

Executive Summary – Enforcement Matter – Case No. 65458

Park Sewer Company

RN110288503

Docket No. 2024-0868-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Park Sewer WWTP, located approximately one mile northeast of the intersection of East County Road 120 and South County Road 1110, Midland, Midland County

Type of Operation:

Wastewater package plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainants have expressed an interest in this matter but do not wish to speak at Agenda.

Texas Register Publication Date: January 17, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$16,250

Amount Deferred for Expedited Settlement: \$3,250

Total Paid to General Revenue: \$400

Total Due to General Revenue: \$12,600

Payment Plan: 35 payments of \$360 each

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): March 9, 2023; April 6, 2023; April 10, 2023; April 10, 2023; April 25, 2023; September 20, 2023.

Complaint Information: Alleged approximately 7,000 gallons of wastewater spilled due to a wastewater plant malfunction; alleged an open pipe with sewage running out of it from the backside of the Vander Ranch Subdivision; alleged the lift station for the Vander Ranch Subdivision seemed to be inoperable with sewage spilling out and running into an unlined pond; alleged a pipe with no lid was draining sewage into an unlined pond and had been ongoing for several weeks; alleged a second spill occurred

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Park Sewer Company

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Docket No. 2024-0868-MWD-E

when the effluent pump failed, releasing approximately 3,200 gallons of disinfected and treat water; and alleged water was being used for irrigation and that there was a bad odor.

Date(s) of Investigation: March 10, 2023 and September 20, 2023

Date(s) of NOE(s): July 28, 2023 and November 3, 2023

Violation Information

1. Failed to comply with permitted effluent limitations. Specifically, the daily average flow exceeded the permitted flow limitation of 0.010 million gallons per day ("MGD") for the months of January and February 2023 [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015661001, Interim I Effluent Limitations and Monitoring Requirements No. 1].

2. Failed to obtain Type I Authorization to discharge wastewater associated with re-use of domestic reclaimed water through an irrigation system [30 TEX. ADMIN. CODE § 210.5(a)].

3. Failed to ensure the Facility is completely enclosed by an intruder-resistant fence. Specifically, the Respondent did not have adequate fencing around the Facility [30 TEX. ADMIN. CODE § 217.328(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Immediately, cease all unauthorized discharges of wastewater or obtain authorization for re-use of domestic reclaimed water.

b. Within 30 days:

i. Install an intruder-resistant fence surrounding the Facility; and

ii. Submit an administratively complete Type I Authorization application for the discharge of domestic reclaimed water.

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

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d. Within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0015661001, including specific corrective actions that were implemented at the Facility to achieve compliance, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

e. Within 145 days, submit written certification to demonstrate compliance with d.

f. Within 300 days, submit written certification that the Type I Authorization has been obtained or that re-use of domestic reclaimed water has ceased until such time that appropriate authorization is obtained.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Monica Larina, Enforcement Division, Enforcement Team 1, MC R-14, (361) 881-6965; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Jason Bethke, Chief Executive Officer, Park Sewer Company, 2409 South County Road 1110, Midland, Texas 79706

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	31-Jul-2023			
	PCW	23-May-2024	Screening	12-Feb-2024	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	Park Sewer Company PCW No. 1 of 2				
Reg. Ent. Ref. No.	RN110288503				
Facility/Site Region	7-Midland		Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	65458	No. of Violations	1
Docket No.	2024-0868-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Monica Larina
		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	\$3,750
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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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for Compliance History.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,705	<i>*Capped at the Total EB \$ Amount</i>
Estimated Cost of Compliance	\$25,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,750
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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	\$3,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,750
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DEFERRAL	20.0%	Reduction	Adjustment	-\$750
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$3,000
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Screening Date

12-Feb-2024

Docket No.

2024-0868-MWD-E

PCW

Respondent

Park Sewer Company PCW No. 1 of 2

Case ID No.

65458

Reg. Ent. Reference No.

RN110288503

Media

Water Quality

Enf. Coordinator

Monica Larina

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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

Adjustment Percentage (Subtotal 2)

0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)

0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7)

0%

>> Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

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

0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

0%

Screening Date	12-Feb-2024	Docket No.	2024-0868-MWD-E	PCW	
Respondent	Park Sewer Company PCW No. 1 of 2			<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No.	65458			<i>PCW Revision February 11, 2021</i>	
Reg. Ent. Reference No.	RN110288503				
Media	Water Quality				
Enf. Coordinator	Monica Larina				
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0015661001, Interim I Effluent Limitations and Monitoring Requirements No. 1				
Violation Description	Failed to comply with permitted effluent limitations. Specifically, the daily average flow exceeded the permitted flow limitation of 0.010 million gallons per day ("MGD") for the months of January and February 2023.				
Base Penalty				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual			x	
	Potential				
Percent				15.0%	
>>Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
Percent				0.0%	
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
Adjustment				\$21,250	
				\$3,750	
Violation Events					
Number of Violation Events		1	59	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				
Violation Base Penalty					\$3,750
One quarterly event is recommended for the quarter containing the months of January and February 2023.					
Good Faith Efforts to Comply		0.0%	Reduction	\$0	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary				
	N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal				\$3,750	
Economic Benefit (EB) for this violation					
Estimated EB Amount		\$2,705	Violation Final Penalty Total		\$3,750
This violation Final Assessed Penalty (adjusted for limits)				\$3,750	

Economic Benefit Worksheet

Respondent Park Sewer Company PCW No. 1 of 2
Case ID No. 65458
Reg. Ent. Reference No. RN110288503
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	31-Jan-2023	31-Mar-2025	2.16	\$2,705	n/a	\$2,705

Notes for DELAYED costs

Estimated delayed 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 non-compliant month, 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 \$25,000

TOTAL \$2,705



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	31-Jul-2023	Screening	12-Feb-2024	EPA Due	
	PCW	23-May-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	Park Sewer Company PCW No. 2 of 2				
Reg. Ent. Ref. No.	RN110288503				
Facility/Site Region	7-Midland	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	65458	No. of Violations	2
Docket No.	2024-0868-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Monica Larina
		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	\$12,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes No adjustment for Compliance History.

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	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$475
Estimated Cost of Compliance \$7,500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,500
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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	\$12,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$12,500
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,500
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$10,000
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Screening Date	12-Feb-2024	Docket No.	2024-0868-MWD-E	PCW
Respondent	Park Sewer Company PCW No. 2 of 2			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	65458			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN110288503			
Media	Water Quality			
Enf. Coordinator	Monica Larina			

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

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

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

Compliance History Notes	No adjustment for Compliance History.
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Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date	12-Feb-2024	Docket No.	2024-0868-MWD-E	PCW
Respondent	Park Sewer Company PCW No. 2 of 2			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	65458			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN110288503			
Media	Water Quality			
Enf. Coordinator	Monica Larina			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 210.5(a)			
Violation Description	Failed to obtain Type I Authorization to discharge wastewater associated with re-use of domestic reclaimed water through an irrigation system.			
		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	10.0%
Matrix Notes	100% of the rule requirement was not met.			
		Adjustment	\$22,500	
			\$2,500	
Violation Events				
	Number of Violation Events	2	145	Number of violation days
	daily weekly monthly quarterly semiannual annual single event			
		x		
			Violation Base Penalty	\$5,000
	Two quarterly events are recommended from the date of the investigation (September 20, 2023) to the sceening date (February 12, 2024).			
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	\$5,000	
Economic Benefit (EB) for this violation				
	Statutory Limit Test			
	Estimated EB Amount	\$133	Violation Final Penalty Total	\$5,000
	This violation Final Assessed Penalty (adjusted for limits)			\$5,000

Economic Benefit Worksheet

Respondent Park Sewer Company PCW No. 2 of 2
Case ID No. 65458
Reg. Ent. Reference No. RN110288503
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	20-Sep-2023	13-Oct-2024	1.07	\$133	n/a	\$133
Notes for DELAYED costs Estimated Other cost to submit an application for the required Level I Authorization to discharge domestic reclaimed water. The Date Required is the date of the investigation, 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	\$2,500	TOTAL	\$133
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Screening Date 12-Feb-2024 Respondent Park Sewer Company PCW No. 2 of 2 Case ID No. 65458 Reg. Ent. Reference No. RN110288503 Media Water Quality Enf. Coordinator Monica Larina	Docket No. 2024-0868-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	
Rule Cite(s)		30 Tex. Admin. Code § 217.328(a)
Violation Description	Failed to ensure the Facility is completely enclosed by an intruder-resistant fence. Specifically, the Respondent did not have adequate fencing around the Facility.	

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	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.
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Adjustment	\$21,250
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	\$3,750
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Violation Events

Number of Violation Events	2	145	Number of violation days
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	daily						
	weekly						
	monthly						
	quarterly	x					
	semiannual						
	annual						
	single event						

Two quarterly events are recommended from the date of the investigation (September 20, 2023) to the screening date (February 12, 2024).	
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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	\$7,500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$342	Statutory Limit Test
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Violation Final Penalty Total	\$7,500
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This violation Final Assessed Penalty (adjusted for limits)	\$7,500
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Economic Benefit Worksheet

Respondent Park Sewer Company PCW No. 2 of 2
Case ID No. 65458
Reg. Ent. Reference No. RN110288503
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	20-Sep-2023	31-Jan-2025	1.37	\$342	n/a	\$342

Notes for DELAYED costs

Estimated Other cost to install an intruder-resistant fence around the Facility. The Date Required is the date of the investigation, 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

\$342



Compliance History Report

Compliance History Report for CN605480086, RN110288503, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN605480086, Park Sewer Company **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN110288503, PARK SEWER WWTP **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 3 **Repeat Violator:** NO

CH Group: 14 - Other

Location: approximately one mile northeast of the intersection of East County Road 120 and South County Road 1110, Midland County, Texas

TCEQ Region: REGION 07 - MIDLAND

ID Number(s):
WASTEWATER PERMIT WQ0015661001 **WASTEWATER EPA ID** TX0138363

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

Date Compliance History Report Prepared: May 20, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 20, 2019 to May 20, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Monica Larina **Phone:** (512) 239-0184

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.):

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
PARK SEWER COMPANY
RN110288503

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2024-0868-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 Park Sewer Company (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 package plant located approximately one mile northeast of the intersection of East County Road 120 and South County Road 1110 in Midland 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 \$16,250 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$400 of the penalty and \$3,250 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$12,600 of the undeferred penalty shall be paid in 35 monthly payments of \$360 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance

constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

1. During an investigation at the Facility conducted on March 10, 2023, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015661001, Interim I Effluent Limitations and Monitoring Requirements No. 1. Specifically, the daily average flow exceeded the permitted flow limitation of 0.010 million gallons per day ("MGD") for the months of January and February 2023.
2. During an investigation at the Facility conducted on September 20, 2023, an investigator documented that the Respondent:
 - a. Failed to obtain Type I Authorization to discharge wastewater associated with re-use of domestic reclaimed water through an irrigation system, in violation of 30 TEX. ADMIN. CODE § 210.5(a).
 - b. Failed to ensure the Facility is completely enclosed by an intruder-resistant fence, in violation of 30 TEX. ADMIN. CODE § 217.328(a). Specifically, the Respondent did not have adequate fencing around the Facility.

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: Park Sewer Company, Docket No. 2024-0868-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 undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, cease all unauthorized discharges of wastewater or obtain authorization for re-use of domestic reclaimed water, in accordance with 30 TEX. ADMIN. CODE § 210.5.
 - b. Within 30 days after the effective date of this Order:
 - i. Install an intruder-resistant fence surrounding the Facility, in accordance with 30 TEX. ADMIN. CODE § 217.328; and
 - ii. Submit an administratively complete Type I Authorization application for the discharge of domestic reclaimed water, in accordance with 30 TEX. ADMIN. CODE § 210.5, to:

Water Quality Division, MC-148
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Respond completely and adequately, as determined by the TCEQ, to all requests for additional information concerning the Type I Authorization application within 15 days after the date of such requests or before any other deadline specified in writing.

- c. 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. 2.a, 2.b.i and 2.b.ii, in accordance with Ordering Provision No. 2.f.
- d. Within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0015661001, including specific corrective actions that were implemented at the Facility to achieve compliance, 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.

- e. Within 145 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. 2.d, in accordance with Ordering Provision No. 2.f
- f. Within 300 days after the effective date of this Order, submit written certification that the Type I Authorization has been obtained or that re-use of domestic reclaimed water has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Midland Regional Office
Texas Commission on Environmental Quality
10 Desta Drive, Suite 350E
Midland, Texas 79705

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.

6. 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.
7. 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.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

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

Name (Printed or typed)

Title

Authorized Representative of
Park Sewer Company

☐ 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.