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0010138001, Special Provisions No. 6

Violation Description Failed to maintain the proper application rate for the land application site. Specifically, the Respondent is permitted to land apply on 115 acres at a rate of 0.78 acre-feet/acre/year, but records from January 2021 through December 2021 indicate the Respondent land applied at a rate of 9.4 acre-feet on only five acres.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual			
	Potential	x		

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 1 — 365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $3,750

One single event is recommended.

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 $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $21

Statutory Limit Test

Violation Final Penalty Total $3,375

This violation Final Assessed Penalty (adjusted for limits) $3,375

Economic Benefit Worksheet

Respondent City of Miles
Case ID No. 64454
Reg. Ent. Reference No. RN101918886
Media Water Quality
Violation No. 7

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	$150	28-Mar-2022	20-Dec-2024	2.73	$21	n/a	$21
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 Training/Sampling cost to develop and implement procedures and conduct employee training to ensure that land application is at or below 0.78 acre-feet/acre/year on the 115 acres permitted. The Date Required is the investigation date, 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	$150				TOTAL		$21

Screening Date	20-May-2022	**Docket No.** 2024-0619-MWD-E	**PCW**
Respondent	City of Miles		*Policy Revision 5 (January 28, 2021)*
Case ID No.	64454		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN101918886		
Media	Water Quality		
Enf. Coordinator	Harley Hobson		

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TCEQ Permit No. WQ0010138001, Operational Requirements No. 1

Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, there was tree growth compromising the embankments of the oxidation/storage ponds.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 5.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $23,750

$1,250

Violation Events

Number of Violation Events: 1 — 52 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,250

One quarterly event is recommended from the March 28, 2022 investigation date to the May 20, 2022 screening date.

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 $1,250

Economic Benefit (EB) for this violation

Estimated EB Amount $1,127

Statutory Limit Test

Violation Final Penalty Total $1,125

This violation Final Assessed Penalty (adjusted for limits) $1,125

Economic Benefit Worksheet

Respondent City of Miles
Case ID No. 64454
Reg. Ent. Reference No. RN101918886
Media Water Quality
Violation No. 8

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	$8,000	28-Mar-2022	19-Jan-2025	2.82	$1,127	n/a	$1,127
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 remove the trees from the embankments of the oxidation/storage ponds and and inspect the liners to confirm if they are still intact. The Date Required is the investigation date, 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	$8,000				TOTAL	$1,127	

Screening Date 20-May-2022 **Docket No.** 2024-0619-MWD-E **PCW**

Respondent City of Miles

Policy Revision 5 (January 28, 2021)

Case ID No. 64454

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101918886

Media Water Quality

Enf. Coordinator Harley Hobson

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TCEQ Permit No. WQ0010138001, Special Provisions No. 6

Violation Description Failed to ensure the Facility and all of its systems of application are properly operated and maintained. Specifically, the application site was covered in native vegetation instead of Coastal Bermuda grass as required.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 3.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $24,250

$750

Violation Events

Number of Violation Events 1 — 52 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $750

One single event is recommended.

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 $750

Economic Benefit (EB) for this violation

Estimated EB Amount $7,726

Statutory Limit Test

Violation Final Penalty Total $675

This violation Final Assessed Penalty (adjusted for limits) $675

Economic Benefit Worksheet

Respondent City of Miles
Case ID No. 64454
Reg. Ent. Reference No. RN101918886
Media Water Quality
Violation No. 9

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	$50,000	28-Mar-2022	29-Apr-2025	3.09	$7,726	n/a	$7,726
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 replace the native vegetation within the land application site with Coastal Bermuda grass. The Date Required is the investigation date, 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	$50,000	TOTAL	$7,726

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 CN600637433, RN101918886, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600637433, City of Miles **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN101918886, CITY OF MILES **Classification:** HIGH **Rating:** 0.00

Complexity Points: 6 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: located at the northeastern corner of the intersection of Farm-to-Market Road 1692 and Paint Rock Road, Miles Runnels County, Texas

TCEQ Region: REGION 03 - ABILENE

ID Number(s):
WASTEWATER PERMIT WQ0010138001

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

Date Compliance History Report Prepared: June 17, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 17, 2019 to June 17, 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.):
N/A

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:
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 6/17/2019 and 6/17/2024

1 Date: 06/27/2019 (1576561)

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring Requirements PERMIT
Description: Failure to calibrate the flow meter.

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 319, SubChapter A 319.7(a)
Monitoring and Reporting Requirements PERMIT
Description: Failure to properly document pH monitoring activities.

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 319, SubChapter A 319.5(a)
Effluent Monitoring Requirements PERMIT
Description: Failure to monitor pH at the required frequency.

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 319, SubChapter A 319.7(c)
Monitoring Requirements PERMIT
Description: Failure to retain adequate monitoring activity records.

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
Special Provisions PERMIT
Description: Failure to properly operate and maintain the WWTP treatment units.

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 305, SubChapter D 305.63(a)
Permit Conditions PERMIT
Description: Failure to submit a permit renewal at least 180 days prior to expiration of the existing permit.

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations PERMIT
Description: Failure to maintain BOD permit limits.

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
Sludge Provisions PERMIT
Description: Failure to submit the Annual Sludge Report by September 30, 2018.

* NOVs applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

Appendix B
All Investigations Conducted During Component Period June 17, 2019 and June 17, 2024

Item 1	June 27, 2019**	(1576561)
Item 2	September 12, 2019**	(1592420)
Item 3	March 18, 2020**	(1637234)
Item 4	May 02, 2022**	(1803533)

* No violations documented during this investigation
**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	**§**	**BEFORE THE**
ENFORCEMENT ACTION	**§**	
CONCERNING	**§**	**TEXAS COMMISSION ON**
CITY OF MILES	**§**	
RN101918886	**§**	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2024-0619-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 Miles (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 the northeastern corner of the intersection of Farm-to-Market Road 1692 and Paint Rock Road in Miles, Runnels 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 $30,750 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of $6,150 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

   Pursuant to Tex. Water Code § 7.067, $24,600 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.

9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:

   a. By March 29, 2022, the Respondent submitted the 2021 annual sludge report ("ASR") to the TCEQ;

   b. By June 1, 2022, the Respondent had a licensed wastewater treatment facility operator with a valid Class D wastewater license at the Facility; and

   c. By July 17, 2024, the Respondent had calibrated the irrigation meter.

II. ALLEGATIONS

During an investigation at the Facility conducted on March 29, 2022, an investigator documented that the Respondent:

1. Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid Class D license or higher, in violation of 30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TCEQ Permit No. WQ0010138001, Special Provisions No. 2. Specifically, process control activities were conducted at the Facility by persons not holding a valid Class D wastewater license or higher.

2. Failed to have automatic flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less often than annually, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 217.33(a) and TCEQ Permit No. WQ0010138001, Monitoring Requirements No. 5. Specifically, the irrigation meter had not been calibrated in the previous 12 months.

3. Failed to maintain monitoring and reporting records at the Facility and make them readily available for review by a TCEQ representative for a period of three years, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 319.7(a) and (c) and TCEQ Permit No. WQ0010138001, Monitoring Requirements No. 3.b. Specifically, the biochemical oxygen demand (5-day) ("BOD5") records for August, September, November, and December 2019 and July 2021 and the pH records for June 2019 through February 2021 were not maintained at the Facility and were not available for review.

4. Failed to timely submit a complete ASR to the TCEQ by September 30th of each year, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TCEQ Permit No. WQ0010138001, Sludge Provisions, Section III, G. Specifically, the 2021 ASR was not submitted to the TCEQ by September 30, 2021.

5. Failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010138001, Effluent Limitations and Monitoring Requirements A. Specifically, during the investigation it was found that the BOD5 single grab limit of 100 milligrams per liter ("mg/L") was exceeded in July 2020 with a result of 235 mg/L, in October 2020 with a result of 103 mg/L, and in August 2021 with a result of 120 mg/L.

6. Failed to maintain the proper application rate for the land application site, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010138001, Special Provisions No. 6. Specifically, the Respondent is permitted to land apply on 115 acres at a rate of 0.78 acre-feet/acre/year, but records from January 2021 through December 2021 indicate the Respondent land applied at a rate of 9.4 acre-feet on only five acres.

7. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TCEQ Permit No. WQ0010138001, Operational Requirements No. 1. Specifically, there was tree growth compromising the embankments of the oxidation/storage ponds.

8. Failed to ensure the Facility and all of its systems of application are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TCEQ Permit No. WQ0010138001, Special Provisions No. 6. Specifically, the application site was covered in native vegetation instead of Coastal Bermuda grass as required.

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 Miles, Docket No. 2024-0619-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of $24,600 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 undertake the following technical requirements:

   a. Within 30 days after the effective date of this Order:

      i. Ensure that monitoring/reporting records are readily available for a period of three years, in accordance with 30 TEX. ADMIN. CODE § 319.7 and TCEQ Permit No. WQ0010138001, Monitoring Requirements No. 3.b; and

      ii. Develop and implement procedures and conduct employee training to ensure that:

         1. The flow measuring devices are calibrated annually; and

         2. Land application is at or below 0.78 acre-feet/acre/year on the 115 acres permitted.

   b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i through 3.a.ii, in accordance with Ordering Provision No. 3.g.

   c. Within 60 days after the effective date of this Order, remove the trees from the embankments of the oxidation/storage ponds, and inspect the liners to confirm if they are still intact.

   d. Within 75 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c, in accordance with Ordering Provision No. 3.g.

   e. Within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TCEQ Permit No. WQ0010138001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current 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, in accordance with Ordering Provision No. 3.g.

f. Within 160 days after the effective date of this Order, replace the native vegetation within the land application site with Coastal Bermuda grass, in accordance with TCEQ Permit No. WQ0010138001, Special Provisions No. 6.

g. Within 175 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.f. 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
> Abilene Regional Office
> Texas Commission on Environmental Quality
> 1977 Industrial Boulevard
> Abilene, Texas 79602-7833

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. Extension requests shall be sent to the Enforcement Division at the address listed above.

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	02/15/2026
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.

Signature	Date
Sammy Pitt	Mayor
Name (Printed or typed) Authorized Representative of City of Miles	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: 2024-0619-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Miles
Penalty Amount:	$24,600
SEP Offset Amount:	$24,600
Type of SEP:	Compliance
Project Name:	*Effluent Discharge Improvements*
Location of SEP:	Runnels 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"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

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. This Agreed Order cites violations at Respondent's Facility.

1. Project Description

A. Project

Respondent shall hire a contractor to purchase and install Coastal Bermuda grass on approximately 90 acres of land and additional sprinklers to properly disperse the effluent discharge from the Facility. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for grass and effluent dispersal sprinklers (the "Project"). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement or invitation for bids, including publication, related to the SEP must include the enforcement statement as stated below in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP. The Commission's approval and issuance of this Agreed Order shall not itself be construed to authorize any activity for which Respondent is required by statute or rule to obtain authorization from the Commission.

Respondent shall use 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. Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be 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 has no prior commitment to perform this Project and that the SEP is being 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 improving the quality of wastewater effluent being released into the environment. Controlled grassy areas act as a natural filter for discharging effluent through irrigation. Grass can trap sediments and pollutants present in the effluent before they reach groundwater or surface water. This also helps to reduce erosion and prevent sediment runoff into water bodies. Using effluent as

irrigation and reducing the amount of effluent released helps maintain water quality in streams, rivers, and lakes.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the project described above in Section 1.A and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project. Costs in excess of the SEP Offset Amount shall not be grounds to relieve Respondent of its obligations to perform this SEP.

Estimated Cost Schedule

Item	Quantity	Cost	Total
Bermuda Grass	90 acres	$200	$18,000
2” Poly Pipe	1,200	$1.30	$1,560
Small 1” Sprinkler	14	$60	$840
Big 1” Sprinkler	3	$970	$2,910
Poly Tapping Saddler	14	$50	$700
1” Banjo Valve	14	$50	$700
1” Air Relief Valve	3	$40	$120
Total			**$24,830**

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 175 days after the effective date of this Agreed Order.

Executive Director (“ED”) staff may grant an extension to any deadline for Respondent’s performance of the SEP described herein, upon a written and substantiated showing of good cause. All requests for extensions must be made by Respondent and shall be made in writing to ED staff. Extensions are not effective until Respondent receives written approval from ED staff. The determination of what constitutes good cause rests solely with ED staff. Extension requests shall be sent to the SEP Coordinator by first class mail or electronic mail, at:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087
Email: sepreports@tceq.texas.gov

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to TCEQ describing actions performed to date to implement the Project. Within 90 days after the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous

60-day period and setting forth a schedule for achieving completion of the Project within the 175-day timeframe set forth above in Section 2, Performance Schedule.

Reporting Schedule

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
175	Notice of SEP completion and Final Report

B. Final Report

Within 175 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to TCEQ, which shall include the following:

1. An itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
4. Copies of proof of advertisement of invitation for bids, if applicable;
5. A certified statement of SEP completion and document authentication;
6. A detailed map showing the specific location of the project site(s);
7. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
8. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

C. Submittals

Respondent shall submit all SEP reports and any additional information as requested to the SEP Coordinator at the address provided above.

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff and shall allow 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.

5. 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 above in Sections 2 through 4, the 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 above.

6. 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.

7. Recognition

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

8. 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.