

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 5, 2025

To: Persons on the Attached Mailing List (Via email only)

Re: Executive Director's Request for Remand regarding an Agreed Order concerning the Town of Ponder; TCEQ Docket No. 2024-0996-MWD-E

The above-referenced matter is currently scheduled to be considered by the Texas Commission on Environmental Quality at its September 10, 2025, public meeting. However, the Executive Director filed a request to remand this item on September 4, 2025, as the Respondent in this case wishes to perform a Supplemental Environmental Project. Pursuant to 30 TAC § 10.4, this matter is hereby remanded to the Executive Director.

If you have any questions about this matter, please contact Dinniah Tadema, Assistant General Counsel at Dinniah.Tadema@tceq.texas.gov.

Respectfully,

A handwritten signature in black ink that reads "Mary Smith".

Mary Smith
General Counsel

Mailing List

Mailing List
Town of Ponder
TCEQ Docket No. 2024-0996-MWD-E

The Honorable Nick McGregor, Mayor
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102 West Bailey Street
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nmcgregor@pondertx.com

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TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel

Thru: AS Amy Settemeyer, Deputy Director
Enforcement Division

From: MP Michael Parrish, Agenda Special Assistant
Enforcement Division

Date: September 4, 2025

Subject: Request for Remand
September 10, 2025, Commission Agenda
Item No. 28 – Town of Ponder
Docket No. 2024-0996-MWD-E

The Executive Director respectfully requests that the above-referenced item be remanded to staff, as the Respondent wishes to perform a Supplemental Environmental Project.

Respondent Contact:

The Honorable John Bassler, Mayor
Town of Ponder
102 West Bailey Street
Ponder, Texas 76259-7035

Gary Morris, Director of Public Works
Town of Ponder
102 West Bailey Street
Ponder, Texas 76259-7035

Please do not hesitate to call Michael Parrish at (512) 239-2548 if you have any questions regarding this matter.

cc: Garrett Arthur, Public Interest Counsel
Melissa Schmidt, Public Interest Counsel
Gill Valls, Office of General Counsel
Katherine McKenzie, Agenda Coordinator, Litigation Division
Amy Settemeyer, Deputy Director, Enforcement Division
Megan Hamilton, Interim Assistant Deputy Director, Enforcement Division
Michael Parrish, Agenda Special Assistant, Enforcement Division
Laura Draper, Manager, Water, Enforcement Division
Megan Crinklaw, Team Leader, Water, Enforcement Division
Kolby Farren, Enforcement Coordinator, Water, Enforcement Division

Executive Summary – Enforcement Matter – Case No. 65470

Town of Ponder

RN102739349

Docket No. 2024-0996-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Ponder WWTP, 290 Robinson Road, Ponder, Denton County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 27, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$16,875

Amount Deferred for Expedited Settlement: \$3,375

Total Paid to General Revenue: \$13,500

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 26, 2023

Date(s) of NOE(s): December 12, 2023

Executive Summary – Enforcement Matter – Case No. 65470

Town of Ponder

RN102739349

Docket No. 2024-0996-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for total suspended solids, *Escherichia coli*, and carbonaceous biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011287003, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011287003, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Kolby Farren, Enforcement Division, Enforcement Team 7, MC R-12, (512) 239-2098; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable John Bassler, Mayor, Town of Ponder, 102 Bailey Street, Ponder, Texas 76259

Gary Morris, Director of Public Works, Town of Ponder, 102 Bailey Street, Ponder, Texas 76259

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	8-Jan-2024	Screening	12-Feb-2024	EPA Due	
	PCW	14-Apr-2025				

RESPONDENT/FACILITY INFORMATION			
Respondent	Town of Ponder		
Reg. Ent. Ref. No.	RN102739349		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	65470	No. of Violations	1
Docket No.	2024-0996-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Madison Stringer
		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	\$11,250
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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	50.0 %	Adjustment	Subtotals 2, 3, & 7	\$5,625
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Notes

Enhancement for six months of self-reported effluent violations and one order containing a denial of liability.

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	\$1,901
Estimated Cost of Compliance	\$15,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$16,875
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0 %	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$16,875
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$16,875
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DEFERRAL	20.0 %	Reduction	Adjustment	-\$3,375
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$13,500
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Screening Date	12-Feb-2024	Docket No.	2024-0996-MWD-E	PCW
Respondent	Town of Ponder			
Case ID No.	65470			
Reg. Ent. Reference No.	RN102739349			
Media	Water Quality			
Enf. Coordinator	Madison Stringer			

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>)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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) 50%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for six months of self-reported effluent violations and one order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 50%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 50%

Screening Date 12-Feb-2024 Respondent Town of Ponder Case ID No. 65470 Reg. Ent. Reference No. RN102739349 Media Water Quality Enf. Coordinator Madison Stringer	Docket No. 2024-0996-MWD-E	PCW Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021
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Violation Number	1	Rule Cite(s)	
		30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011287003, Effluent Limitations and Monitoring Requirements No. 1	
Violation Description		Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.	

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

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual			x	
	Potential				Percent 15.0%

> > Programmatic Matrix

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

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

Number of Violation Events	3	181	Number of violation days
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	daily			Violation Base Penalty	\$11,250
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				

Three quarterly events are recommended for the quarters containing the months of January, February, March, April, June, and July 2023.	
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Good Faith Efforts to Comply

0.0%		Reduction	\$0
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Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary		
	Ordinary		
	N/A	x	
Notes		The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal	\$11,250
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$1,901	Violation Final Penalty Total	\$16,875
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This violation Final Assessed Penalty (adjusted for limits)	\$16,875
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Economic Benefit Worksheet

Respondent Town of Ponder
Case ID No. 65470
Reg. Ent. Reference No. RN102739349
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering /Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training /Sampling				0.00	\$0	n/a	\$0
Remediation /Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$15,000	31-Jan-2023	13-Aug-2025	2.53	\$1,901	n/a	\$1,901

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 estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,000

TOTAL

\$1,901

Town of Ponder
Docket No. 2024-0996-MWD-E
Case No. 65470

Effluent Violation Table						
Month/Year	CBOD (5-day) Daily Average Conc. Limit= 10 mg/L	CBOD (5-day) Daily Average Loading Limit= 30 lbs/day	<i>Escherichia coli</i> Daily Average Conc. Limit= 126 CFU/100 mL	TSS Daily Average Conc. Limit= 15 mg/L	TSS Single Grab Conc. Limit = 60 mg/L	TSS Daily Average Loading Limit= 45 lbs/day
January 2023	c	c	c	15.26	c	c
February 2023	c	c	159	c	c	c
March 2023	17.3	49.9	c	71.5	277	250.39
April 2023	13.7	c	c	21.3	c	46.1
June 2023	c	c	228	43.8	158	76
July 2023	c	c	c	42.9	96	77.4

CBOD = carbonaceous biochemical oxygen demand TSS = total suspended solids
mg/L= milligrams per liter lbs/day = pounds per day CFU/100 mL= colony-forming units per
100 milliliters Conc. = Concentration c= compliant



Compliance History Report

Compliance History Report for CN600704746, RN102739349, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN600704746, Town of Ponder

Classification: SATISFACTORY

Rating: 11.97

Regulated Entity: RN102739349, PONDER WWTP

Classification: SATISFACTORY

Rating: 11.97

Complexity Points: 5

Repeat Violator: NO

CH Group: 08 - Sewage Treatment Facilities

Location: 290 Robinson Road, Ponder, Denton County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

PUBLIC WATER SYSTEM / SUPPLY REGISTRATION

WASTEWATER PERMIT WQ0011287003

0610039

WASTEWATER EPA ID TX0123862

Compliance History Period: September 01, 2019 to August 31, 2024

Rating Year: 2024

Rating Date: 09/01/2024

Date Compliance History Report Prepared: April 14, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 14, 2020 to April 14, 2025

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

Name: Madison Stringer

Phone: (512) 239-1126

Site and Owner/Operator History:

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

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

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

- | | | |
|---|---|--|
| 1 | Effective Date: 07/26/2022 | ADMINORDER 2021-0921-MWD-E (1660 Order-Agreed Order With Denial) |
| | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1) | |
| | 30 TAC Chapter 305, SubChapter F 305.125(1) | |
| | Rqmt Prov: Effluent Limits PERMIT | |
| | Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data. | |

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 14, 2020	(1661937)	Item 10	October 12, 2021	(1778787)
Item 2	June 10, 2020	(1668477)	Item 11	May 17, 2022	(1830684)
Item 3	July 09, 2020	(1675423)	Item 12	September 06, 2022	(1858042)
Item 4	August 05, 2020	(1682203)	Item 13	September 07, 2022	(1840977)
Item 5	September 14, 2020	(1688765)	Item 14	October 11, 2022	(1864395)
Item 6	October 01, 2020	(1695133)	Item 15	November 08, 2022	(1871305)
Item 7	November 05, 2020	(1685749)	Item 16	November 30, 2022	(1877157)
Item 8	November 10, 2020	(1718003)			

Item 17	December 06, 2022	(1861693)	Item 23	March 07, 2024	(1985507)
Item 18	January 09, 2023	(1883969)	Item 24	July 08, 2024	(2013012)
Item 19	June 15, 2023	(1920916)	Item 25	August 06, 2024	(2018828)
Item 20	September 12, 2023	(1941018)	Item 26	October 08, 2024	(2031724)
Item 22	October 06, 2023	(1947817)	Item 27	December 06, 2024	(2044434)

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

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

1	Date: 04/30/2024 (1998483)		
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
2	Date: 05/31/2024 (2005445)		
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
3	Date: 08/31/2024 (2025613)		
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
4	Date: 10/31/2024 (2038043)		
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
5	Date: 12/31/2024 (2050992)		
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
6	Date: 01/31/2025 (2058541)		
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TOWN OF PONDER
RN102739349

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2024-0996-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 Town of Ponder (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 290 Robinson Road in Ponder, Denton County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. 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 \$16,875 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$13,500 of the penalty and \$3,375 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.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During a record review for the Facility conducted on October 26, 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. WQ0011287003, Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below:

Effluent Violation Table						
Month/Year	CBOD (5-day) Daily Average Conc. Limit= 10 mg/L	CBOD (5-day) Daily Average Loading Limit= 30 lbs/day	<i>Escherichia coli</i> Daily Average Conc. Limit= 126 CFU/100 mL	TSS Daily Average Conc. Limit= 15 mg/L	TSS Single Grab Conc. Limit = 60 mg/L	TSS Daily Average Loading Limit= 45 lbs/day
January 2023	c	c	c	15.26	c	c
February 2023	c	c	159	c	c	c
March 2023	17.3	49.9	c	71.5	277	250.39
April 2023	13.7	c	c	21.3	c	46.1
June 2023	c	c	228	43.8	158	76
July 2023	c	c	c	42.9	96	77.4

CBOD = carbonaceous biochemical oxygen demand TSS = total suspended solids
mg/L= milligrams per liter lbs/day = pounds per day CFU/100 mL= colony-forming units per
100 milliliters Conc. = Concentration c= compliant

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Town of Ponder, Docket No. 2024-0996-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011287003, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

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

Kriste Mello-Jurack

08/08/2025

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.

Mary Morris

Signature

5-6-2025

Date

GARY MORRIS

Name (Printed or typed)
Authorized Representative of
Town of Ponder

Dir. Public Works

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.