



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

JUL 14 2016

CERTIFIED MAIL—RETURN RECEIPT REQUESTED: 7005 1820 0003 7448 9545

The Honorable Adan Chapa
Mayor, City of Aransas Pass
P.O. Box 2000
Aransas Pass, TX 78335

Re: Administrative Order; Docket Number: CWA-06-2016-1783
City of Aransas Pass
TPDES Permit Number: TX0025682

Dear Mayor Chapa:

Enclosed is an Administrative Order (AO) issued to the City of Aransas Pass for violation of the Clean Water Act (CWA) (33 U.S.C. §§ 1251-1387). Violations were identified during a review of the permit file and discharge monitoring reports submitted for the City of Aransas Pass Wastewater Treatment Facility. The violations alleged are for failure to meet permit effluent limitations for Biochemical Oxygen Demand, 5-day; Total Suspended Solids; and Enterococci bacteria for Outfall 001.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty days of the effective date of the AO. The AO also contains other compliance deadlines and information demands. The Environmental Protection Agency, Region 6 (EPA) is committed to ensuring compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) program, and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2016-1783 and TPDES Permit Number TX0025682 on your response.

If you have any questions, please contact Mr. Alan S. Vaughn, of my staff, at (214) 665-7487.

Sincerely,

A handwritten signature in black ink, appearing to read "John Blevins", is written over the typed name.

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosures

Re: Administrative Order
City of Aransas Pass

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cc: Mr. Sandy Van Cleave (MC 169)
Manager, Enforcement Section
TCEQ
P.O. Box 13087
Austin, TX 78711-3087



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
1445 Ross Avenue, Suite 1200, Dallas, TX 75202
FINDINGS OF VIOLATION, COMPLIANCE ORDER, AND
INFORMATION DEMAND

Docket Number: CWA-06-2016-1783, TPDES Permit Number: TX0025682

STATUTORY AUTHORITY

The following findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA"), by Sections 308 and 309(a) of the Clean Water Act ("the Act"), 33 U.S.C. §§ 1318 and 1319(a). The Administrator of EPA delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who delegated this authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. The City of Aransas Pass ("Respondent") is a "person," as that term is defined at Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.
2. At all times relevant to this Order ("all relevant times"), Respondent owned or operated the City of Aransas Pass Wastewater Treatment Facility, located at 527 Ransom Island Road, in the City of Aransas Pass, San Patricio County, Texas ("facility"), and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.
3. At all relevant times, the facility acted as a "point source" of a "discharge" of "pollutants" with its final wastewater discharge to Redfish Bay in Segment No. 2483 of the Bays and Estuaries, which is a "water of the United States," within the meaning of Section 502 of the Act, 33 U.S.C. § 1362, and 40 C.F.R. § 122.2.
4. Because Respondent owned or operated a facility that acted as a point source of discharges of pollutants to waters of the United States, Respondent and the facility were subject to the Act and the National Pollutant Discharge Elimination System ("NPDES") program.
5. Under Section 301 of the Act, 33 U.S.C. § 1311, it is unlawful for any person to discharge any pollutant from a point source to waters of the United States, except with the authorization of, and in compliance with, an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.
6. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States. Any such discharge is subject to the specific terms and conditions prescribed in the applicable permit.
7. Section 402 of the Act, 33 U.S.C. § 1342, authorizes states to request approval from EPA to administer their own permit programs for discharges into navigable waters within their jurisdiction. Pursuant to this provision, the State of Texas requested approval from EPA to administer its own permit program for discharges into navigable waters within Texas, and such approval was granted by EPA on September 14, 1998. Therefore, pursuant to the State's permit program, the Texas Commission on Environmental Quality ("TCEQ") has issued Texas Pollutant Discharge Elimination System ("TPDES") permits. Violation of a TPDES permit is a violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).
8. Respondent applied for and was issued TPDES Permit No. TX0025682 ("permit") under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on June 17, 2014. At all relevant times, Respondent was authorized to discharge pollutants from the facility to waters of the United States only in compliance with the specific terms and conditions of the permit.
9. The permit includes "Monitoring and Reporting Requirements" that require Respondent to sample and test its effluent and monitor its compliance with permit conditions according to specific procedures, in order to determine the facility's compliance or noncompliance with the permit and applicable regulations. The permit also requires Respondent to file with TCEQ certified Discharge Monitoring Reports ("DMRS") of the results of monitoring, and Noncompliance Reports when appropriate.
10. The permit contains "Effluent Limitations and Monitoring Requirements" that place certain limitations on the quality and quantity of effluent discharged by Respondent. The relevant discharge limitations are specified in Attachment A, which is incorporated herein by reference.
11. Certified DMRs filed by Respondent with TCEQ in compliance with the permit show discharges of pollutants from the facility that exceed the permitted effluent limitations established in the permit, as specified in Attachment B, which is incorporated herein by reference.

12. Each instance in which Respondent discharged pollutants to waters of the United States in amounts exceeding the effluent limitations contained in the permit was a violation of the permit and Section 301 of the Act, 33 U.S.C. § 1311.

13. Each violation of the conditions of the permit or regulations described above is a violation of Section 301 of the Act, 33 U.S.C. § 1311.

SECTION 309(a)(3) COMPLIANCE ORDER

Based on the foregoing Findings and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), EPA hereby orders Respondent to take the following action:

A. Take such measures as are necessary to comply with all permit conditions, including "Effluent Limitations and Monitoring and Reporting Requirements," no later than thirty (30) days from the effective date of the Order.

SECTION 308 INFORMATION DEMAND

Based on the foregoing Findings and pursuant to the authority of Section 308 of the Act, 33 U.S.C. § 1318, Respondent is required to do the following:

A. Within thirty (30) days of the effective date of this Order, Respondent shall submit a list of the specific actions taken to correct the Biochemical Oxygen Demand, 5-day; Enterococci bacteria; and Total Suspended Solids violations.

B. Within thirty (30) days of the effective date of this Order, Respondent shall provide written certification to EPA, Region 6 that the violations cited herein have been corrected and the facility is in compliance with the requirements of the permit.

C. In the event that Respondent believes complete correction of the violations cited herein is not possible within thirty (30) days of the effective date of this Order, Respondent shall, within thirty (30) days of the effective date of this Order, submit a comprehensive written plan for the elimination of the cited violations within the shortest possible time. Such plan shall describe in detail the specific corrective actions to be taken and why such actions are sufficient to correct the violations. The plan shall include a detailed schedule for the elimination of the violations within the shortest possible time, as well as measures to prevent these or similar violations from recurring.

D. Any information or correspondence submitted by Respondent to EPA under this Order shall be addressed to the following:

Ms. Judy Edelbrock
Water Enforcement Branch (6EN-WC)
U.S. EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

GENERAL PROVISIONS

Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

Issuance of this Section 309(a)(3) Compliance Order and the Section 308 Information Demand shall not be deemed an election by EPA to waive any administrative, judicial, civil, or criminal action to seek penalties, fines, or other relief under the Act for the violations cited herein, or other violations that become known to EPA. EPA reserves the right to seek any remedy available under the law that it deems appropriate.

Failure to comply with this Section 309(a)(3) Compliance Order, the Section 308 Information Demand, or the Act may result in further administrative action, or a civil judicial action initiated by the United States Department of Justice.

This Order does not constitute a waiver or modification of the terms or conditions of Respondent's NPDES permit, which remain in full force and effect. Compliance with the terms and conditions of this Order does not relieve Respondent of its obligation to comply with any applicable federal, state, or local laws or regulations.

The effective date of this Order is the date it is received by Respondent.

7.14.16

Date


John Blevins
Director
Compliance Assurance and
Enforcement Division

Attachment A
TX0025682
Effluent Limitations

Effluent Characteristics	Discharge Limitations			
Outfall 001				
	Daily Avg. (lbs./day)	Daily Avg. (mg/L)	Daily Max. (lbs./day)	Daily Max. (mg/L)
Biochemical Oxygen Demand (BOD5)	267	20		45
Total Suspended Solids (TSS)	267	20		45
Enterococci bacteria, CFU or MPN/100mL		35		104

Attachment B
Permit Number TX0025682
Outfall 001

Date	Outfall	Parameter	Violation	Permit Limit
05/2015	001	Enterococci bacteria, Daily Max.	537.1 CFU/100ml	104 CFU/100ml
05/2015	001	TSS, Daily Avg.	413 lbs./day	267 lbs./day
05/2015	001	TSS, Daily Avg.	21.2 mg/L	20 mg/L
05/2015	001	TSS, Daily Max.	112 mg/L	45 mg/L
06/2015	001	TSS, Daily Avg.	566.8 lbs./day	267 lbs./day
06/2015	001	TSS, Daily Avg.	26 mg/L	20 mg/L
06/2015	001	TSS, Daily Max.	235 mg/L	45 mg/L
01/2016	001	BOD5, Daily Max.	74 mg/L	45 mg/L
01/2016	001	TSS, Daily Avg.	602.5 lbs./day	267 lbs./day
01/2016	001	TSS, Daily Avg.	75 mg/L	20 mg/L
01/2016	001	TSS, Daily Max.	548 mg/L	45 mg/L
01/2016	001	Enterococci bacteria, Daily Max.	178.9 CFU/100ml	104 CFU/100ml