

the corrective action taken to discharge treated effluent from the wastewater treatment plant directly to Womans Hollow Creek and not to the grassland adjacent to Womans Hollow Creek.

**ALLEGED VIOLATION(S) NOTED AND RESOLVED
ASSOCIATED TO A NOTICE OF VIOLATION**

Track No: 541906

30 TAC Chapter 305.125(1)

PERMIT WQ0014667001, Effluent Limitations & Monitoring Reqs 3

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab samples.

Alleged Violation:

Investigation: 1180093

Comment Date: 07/16/2014

Failure to maintain compliance with the permitted effluent limits. Specifically, during the record review period of June 2013 to June 2014, one violation of the permitted limit of 9.0 standard units for pH was noted. For the month of May 2014 the permittee reported 9.6 standard units for pH when the maximum as stated in the permit is 9.0 standard units.

Recommended Corrective Action: Compliance with the permitted effluent limits must be maintained. The permittee shall submit documentation describing the action taken to prevent the recurrence of pH violations.

Resolution: At the time of the investigation the pH exceedance was documented as a one time occurrence for the month of May 2014 for the record review period of June 2013 to June 2014. The permittee provided a verbal description of the action taken to prevent the recurrence of pH violations and reported values indicate pH was compliant for June of 2014.

*no further
action
needed*

ADDITIONAL ISSUES

Description

Additional Comments

Are chain of custody tags completed properly and maintained?

It is recommended that the permittee document on the Chain of Custody Form the preservatives used for each sample.

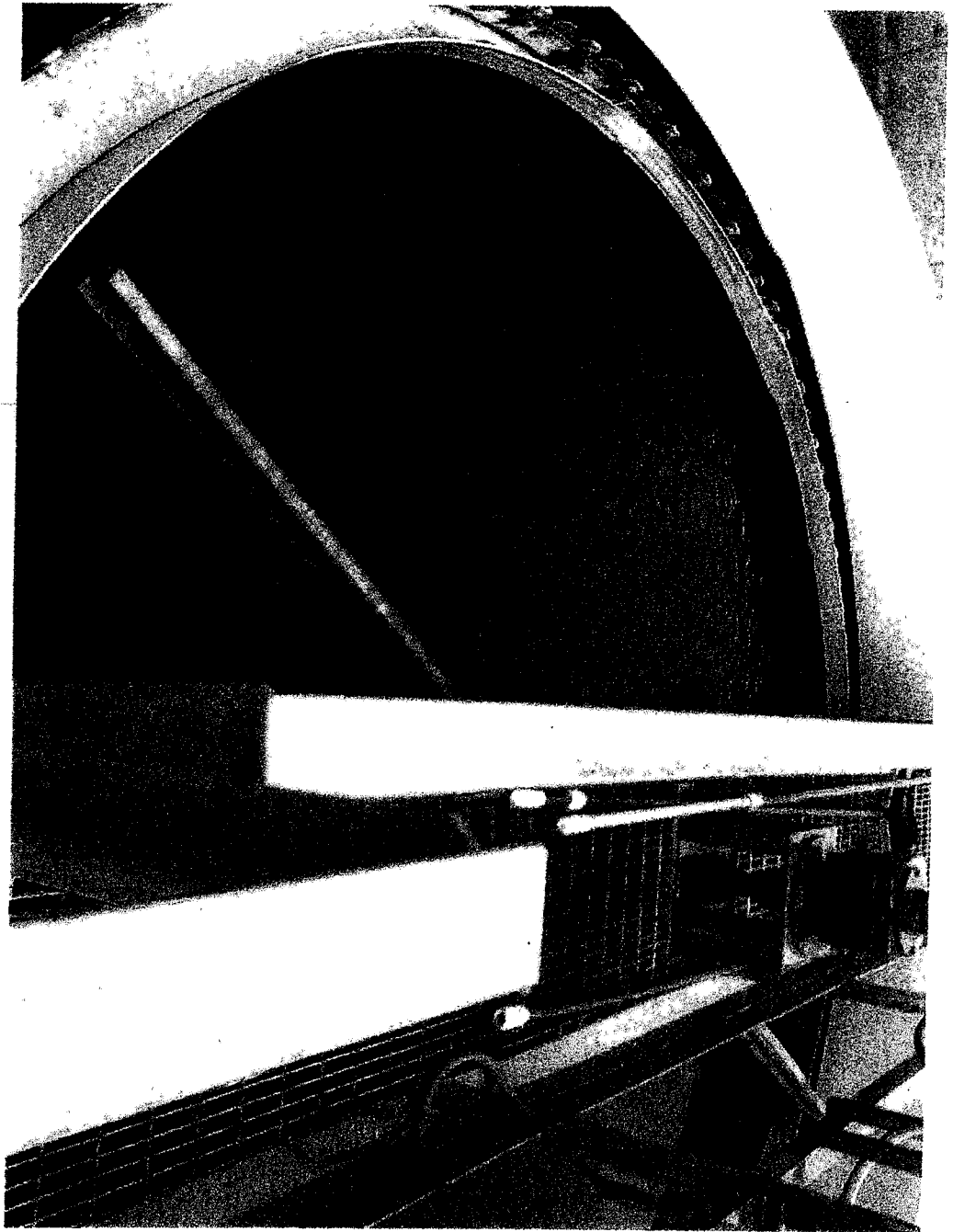
Are the proper sampling procedures and containers used?

It is recommend the permittee take field blanks for E. coli since E. coli samples are being transferred from sterilized bottles to sample bottles that are then submitted to the lab. It is also recommend that the permittee use a 3-point standard for pH since readings have been recorded below 7.0 standard units.

Are adequate safeguards maintained to prevent the discharge of untreated or inadequately treated wastes during electrical power failure by means of alternate power sources, standby generators and/or retention structures?

At the time of the investigation the permittee failed to provide the specifications of the standby generator. The permittee stated the generator has the ability to run the entire plant.

*no
addtl.
documentation
@ this time*



BB

CIBOLO CREEK MUNICIPAL AUTHORITY

P.O. BOX 930 • SCHERTZ, TEXAS 78154

Purchase Order No. 2289

VENDOR

Chem Equip

ADDRESS

CURRENT
BUDGET BALANCE \$
AMOUNT OF
THIS PURCHASE \$
BALANCE AFTER
THIS PURCHASE \$

ACCT. NO. TO
BE CHARGED TO

Schertz WWTP

DATE

8/29/14

DATE ORDERED

DELIVER TO

Schertz WWTP

SHIP VIA

N/A

F.O.B.

TERMS

ITEM	QTY.	PART NO.	COMPLETE DESCRIPTION OF MATERIAL / LOCATION OF USE	UNIT PRICE	EXTENSION
1	1		chlorine alarm and gas	3300	3300
2			detector		
3					
4					
5					
6					
7					
8					
9					3300

ORDERED BY:

[Signature] Smedley

APPROVED: ☒ DEPT HEAD ☐ OTHER

[Signature]

PURCHASING
AGENT
APPROVAL

[Signature]

ChemEquip

PMB 316

402A W. Palm Valley Blvd.

Round Rock, TX. 78664-4200

Phone: (512) 225-4813 Fax: (512) 671-3176

August 4, 2014

Attn: James Scardami

CCMA

Ref: Schertz WWTP Gas Detector

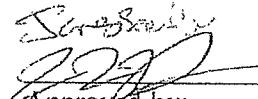
ChemEquip is pleased to quote the following for your consideration:

- 1) Hydro GA 170 Gas Detector with 1) Sensor for Chlorine, Battery Backup, Beacon Light and Alarm Horn installed to include all travel, labor, and materials.
\$3,300.00

ChemEquip appreciates this opportunity to provide you with this quote. If you have any questions please call my mobile at (512) 225 - 4813.

Respectfully submitted,

Carey Martin
ChemEquip


Approved by: _____ Date 9/2/14

Brandon Bradley

From: James Scardami
Sent: Tuesday, September 09, 2014 1:45 PM
To: Brandon Bradley
Subject: FW: Quote Schertz Gas Detector
Attachments: CCMA Schertz Gas Detector.pdf; CCMA Invoice 2939.pdf

James Scardami
Operations Superintendent
Cibola Creek Municipal Authority
(210) 268-3434
jscardami@ccmatx.org

From: carey martin [<mailto:chemequip06@yahoo.com>]
Sent: Monday, September 08, 2014 4:50 PM
To: James Scardami
Subject: Fw: Quote Schertz Gas Detector

James,

This email is confirmation that the Gas Detector was ordered on Friday 9/5 and should be 3-5 business days for delivery. I will contact you for installation at Schertz Plant as soon as we have our hands on it.

Thank You,
Carey Martin

ChemEquip
PMB 316
402A W Palm Valley Blvd
Round Rock TX 78664
512-225-4813 Carey
512-671-3176 Fax
chemequipwater.com

"Chemical Feed for Tomorrows Water"

----- Forwarded Message -----

From: carey martin <chemequip06@yahoo.com>
To: James Scardami <jscardami@ccmatx.org>
Cc: Charlie Smith <chemequip.charlie@yahoo.com>
Sent: Wednesday, August 6, 2014 3:33 PM
Subject: Fw: Quote Schertz Gas Detector

James,

Attached is your invoice for the new regulator and back plate for your spare (regulator portion without ton dripleg).

Next time we are out that way we will recover our loaner, clean up your spare and put the new unit on for you. You can keep using our loaner dripleg till we get there.

The rep were out of the regulators but had some already on the way, they said they will have them on Thursday which means you should have it by Friday this week.

Let me know if you have any questions on this.

Thank You,
Carey Martin

ChemEquip
PMB 316
402A W Palm Valley Blvd
Round Rock TX 78664
512-225-4813 Carey
512-671-3176 Fax
chemequipwater.com

"Chemical Feed for Tomorrows Water"

----- Forwarded Message -----

From: carey martin <chemequip06@yahoo.com>
To: James Scardami <jscardami@ccmatx.org>
Cc: Charlie Smith <chemequip.charlie@yahoo.com>
Sent: Monday, August 4, 2014 5:37 PM
Subject: Quote Schertz Gas Detector

James,

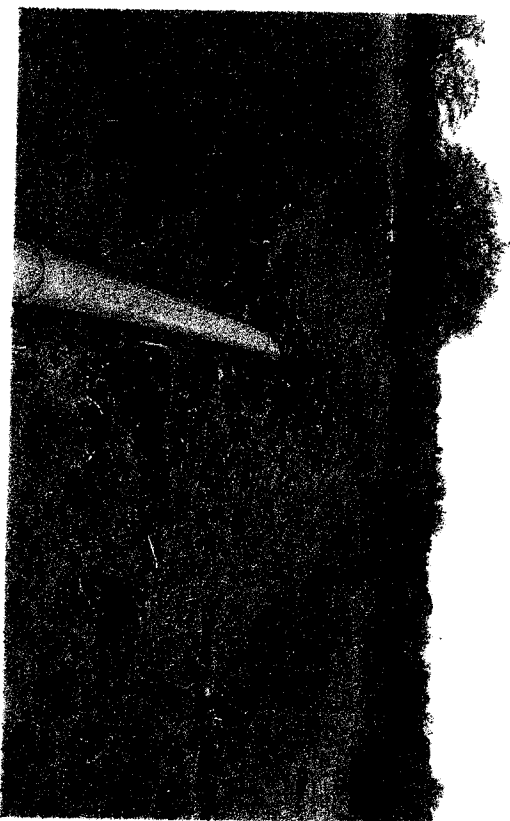
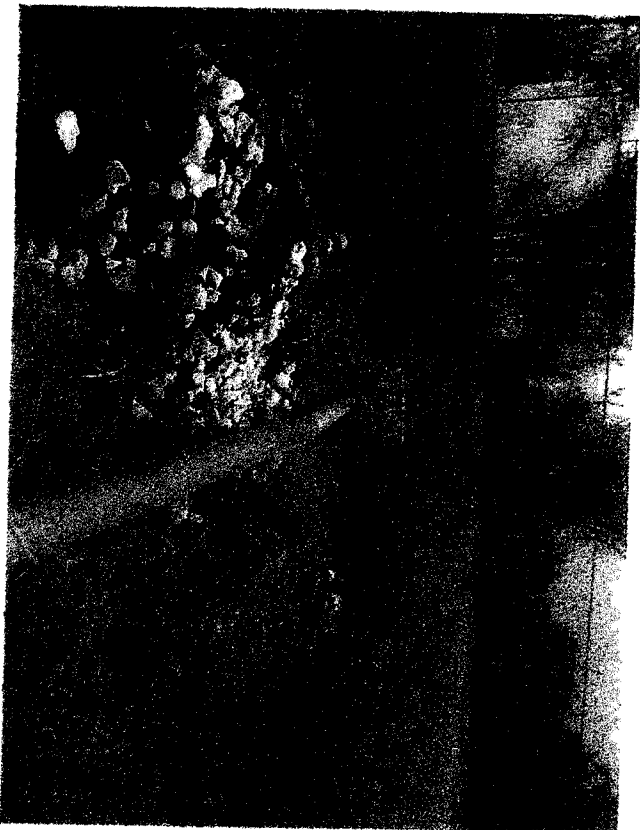
Attached is a quote to put a gas detector out at the Schertz plant with a alarm light and horn.

We shipped out the regulator today (should have tomorrow) that Hydro covered the new dripleg under warranty. I ordered the new regulator and you should have it on Wed. I have the back plate coming to us and when we get out that way we will recover our loaner dripleg/plate and install new plate on unit.

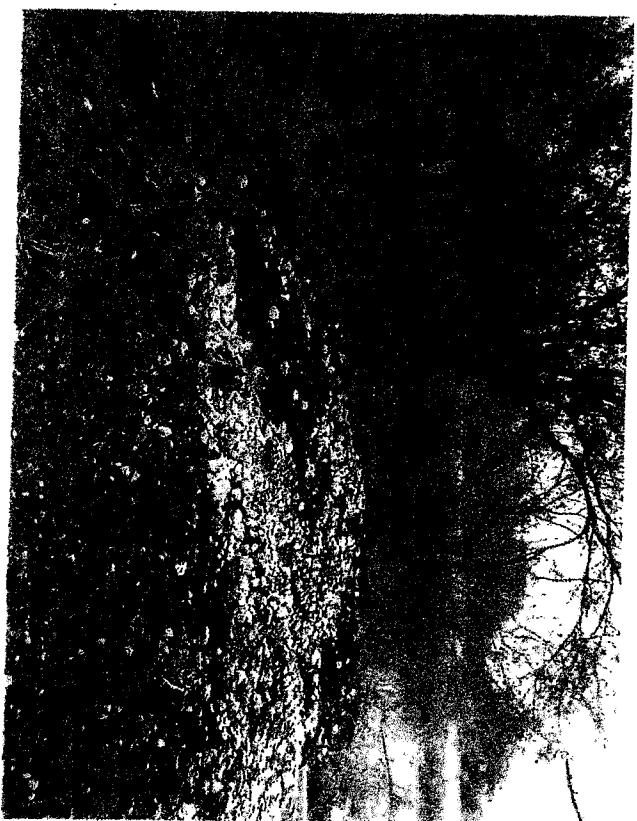
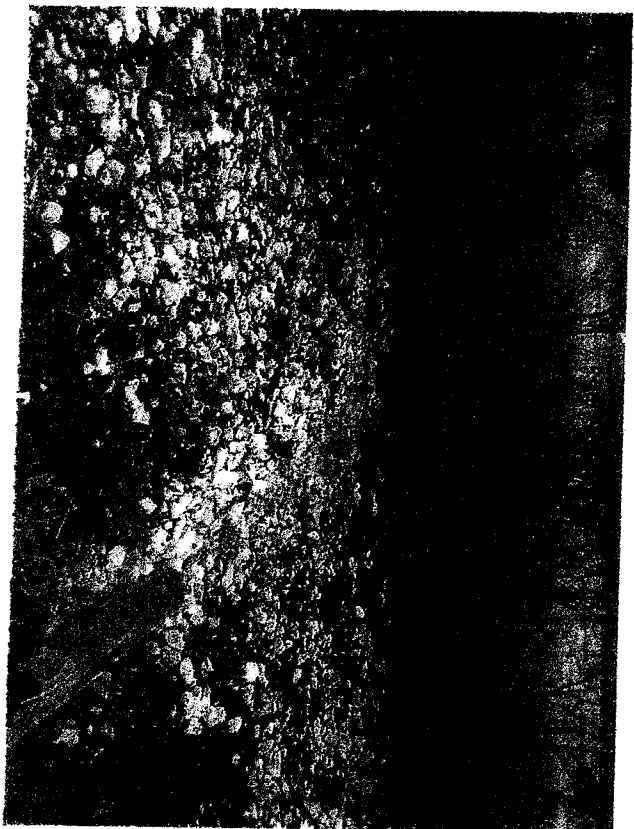
Thank You,
Carey Martin

ChemEquip
PMB 316
402A W Palm Valley Blvd
Round Rock TX 78664
512-225-4813 Carey
512-671-3176 Fax
chemequipwater.com

"Chemical Feed for Tomorrows Water"



WHTP Outfall



CHAIN OF CUSTODY RECORD

Cibola Creek Municipal Authority

12423 Authority Lane
Schertz, Texas 78154

210-658-6243

Project Name: Schertz Plant WWFT
Final Effluent

Sampler(s): (Signature)

[Signature]

No.	Date	Time	o m p	r a b	Identifying Marks
1	8/28	1243		X	Schertz WWFT Final Effluent
2	8/28	1345		X	"

No. of Containers	C O D	B O D	T S S	N H 3
1	X	X		
1	X	X		

Remarks:

1 gallon HDPE container

" " "

Relinquished by: (Signature)

Date:

Time:

Received by: (Signature)

Date:

Time:

Relinquished by: (Signature)

Date:

Time:

Received by: (Signature)

Date:

Time:

Relinquished by: (Signature)

Date:

Time:

Received by: (Signature)

Date:

Time:

Remarks:

80.00 mL BOD 5x upon receipt, PT 15 SE
Cl₂ = 0.98 mg/L; 0.2 mL Na₂SO₃ to 80 mL Sx.
2.0 mL Na₂SO₃ to 100 mL Sx.
1.6 mL Na₂SO₃ to 800 mL NH₃ Sx.
After Decolor:
1L CBOD Sx → Cl₂ = 0.02
pH = 7.5

800 mL NH₃ Sx →

Cl₂ = 0.02

SCHERTZ WWTP PH METER CALIBRATION RECORD
MANUFACTURER / MODEL # HQ 30D

MONTH: YEAR:

DATE	Buffers				TEMP °C	Slope	Buffers Replaced	Storage Solution Replaced	Weekly Elect. Main.	Tech
	4.0	7.0	10.0	CK.						
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
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28										
29										
30										
31										

Comments:

Brushless AC Generator

Serial Number Catalog Code Model

4-1-10610 A134590000

3 Phase

KVA

Hz

HPH

P.F.

60

1800

240-277

8

WYE

Voltage

Delta

240

480

120-139

240-277

Amperes

90

152-415

180-136

90-78

Temp. Rise

Design Amb

Insul Class

Duty

Wire

90°C

40°C

F

CONT

12

Brushless Exciter

Exc. Fld. Volts

Exc. Fld. Amps.

50

1-25

IMPORTANT: WHEN ORDERING PARTS INCLUDE SERIAL AND TYPE NUMBERS.

10 PERCENT OVERLOAD FOR 2 HOURS IN A 24 HOUR PERIOD

KATO ENGINEERING

RELIANCE ELECTRIC

Bryan W. Shaw, Ph.D., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 5, 2015

RECEIVED

NOV 09 2015

CCMA

Mr. Clinton Ellis
General Manager
City of Schertz and Cibolo Creek Municipal Authority
P.O. Box 930
Schertz, Texas 78154

Re: TCEQ Enforcement Action
City of Schertz and Cibolo Creek Municipal Authority
Docket No. 2015-0747-MWD-E

Dear Mr. Ellis:

Enclosed for your records is a fully-executed copy of the Agreed Order for the above-referenced matter.

Please review the enclosed Agreed Order, particularly the "Ordering Provisions" section, to determine if further action will be required of you, such as the completion of technical requirements to achieve compliance. When technical requirements are listed (usually Ordering Provision No. 2 or 3), a deadline will be provided based on a specific number of days after the effective date. The effective date of this Agreed Order is three days after the date printed at the top of this letter.

Should you have any questions, please contact Larry Butler, the Enforcement Coordinator assigned to this matter, at (512) 239-2543.

Sincerely,

A handwritten signature in cursive script that reads "Candice Garrett".

Candice Garrett
Enforcement Division

Enclosure

cc: Larry Butler, Enforcement Division
Water Quality Section Manager, Region 13

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF SCHERTZ AND CIBOLO
CREEK MUNICIPAL AUTHORITY
RN104800289

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2015-0747-MWD-E

I. JURISDICTION AND STIPULATIONS

On NOV 03 2015, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Schertz and Cibolo Creek Municipal Authority ("Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents, the City of Schertz represented by Mr. Charles Zech of the law firm of Denton Navarro Rocha Bernal Hyde & Zech, P.C. and Cibolo Creek Municipal Authority represented by Mr. Brad Castleberry of the law firm of Lloyd Gosselink Rochelle & Townsend, P.C., together stipulate that:

1. The Respondents own and operate a wastewater treatment facility located 6,700 feet southwest of the intersection of Lower Seguin Road and Farm-to-Market Road 1518 in Bexar County, Texas (the "Facility").
2. The Respondents have discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondents agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondents are subject to the Commission's jurisdiction.
4. The Respondents received notice of the violations alleged in Section II ("Allegations") on or about May 6, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Four Thousand Seven Hundred Twenty-Five Dollars (\$4,725) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents have paid Three Thousand Seven Hundred Eighty Dollars (\$3,780) of the administrative penalty and Nine Hundred Forty-Five Dollars (\$945) is deferred contingent upon the Respondents' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondents fail to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondents to pay all or part of the deferred penalty.
7. 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.
8. The Executive Director and the Respondents 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).
9. The Executive Director recognizes that by April 3, 2015, the Respondents submitted an application for a new Texas Pollutant Discharge Elimination System ("TPDES") permit.
10. 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 Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owners and operators of the Facility, the Respondents are alleged to have failed to maintain authorization for the discharge of wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE §§ 305.42(a), 305.65, and 305.125(2), as documented during an investigation conducted on April 6, 2015. Specifically, the Respondents did not renew TPDES Permit No. WQ0014667001, which expired on March 1, 2015, and continued to discharge wastewater from the Facility without authorization.

III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondents pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondents' compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Schertz and Cibolo Creek Municipal Authority, Docket No. 2015-0747-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 Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. The Respondents shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, until such time that authorization to operate is obtained, or until 300 days after the effective date of this Agreed Order, whichever is earlier, comply with the permit limits in expired TPDES Permit No. WQ0014667001.
 - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing.
 - c. Within 300 days after the effective date of this Agreed Order, the Respondents shall submit written certification that either authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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:

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

with a copy to:

Water Section Manager
San Antonio Regional Office
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

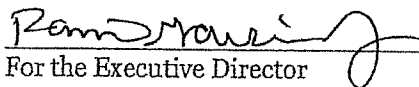
4. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondents fail to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondents' failure to comply is not a violation of this Agreed Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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 Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed 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 Agreed 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. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondents, or three days after the date on which the Commission mails notice of the Order to the Respondents, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

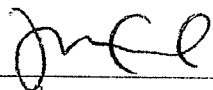
11/3/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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 Attorney General's Office 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 Attorney General's Office 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

7/14/15
Date

John Kessel
Name (Printed or typed)
Authorized Representative of
City of Schertz

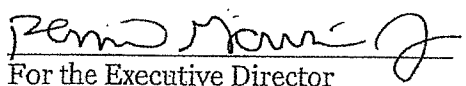
City Manager
Title

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

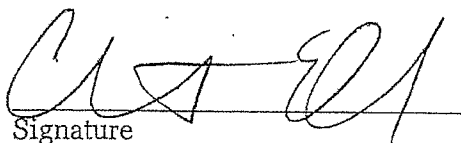
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- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

7-14-2015
Date

CLINT ELLIS
Name (Printed or typed)
Authorized Representative of
Cibolo Creek Municipal Authority

General Manager
Title

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