



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

DEC 15 2015

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7005 1820 0003 7449 6079

Mr. Patrick Stallings
City Manager
City of Seagoville
702 North Highway 175
Seagoville, TX 75159

Re: Administrative Order; Docket Number: CWA-06-2016-1710
City of Seagoville Wastewater Collection System
Facility Number: TXU011052

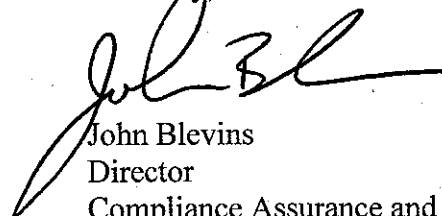
Dear Mr. Stallings:

Enclosed is an Administrative Order (AO) issued to the City of Seagoville (the City) for violation of the Clean Water Act (CWA), 33 U.S.C. § 1311. Violations were identified during a review of the City's sanitary sewer compliance inspection report, as well as the Texas Commission on Environmental Quality's water quality non-compliance notifications for the City's collection system. The inspection was conducted by the Environmental Protection Agency Region 6 (EPA) on April 14, 2015. The violations alleged are for unauthorized/unpermitted discharges or Sanitary Sewer Overflows (SSOs).

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 receipt of the AO. The AO also contains other compliance deadlines and information demands. EPA is committed to ensuring compliance with the CWA SSO requirements and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2016-1710 and Facility Number TXU011052 on your response.

If you have any questions, please contact Mr. Damon McElroy, of my staff, at (214) 665-7159.

Sincerely,


John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosures

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-06-2016-1710; Facility Number: TXU011052

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" or "CWA"), 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 Seagoville ("Respondent") is a municipality created by or pursuant to State law and having jurisdiction over the disposal of sewage, industrial wastes, or other wastes, which is a "municipality" as that term is defined at Section 502(4) of the Act, and as such, is a "person," as that term is defined at Section 502(5) of the Act, 33 U.S.C. § 1362(5).

2. At all times relevant to this Order ("all relevant times"), Respondent owned or operated the City of Seagoville wastewater collection system and its appurtenances ("facility"), located in the City of Seagoville, Dallas County, Texas, and was, therefore, an "owner or operator."

3. At all relevant times, the facility acted as a "point source" of a discharge of "pollutants" (as those terms are defined by Section 502 of the Act), with its municipal wastewater treated at the South Mesquite Creek Wastewater Treatment Plant ("WWTP"), which is owned and operated by the North Texas Municipal Water District ("NTMWD") and then discharged to South Mesquite Creek; thence to the East Fork Trinity River in Segment No. 0819 of the Trinity River Basin, a "water of the United States." The South Mesquite Creek WWTP was issued NPDES Permit No. TX0047431 under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on February 24, 2012.

4. At all relevant times, it is unlawful under Section 301(a) of the Act, 33 U.S.C. § 1311(a), for any person to discharge a pollutant from a point source to waters of the United States without a permit issued under Section 402 of the Act 33 U.S.C. § 1342.

5. On April 14, 2015, EPA conducted a sanitary sewer compliance inspection of the facility's wastewater collection system. During this inspection, EPA inspectors observed operation and maintenance issues at Respondent's collection system that contributed to unpermitted/unauthorized sanitary sewer overflows (SSOs).

6. Respondent is required to prevent unauthorized/unpermitted discharges within the meaning of Section 301 of the Act, 33 U.S.C. § 1311. Each unauthorized/unpermitted discharge to waters of the U.S. is a violation of Section 301(a) 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 abate unauthorized/unpermitted discharges no later than three hundred and sixty (360) 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 corrective actions taken to address SSO violations. The corrective actions list shall address the following areas: specific Capacity, Management, Operations and Maintenance ("CMOM") program practices and assets in coordination with NTMWD. Respondent shall provide accurate SSO reporting and recordkeeping. SSO documentation should be kept on file for at least five (5) years.

B. Within one hundred and twenty (120) days of the effective date of this Order, Respondent shall submit a detailed CMOM Program Plan, including requisite non-compliance reporting procedures and practices, and any other specific SSO corrective actions needed to mitigate unpermitted/unauthorized discharges 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 schedule, as well as measures to prevent these violations from recurring.

C. Within three hundred and sixty (360) days of the effective date of this Order, Respondent shall complete and submit in writing a CMOM Program which contains corrective action measures with schedules to prevent SSOs from recurring.

D. In the event that Respondent believes correction of the violations cited herein is not possible within three hundred and sixty (360) days of the effective date of this Order, Respondent shall, within one hundred and twenty (120) 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, measures to prevent these violations from recurring, including, and a detailed capital improvement plan.

E. If Respondent would like to arrange a meeting with EPA to discuss the allegations in the Section 309(a)(3) Compliance Order or the Section 308 Information Demand, Respondent should contact EPA within forty-five (45) days of the effective date of this Order. The meeting will be held at the Region 6 offices, 1445 Ross Ave., Dallas, Texas. Respondent can provide any information it believes is relevant to this Order. Respondent shall submit to EPA all information or materials it considers relevant to EPA at least ten (10) days prior to the meeting.

F. To arrange a meeting, or to ask questions or comment on this matter, please contact Mr. Damon McElroy, of my staff, at (214)-665-7159.

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

Ms. Judy Edelbrock
Water Enforcement Branch (6EN-WM)
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 forego any administrative or judicial, civil or criminal action to seek penalties, fines, or any other relief appropriate under the Act for the violations cited herein, or other violations that become known. EPA reserves the right to seek any remedy available under the law that it deems appropriate.

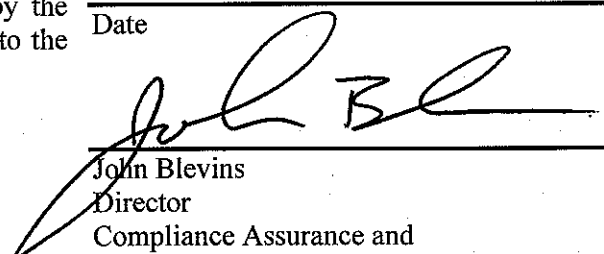
Failure to comply with this Section 309(a)(3) Compliance Order, the Section 308 Information Demand, or the Act can result in further administrative action, or a civil judicial action initiated by the United States Department of Justice.

Compliance with the terms and conditions of this Order does not relieve the Respondent of its obligation to comply with any applicable federal, state, or local law or regulation.

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

12.15.15

Date


John Blevins
Director
Compliance Assurance and
Enforcement Division