

Executive Summary – Enforcement Matter – Case No. 49940

City of Pasadena

RN101609774

Docket No. 2015-0087-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Golden Acres Plant, located approximately 100 yards south of Spencer Highway and adjacent to the west edge of Trebor Street with an associated wastewater collection system, Pasadena, Harris County

Type of Operation:

Wastewater treatment facility with an associated wastewater collection system

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 5, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$42,188

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") A Conditional Offset: \$20,000

Name of SEP: Armand Bayou Nature Center, Inc. (Third-Party Pre-Approved)

SEP B Conditional Offset: \$20,000

Name of SEP: The Trust for Public Land (Third-Party Pre-Approved)

SEP C Conditional Offset: \$2,188

Name of SEP: Gulf Coast Waste Disposal Authority (Third-Party Pre-Approved)

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Docket No. 2015-0087-MWD-E

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 10, 2014 through October 24, 2014

Date(s) of NOE(s): January 7, 2015

Violation Information

1. Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE §305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010053011, Operational Requirements No. 1].
2. Failed to submit a Nuisance Odor Prevention Request and a Summary Transmittal Letter within 60 days from the date of permit issuance [30 TEX. ADMIN. CODE §§ 217.6(c), 305.125(1) and 309.13(e) and TPDES Permit No. WQ0010053011, Other Requirements Nos. 7 and 10].
3. Failed to comply with permitted effluent limitations for *Enterococci* [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010053011, Effluent Limitations and Monitoring Requirements No. 1].
4. Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010053011, Permit Conditions No. 2.g].
5. Failed to pay Consolidated Water Quality fees and associated late fees for TCEQ Financial Administration Account No. 23005658 for Fiscal Year 2015 [30 TEX. ADMIN. CODE § 21.4 and TEX. WATER CODE §§ 5.702 and 26.0135(h)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On March 5, 2013, ceased the unauthorized discharge, removed wastewater, and cleaned and disinfected the manhole at 1500 block of Kenwick Place;
- b. On March 7, 2013, ceased the unauthorized discharge, removed wastewater, and cleaned and disinfected the affected area at collection line at 4500 Block of Yosemite Drive;
- c. On May 10, 2013, ceased the unauthorized discharge, removed wastewater, and cleaned and disinfected the affected area at manhole at 2800 block of Gerald Street;
- d. On October 31, 2013, ceased the unauthorized discharge, removed wastewater, and cleaned and disinfected the affected area at manhole at 1300 block of Crenshaw Road;
- e. On February 10, 2014, ceased the unauthorized discharge, removed wastewater, and cleaned and disinfected the affected area at manhole at 1500 block of Chippawa Lane;
- f. On February 20, 2014, ceased the unauthorized discharge, removed wastewater, and cleaned and disinfected the affected area at collection line at 1500 block of Kenwick Lane;
- g. On March 21, 2014, ceased the unauthorized discharge, removed wastewater, and cleaned and disinfected the affected area at the wastewater treatment facility;
- h. On May 10-12, 2014, ceased the unauthorized discharge, and cleaned and disinfected the affected areas, pumped 126,000 gallons of water from Armand Bayou back into the wastewater collection system, added fresh water to flush Armand Bayou, removed dead fish, and upgraded the Supervisory Control and Data Acquisition system at manholes at the 3000 block of Denkman Street, the 3200 block of Trebor Street, and behind a residence located at the 6000 block of Ollia Circle.

Technical Requirements:

1. The Order will require the Respondent to implement and complete three SEPs (see SEP Attachments A, B, and C).
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Submit payment for all outstanding fees, including any associated penalties and interest and with the notation, “Re: City of Pasadena, TCEQ Financial Administration Account No. 23005658”;

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- ii. Submit a Nuisance Odor Prevention Request and a Summary Transmittal Letter;
 - iii. Remove and properly dispose of the accumulation of sewage related debris and vegetation from the digester, aeration basin splitter box, and outfall weir of the east wastewater treatment plant; and
 - iv. Update operational guidance and conduct employee training to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, including but not limited to the removal of sewage related debris and vegetation.
- b. Within 45 days, submit written certification of compliance with a.i. through a.iv.
- c. Within 90 days, submit written certification of compliance with the permitted effluent limitations and requirements of TPDES Permit No. WQ0010053011, 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 requirements.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Alejandro Laje, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2547; Melissa Cordell, Enforcement Division, MC 219, (512) 239-2483
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: The Honorable Johnny Isbell, Mayor, City of Pasadena, P.O. Box 672, Pasadena, Texas 77501-0672
Respondent's Attorney: N/A

Attachment A
Docket Number: 2015-0087-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Pasadena
Penalty Amount:	Forty-Two Thousand One Hundred Eighty-Eight Dollars (\$42,188)
SEP Offset Amount:	Twenty Thousand Dollars (\$20,000)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Armand Bayou Nature Center, Inc.
Project Name:	<i>Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Armand Bayou Nature Center, Inc.** for the *Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project*. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to manage the Armand Bayou Nature Center (“ABNC”), which comprises of 2,500 acres located in southeast Harris County. ABNC contains three unique and vanishing ecosystems: coastal tallgrass prairie, forested wetland, and the tidal marsh stream of Armand Bayou. Prescribed burning is one stewardship tool used to maintain a tallgrass prairie ecosystem. If the prairie is not maintained, it can be destroyed by invasive species, which primarily include the Chinese tallow tree and other woody plants. In addition, prescribed mowing shall be conducted on a rotational basis as needed for maintenance of native species and removal of non-native species. The Third Party Administrator shall propagate terrestrial and aquatic native plants and install them to restore the Coastal Prairie, Tidal Marsh, and Forested Wetlands. The SEP Offset Amount will be used to pay for the labor and materials costs associated with conducting prescribed burns, mowing, removing non-native trees, and for planting native trees and plants. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent’s signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The ecological services provided by the restoration and management of the Coastal Prairie, Tidal Marsh, and Forested Wetlands ecosystems working in concert will help minimize pollution, reduce the amount of pollutants reaching the environment, and enhance water quality and wildlife habitat.

Coastal prairie grasslands are considered fire-dependent plant communities and require frequent exposure to fire effects for full ecological function. Prescribed fire in prairies helps control invasive species, minimize accumulated grass thatch, promote enrichment of soil nutrients and improve prairie plant vigor. One additional benefit of controlled prescribed burns is the reduction of fuels and the prevention of wildfires. This is particularly critical in the urban environment to protect human life and property and to minimize the release of large amounts of particulate matter resulting from uncontrolled wild fire. This treatment ensures that these coastal prairie grasslands will perform at their highest ecological function and provide the maximum potential ecological service to benefit water quality.

Mowing and targeted application of specialized herbicides will also help manage prairie species and remove non-native species. Propagation and installation of native plants will restore the natural balance to these ecosystems, reduce erosion, and increase habitat for wildlife. Plant installation in the Forested Wetland and Tidal Marsh will improve water quality by restoring depleted oxygen levels, providing habitat and nourishment for aquatic organisms, and reclaiming the area for native plants.

Proper management and restoration of these ecosystems will maximize the ecological services that they provide to Armand Bayou and Galveston Bay.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Armand Bayou Nature Center, Inc. SEP** and shall mail the contribution with a copy of the Agreed Order to:

Armand Bayou Nature Center, Inc.
Attention: Mark Kramer, Stewardship Coordinator
P.O. Box 58828
Houston, Texas 77258

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

City of Pasadena
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Attachment B
Docket Number: 2015-0087-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Pasadena
Penalty Amount:	Forty-Two Thousand One Hundred Eighty-Eight Dollars (\$42,188)
SEP Offset Amount:	Twenty Thousand Dollars (\$20,000)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	The Trust for Public Land
Project Name:	<i>The Trust for Public Land's Galveston Bay Natural Area Acquisition and Conservation Program</i>
Location of SEP:	Brazoria, Chambers, Galveston, and Harris Counties

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment B.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **The Trust for Public Land** for *The Trust for Public Land's Galveston Bay Natural Area Acquisition and Conservation Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used for property acquisitions that will preserve open space in the Galveston Bay watershed, thereby contributing to improved water quality, conserving wetlands and other special habitats, and increasing public access to the Bay, its tributaries, and their habitats. TPL's professional staff (a) works with local interests to identify acquisition projects, (b) purchases the land to remove it from the market, and (c) transfers the land to a public agency or nonprofit organization, which will be the ultimate fee title holder and permanent steward of the property. TPL will ensure that each property is encumbered with a conservation easement that will preserve the property into perpetuity. SEP Offset Amount will be used for the purchase of land. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent’s signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The preservation of open space in the Galveston Bay watershed provides substantial environmental, economic, and community benefits for the region. Open space contributes free ecological services, services that society must pay for otherwise. A key environmental benefit for acquisitions along Galveston Bay system waterways will be maintaining/restoring stream buffers that will help filter contaminants before they reach the water, and providing wildlife habitat. Forested buffers provide the additional benefit of improving air quality through the removal of carbon dioxide, ozone, and sulfur dioxide. Acquiring habitat along the bay front or along streams would also provide a buffer for coastal wetlands, preventing their further degradation, and ensuring greater protection of uplands from storm surge and other erosional forces.

The habitats of the Galveston Bay system - barrier islands, oak and riparian woodlands, coastal prairies, cypress swamps, seagrass meadows, saltgrass marshes, and oyster reefs host an astounding cornucopia of wildlife, including 95 percent of the recreationally and commercially important fish species of the Bay and Gulf systems, and 75 percent of North America’s bird species. Yet, these habitats have suffered substantial losses and changes: increases in open water, losses of seagrass beds and coastal prairie uplands, conversion of freshwater wetlands to brackish wetlands or agricultural lands, and degradation of estuarine marshes.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **The Trust for Public Land SEP** and shall mail the contribution with a copy of the Agreed Order to:

City of Pasadena
Agreed Order - Attachment B

The Trust for Public Land
Attention: Scott Parker, Texas State Director
2579 Western Trails Boulevard, Suite 130
Austin, Texas 78745

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment B, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment B and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Attachment C
Docket Number: 2015-0087-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Pasadena
Penalty Amount:	Forty-Two Thousand One Hundred Eighty-Eight Dollars (\$42,188)
SEP Offset Amount:	Two Thousand One Hundred Eighty-Eight Dollars (\$2,188)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Gulf Coast Waste Disposal Authority
Project Name:	<i>Rivers, Lakes, Bays 'N Bayous Trash Bash</i>
Location of SEP:	Galveston and Harris Counties

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment C.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Gulf Coast Waste Disposal Authority** (“GCWDA”) for the *Rivers, Lakes, Bays 'N Bayous Trash Bash*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to pay for materials, supplies, disposal, transportation, and advertising, as well as costs directly associated with the cleanup of trash and pollutants from Galveston Bay and waterways in the San Jacinto watershed. GCWDA shall not use SEP Funds to pay for food, drinks, or t-shirts. GCWDA shall use SEP Funds only to clean up property owned by a local government entity, as defined in Texas Water Code § 7.067, or privately owned property that is not subject to a TCEQ enforcement action at the time of cleanup. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit water quality by removing pollutants from Galveston Bay and waterways in the San Jacinto watershed. This SEP will educate volunteers about non-point source pollution and steps the volunteers can take to help keep the environment clean.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Gulf Coast Waste Disposal Authority SEP** and shall mail the contribution with a copy of the Agreed Order to:

Gulf Coast Waste Disposal Authority
Attention: Lori Traweek
910 Bay Area Boulevard
Houston, Texas 77058

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. **Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment C, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. The Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. **Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. **Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. **Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment C and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	12-Jan-2015	Screening	15-Jan-2015	EPA Due	
	PCW	23-Jan-2015				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Pasadena (Wastewater Treatment Facility)
Reg. Ent. Ref. No.	RN101609774
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION		No. of Violations	5
Enf./Case ID No.	49940	Order Type	Findings
Docket No.	2015-0087-MWD-E	Government/Non-Profit	Yes
Media Program(s)	Water Quality	Enf. Coordinator	Alejandro Laje
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$22,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **25.0%** Enhancement **Subtotals 2, 3, & 7** **\$5,625**

Notes

Enhancement for one month of self-reported effluent violations and one order with denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$937**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts	\$1,142
Estimated Cost of Compliance	\$19,750

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$27,188**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$27,188**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$27,188**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$27,188**

Screening Date 15-Jan-2015

Docket No. 2015-0087-MWD-E

PCW

Respondent City of Pasadena (Wastewater Treatment Facility)

Policy Revision 4 (April 2014)

Case ID No. 49940

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101609774

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	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>)	1	5%
	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%

Please Enter Yes or No

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) 25%

>> 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 one month of self-reported effluent violations and one order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 25%

Screening Date 15-Jan-2015

Docket No. 2015-0087-MWD-E

PCW

Respondent City of Pasadena (Wastewater Treatment Facility)

Policy Revision 4 (April 2014)

Case ID No. 49940

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101609774

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010053011, Operational Requirements No. 1

Violation Description

Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted from September 10, 2014 through October 24, 2014. Specifically, an accumulation of sewage related debris and vegetation were observed in the digester, aeration basin splitter box and outfall weir of the east wastewater treatment plant.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	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 significant amounts of pollutants that would 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

83 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$348

Violation Final Penalty Total \$4,688

This violation Final Assessed Penalty (adjusted for limits) \$4,688

Economic Benefit Worksheet

Respondent City of Pasadena (Wastewater Treatment Facility)

Case ID No. 49940

Reg. Ent. Reference No. RN101609774

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	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	24-Oct-2014	9-Oct-2015	0.96	\$16	\$320	\$336
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	\$250	24-Oct-2014	9-Oct-2015	0.96	\$12	n/a	\$12
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to properly remove and dispose of the sewage related debris and vegetation from the digester, aeration basin splitter box and outfall weir of the east wastewater treatment plant. Estimated cost to update operational guidance and conduct employee training to ensure that the wastewater treatment facility (the "Facility") and all of its systems of collection, treatment, and disposal are properly operated and maintained, including but not limited to the removal of sewage related debris and vegetation. Date required is the last date of the investigation and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,250

TOTAL

\$348

Screening Date 15-Jan-2015

Docket No. 2015-0087-MWD-E

PCW

Respondent City of Pasadena (Wastewater Treatment Facility)

Policy Revision 4 (April 2014)

Case ID No. 49940

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101609774

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 217.6(c), 305.125(1) and 309.13(e) and TPDES Permit No. WQ0010053011, Other Requirements Nos. 7 and 10

Violation Description

Failed to submit a Nuisance Odor Prevention Request and a Summary Transmittal Letter within 60 days from the date of permit issuance, as documented during an investigation conducted on September 10, 2014 through October 24, 2014. Specifically, a Nuisance Odor Prevention Request and a Summary Transmittal Letter were not submitted within 60 days of permit issuance.

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 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

128 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$7,500

Two single events are recommended (one for each delinquent document).

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$168

Violation Final Penalty Total \$9,375

This violation Final Assessed Penalty (adjusted for limits) \$9,375

Economic Benefit Worksheet

Respondent City of Pasadena (Wastewater Treatment Facility)

Case ID No. 49940

Reg. Ent. Reference No. RN101609774

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	Onetime Costs	EB Amount
No commas or \$							

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)	\$3,000	9-Sep-2014	24-Oct-2015	1.12	\$168	n/a	\$168

Notes for DELAYED costs

Estimated cost to prepare and submit the Nuisance Odor Prevention Request and Summary Transmittal Letter. Date required is the date the delinquent documents were due and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$168

Screening Date 15-Jan-2015

Docket No. 2015-0087-MWD-E

PCW

Respondent City of Pasadena (Wastewater Treatment Facility)

Policy Revision 4 (April 2014)

Case ID No. 49940

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101609774

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 3

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010053011, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as documented during and investigation conducted on September 10, 2014 through October 24, 2014. Specifically, a grab sample collected during the investigation exceeded the single grab limit of 104 Most Probable Number per 100 milliliters ("MPN/100 ml") for Enterococci. The result of the laboratory analysis was 510 MPN/100 ml.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

30 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$626

Violation Final Penalty Total \$9,375

This violation Final Assessed Penalty (adjusted for limits) \$9,375

Economic Benefit Worksheet

Respondent City of Pasadena (Wastewater Treatment Facility)

Case ID No. 49940

Reg. Ent. Reference No. RN101609774

Media Water Quality

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

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)	\$10,000	10-Sep-2014	11-Dec-2015	1.25	\$626	n/a	\$626

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility. Date required is the initial date of noncompliance and the final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$626

Screening Date 15-Jan-2015

Docket No. 2015-0087-MWD-E

PCW

Respondent City of Pasadena (Wastewater Treatment Facility)

Policy Revision 4 (April 2014)

Case ID No. 49940

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101609774

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 4

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin Code § 305.125(1), and TPDES Permit No. WQ0010053011, Permit Conditions No. 2.g

Violation Description

Failed to prevent an unauthorized discharge of wastewater from the wastewater treatment facility into or adjacent to any water in the state, as documented during an investigation conducted on September 10, 2014 through October 24, 2014. Specifically, an unauthorized discharge of 10,000 gallons of wastewater occurred on March 21, 2014 from the grit system pressure relief pipe to the ground thence to the driveway, and into the storm drain.

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 as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended for the unauthorized discharge that occurred and ceased on March 21, 2014.

Good Faith Efforts to Comply

25.0%

Reduction \$937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes The Respondent achieved compliance on March 21, 2014.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$3,751

This violation Final Assessed Penalty (adjusted for limits) \$3,751

Economic Benefit Worksheet

Respondent City of Pasadena (Wastewater Treatment Facility)

Case ID No. 49940

Reg. Ent. Reference No. RN101609774

Media Water Quality

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

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	\$1,500	21-Mar-2014	21-Mar-2014	0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to cease the unauthorized discharge, remove wastewater, disinfect the affected area. The date required is the date of the unauthorized discharge and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$0

Screening Date 15-Jan-2015

Docket No. 2015-0087-MWD-E

PCW

Respondent City of Pasadena (Wastewater Treatment Facility)

Policy Revision 4 (April 2014)

Case ID No. 49940

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101609774

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 21.4 and Tex. Water Code §§ 5.702 and 26.0135(h)

Violation Description

Failed to pay Consolidated Water Quality fees and associated late fees for TCEQ Financial Administration Account No. 23005658 for Fiscal Year 2015, as documented during a record review on January 27, 2015.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Harm

Release Major Moderate Minor

OR

Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification Major Moderate Minor

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Percent 0.0%

Matrix Notes

Matrix Notes text area

Adjustment \$25,000

\$0

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
single event		

Violation Base Penalty \$0

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A		(mark with x)

Notes

Notes text area

Violation Subtotal \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent City of Pasadena (Wastewater Treatment Facility)

Case ID No. 49940

Reg. Ent. Reference No. RN101609774

Media Water Quality

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

N/A

Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$0

TOTAL

\$0



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	12-Jan-2015	Screening	15-Jan-2015	EPA Due	
	PCW	23-Jan-2015				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Pasadena (Wastewater Collection System)
Reg. Ent. Ref. No.	RN101609774
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	49940	No. of Violations	2
Docket No.	2015-0087-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Alejandro Laje
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$15,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Subtotals 2, 3, & 7** **\$3,750**

Notes **25.0%** Enhancement
 Enhancement for one month of self-reported effluent violations and one order with denial of liability.

Culpability **Subtotal 4** **\$0**

Notes **0.0%** Enhancement
 The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$3,750**

Economic Benefit **Subtotal 6** **\$0**

Total EB Amounts **0.0%** Enhancement
Estimated Cost of Compliance ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$15,000**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes **0.0%**

Final Penalty Amount **\$15,000**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$15,000**

DEFERRAL **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes **0.0%** Reduction
 No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$15,000**

Screening Date 15-Jan-2015

Docket No. 2015-0087-MWD-E

PCW

Respondent City of Pasadena (Wastewater Collection System)

Policy Revision 4 (April 2014)

Case ID No. 49940

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101609774

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	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>)	1	5%
	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%

Please Enter Yes or No

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) 25%

>> **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 one month of self-reported effluent violations and one order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 25%

Screening Date 15-Jan-2015

Docket No. 2015-0087-MWD-E

PCW

Respondent City of Pasadena (Wastewater Collection System)

Policy Revision 4 (April 2014)

Case ID No. 49940

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101609774

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010053011, Permit Conditions No. 2.g

Violation Description

Failed to prevent an unauthorized discharge of wastewater from the collection system into or adjacent to any water in the state, as documented during an investigation conducted on September 10, 2014 through October 24, 2014. Specifically, six unauthorized discharges of approximately 6,571 gallons of wastewater from the collection system occurred from March 5, 2013 to February 20, 2014, as shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 6

6 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

Six quarterly events are recommended, one for each unauthorized discharge.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent achieved compliance by February 20, 2014.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$482

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent City of Pasadena (Wastewater Collection System)
Case ID No. 49940
Reg. Ent. Reference No. RN101609774
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	Onetime Costs	EB Amount
No commas or \$							

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	\$10,000	5-Mar-2013	20-Feb-2014	0.96	\$482	n/a	\$482
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to cease the unauthorized discharges, remove wastewater, and clean and disinfect the affected areas. The date required is the date of the first unauthorized discharge and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$10,000	TOTAL	\$482
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Screening Date 15-Jan-2015

Docket No. 2015-0087-MWD-E

PCW

Respondent City of Pasadena (Wastewater Collection System)

Policy Revision 4 (April 2014)

Case ID No. 49940

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101609774

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin Code § 305.125(1), and TPDES Permit No. WQ0010053011, Permit Conditions No. 2.g

Violation Description

Failed to prevent an unauthorized discharge of wastewater from the collection system into or adjacent to any water in the state, as documented during an investigation conducted on September 10, 2014 through October 24, 2014. Specifically, an unauthorized discharge of approximately 24,000 gallons of wastewater from the collection system occurred on May 10, 2014, killing approximately seventeen fish. The unauthorized discharge of wastewater occurred from the manholes at the 3000 block of Denkman Street, the 3200 block of Trebor Street, and behind a residence located at the 6000 block of Ollia Circle.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	X			30.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 2

mark only one with an x	daily	
	weekly	X
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

One weekly event is recommended from the date of the unauthorized discharges on May 10, 2014 to the May 12, 2014 compliance date.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes The Respondent achieved compliance by May 12, 2014.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent City of Pasadena (Wastewater Collection System)
Case ID No. 49940
Reg. Ent. Reference No. RN101609774
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	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$1,100	10-May-2014	12-May-2014	0.01	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	10-May-2014	10-May-2014	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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to cease the unauthorized discharge, clean and disinfect the affected area, pump 126,000 gallons of water from Armand Bayou back into the wastewater collection system, add fresh water to flush Armond Bayou, and remove dead fish. Date required and final date are the date of the discharge and the date remediation activities were completed. Equipment cost is the estimated amount to upgrade the Supervisory Control And Data Acquisition system. The date required is the date of the unauthorized discharge and the final date is the date the upgrade was completed.

Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$6,100	TOTAL	\$0
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City of Pasadena
Docket No. 2015-0087-MWD-E
TPDES Permit No. WQ0010053011

Unauthorized Discharges

Date of Discharge	Location	Amount Discharged (Gallons)	Cause
March 5, 2013	Manhole at 1500 Block of Kenwick Lane	118	Clogged collection line
March 7, 2013	Collection line at 4500 Block of Yosemite Drive	175	Clogged collection line
May 10, 2013	Manhole at 2800 Block of Gerald Street	38	Inflow and infiltration
October 31, 2013	Manhole at 1300 Block of Crenshaw Road	5,400	Inflow and infiltration
February 10, 2014	Manhole at 1500 Block of Chippawa Lane	390	Clogged collection line
February 20, 2014	Collection line at 1500 Block of Kenwick Lane	450	Clogged collection line
March 21, 2014	Wastewater Treatment Facility	10,000	Clogged collection line
May 10, 2014	Manholes at the 3000 Block of Denkman Street, the 3200 Block of Trebor Street, and behind a residence located at the 6000 Block of Ollia Circle	24,000	Equipment failure due to power surge

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN600242648, RN101609774, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600242648, City of Pasadena **Classification:** SATISFACTORY **Rating:** 9.88

Regulated Entity: RN101609774, GOLDEN ACRES PLANT **Classification:** SATISFACTORY **Rating:** 6.77

Complexity Points: 8 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: APPROXIMATELY 100 YARDS SOUTH OF SPENCER HIGHWAY AND ADJACENT TO THE WEST EDGE OF TREBOR STREET WITH AN ASSOCIATED WASTEWATER COLLECTION SYSTEM IN HARRIS COUNTY, TEXAS 77505

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

WASTEWATER EPA ID TX0047881 **WASTEWATER PERMIT WQ0010053011**
WASTEWATER EPA ID TX0134813 **WASTEWATER LICENSING LICENSE WQ0010053003**

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: January 15, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 15, 2010 to January 15, 2015

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

Name: Alejandro Laje **Phone:** (512) 239-2547

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
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

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

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

- 1 **Effective Date:** 08/15/2014 **ADMINORDER 2013-1553-MWD-E (1660 Order-Agreed Order With Denial)**
 Classification: Major
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 30 TAC Chapter 305, SubChapter D 305.65
 30 TAC Chapter 305, SubChapter F 305.125(2)
 Description: Failed to maintain authorization for the discharge of wastewater.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	March 24, 2010	(1063740)
Item 2	April 23, 2010	(1063743)
Item 3	May 24, 2010	(1063746)
Item 4	July 22, 2010	(1063752)
Item 5	October 11, 2010	(1063758)
Item 6	January 24, 2011	(1063770)
Item 7	February 22, 2011	(1063738)
Item 8	March 23, 2011	(1063741)
Item 9	April 25, 2011	(1063744)
Item 10	May 19, 2011	(1063747)
Item 11	June 20, 2011	(1063750)
Item 12	July 18, 2011	(1063753)
Item 13	August 24, 2011	(1063756)
Item 14	September 23, 2011	(1063759)
Item 15	October 24, 2011	(1063762)
Item 16	December 28, 2011	(1063768)
Item 17	January 23, 2012	(1063771)
Item 18	March 22, 2012	(1063742)
Item 19	April 23, 2012	(1063745)
Item 20	May 21, 2012	(1063748)
Item 21	June 22, 2012	(1063751)
Item 22	August 20, 2012	(1063757)
Item 23	September 20, 2012	(1063760)
Item 24	October 18, 2012	(1063763)
Item 25	November 26, 2012	(1063766)
Item 26	December 21, 2012	(1063769)
Item 27	January 22, 2013	(1080228)
Item 28	February 20, 2013	(1080227)
Item 29	April 04, 2013	(1089904)
Item 30	May 20, 2013	(1107243)
Item 31	June 25, 2013	(1110908)
Item 32	July 19, 2013	(1117779)
Item 33	August 22, 2013	(1125568)
Item 34	September 30, 2013	(1135885)
Item 35	October 22, 2013	(1135886)
Item 36	November 26, 2013	(1141280)
Item 37	December 19, 2013	(1147745)
Item 38	February 19, 2014	(1161128)
Item 39	April 23, 2014	(1174910)
Item 40	June 23, 2014	(1188012)
Item 41	July 22, 2014	(1199535)
Item 42	August 28, 2014	(1199536)
Item 43	September 15, 2014	(1193321)

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: 04/30/2014 (1181110) CN600242648
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
CITY OF PASADENA
RN101609774**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2015-0087-MWD-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Pasadena ("Respondent") under the authority of TEX. WATER CODE chs. 5, 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located approximately 100 yards south of Spencer Highway and adjacent to the west edge of Trebor Street with an associated wastewater collection system in Harris County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26

3. During an investigation conducted from September 10, 2014 through October 24, 2014, TCEQ staff observed an accumulation of sewage related debris and vegetation in the digester, aeration basin splitter box and outfall weir of the east wastewater treatment plant.
4. During an investigation conducted from September 10, 2014 through October 24, 2014, TCEQ staff documented that a Nuisance Odor Prevention Request and a Summary Transmittal Letter were not submitted within 60 days of permit issuance.
5. During an investigation conducted from September 10, 2014 through October 24, 2014, TCEQ staff documented that a grab sample collected during the investigation exceeded the single grab limit of 104 Most Probable Number per 100 milliliters ("MPN/100 ml") for *Enterococci*. The result of the laboratory analysis was 510 MPN/100 ml.
6. During an investigation conducted on September 10, 2014 through October 24, 2014, TCEQ staff documented from self-reported noncompliance notifications the following eight unauthorized discharges from the wastewater collection system and wastewater treatment facility:

Unauthorized Discharges			
Date of Discharge	Location	Amount Discharged (Gallons)	Cause
March 5, 2013	Manhole at 1500 Block of Kenwick Lane	118	Clogged collection line
March 7, 2013	Collection line at 4500 Block of Yosemite Drive	175	Clogged collection line
May 10, 2013	Manhole at 2800 Block of Gerald Street	38	Inflow and infiltration
October 31, 2013	Manhole at 1300 Block of Crenshaw Road	5,400	Inflow and infiltration
February 10, 2014	Manhole at 1500 Block of Chippawa Lane	390	Clogged collection line
February 20, 2014	Collection line at 1500 Block of Kenwick Lane	450	Clogged collection line
March 21, 2014	Wastewater Treatment Facility	10,000	Clogged collection line
May 10, 2014	Manholes at the 3000 Block of Denkman Street, the 3200 Block of Trebor Street, and behind a residence located at the 6000 Block of Ollia Circle	24,000	Equipment failure due to power surge

7. During a record review conducted on January 27, 2015, TCEQ staff documented that the Respondent did not pay Consolidated Water Quality fees and associated late fees for TCEQ Financial Administration Account No. 23005658 for Fiscal Year 2015.
8. The Respondent received notice of the violations on January 9, 2014.
9. The Executive Director recognizes that the Respondent has implemented the following corrective actions for the unauthorized discharges from the wastewater collection system and wastewater treatment facility:

Corrective Actions		
Date Completed	Location	Corrective Actions
March 5, 2013	Manhole at 1500 Block of Kenwick Place	Ceased the unauthorized discharge, removed wastewater, cleaned and disinfected the affected area
March 7, 2013	Collection line at 4500 Block of Yosemite Drive	Ceased the unauthorized discharge, removed wastewater, cleaned and disinfected the affected area
May 10, 2013	Manhole at 2800 Block of Gerald Street	Ceased the unauthorized discharge, removed wastewater, cleaned and disinfected the affected area
October 31, 2013	Manhole at 1300 Block of Crenshaw Road	Ceased the unauthorized discharge, removed wastewater, cleaned and disinfected the affected area
February 10, 2014	Manhole at 1500 Block of Chippawa Lane	Ceased the unauthorized discharge, removed wastewater, cleaned and disinfected the affected area
February 20, 2014	Collection line at 1500 Block of Kenwick Lane	Ceased the unauthorized discharge, removed wastewater, cleaned and disinfected the affected area
March 21, 2014	Wastewater Treatment Facility	Ceased the unauthorized discharge, removed wastewater, cleaned and disinfected the affected area
May 10-12, 2014	Manholes at the 3000 block of Denkman Street, the 3200 block of Trebor Street, and behind a residence located at the 6000 block of Ollia Circle	Ceased the unauthorized discharge, cleaned and disinfected the affected areas, pumped 126,000 gallons of water from Armand Bayou back into the wastewater collection system, added fresh water to flush Armand Bayou, removed dead fish and upgraded the Supervisory Control and Data Acquisition system

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5, 7, and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010053011, Operational Requirements No. 1.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to submit a Nuisance Odor Prevention Request and a Summary Transmittal Letter within 60 days from the date of permit issuance, in violation of 30 TEX. ADMIN. CODE §§ 217.6(c), 305.125(1) and 309.13(e) and TPDES Permit No. WQ0010053011, Other Requirements Nos. 7 and 10.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010053011, Effluent Limitations and Monitoring Requirements No. 1.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010053011, Permit Conditions No. 2.g.
6. As evidence by Findings of Fact No. 7, the Respondent failed to pay Consolidated Water Quality fees and associated late fees for TCEQ Financial Administration Account No. 23005658 for Fiscal Year 2015, in violation of 30 TEX. ADMIN. CODE § 21.4 and TEX. WATER CODE §§ 5.702 and 26.0135(h)
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of Forty-Two Thousand One Hundred Eighty-Eight Dollars (\$42,188) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Forty-Two Thousand One Hundred Eighty-Eight Dollars (\$42,188) shall be conditionally offset by the Respondent's completion of three Supplemental Environmental Projects ("SEPs").

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Forty-Two Thousand One Hundred Eighty-Eight Dollars (\$42,188) as set forth in Section II, Paragraph 8 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Pasadena, Docket No. 2015-0087-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 implement and complete SEPs in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 8 above, Forty-Two Thousand One Hundred Eighty-Eight Dollars (\$42,188) of the assessed administrative penalty shall be offset with the condition that the SEPs defined in Attachments A, B, and C, incorporated herein by reference, are implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the three SEP agreements.

3. The Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order:
 - i. Submit payment for all outstanding fees, including any associated penalties and interest and with the notation, "Re: City of Pasadena, TCEQ Financial Administration Account No. 23005658" 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

- ii. Submit a Nuisance Odor Prevention Request and a Summary Transmittal Letter, in accordance with TPDES Permit No. WQ0010053011 and 30 TEX. ADMIN. CODE § 309.13(e);
 - iii. Remove and properly dispose of the accumulation of sewage related debris and vegetation from the digester, aeration basin splitter box, and outfall weir of the east wastewater treatment plant; and
 - iv. Update operational guidance and conduct employee training to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, including but not limited to the removal of sewage related debris and vegetation.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 3.a.i. through 3.a.iv., as described in Ordering Provision No. 3.c below.
- c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations and requirements of TPDES Permit No. WQ0010053011, 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 requirements. The certification shall be notarized by a State of Texas Notary Public and 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:

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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is 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 Respondent fails 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 Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes 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 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.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. This Agreed 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 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.
10. 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.

11. 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



4/8/16

For the Executive Director

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Pasadena. I am authorized to agree to the attached Agreed Order on behalf of the City of Pasadena, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Pasadena waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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



Date

12-15-15

Name (Printed or typed)

Authorized Representative of
City of Pasadena

Title

MAYOR

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

Attachment A

Docket Number: 2015-0087-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Pasadena
Penalty Amount:	Forty-Two Thousand One Hundred Eighty-Eight Dollars (\$42,188)
SEP Offset Amount:	Twenty Thousand Dollars (\$20,000)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Armand Bayou Nature Center, Inc.
Project Name:	<i>Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Armand Bayou Nature Center, Inc.** for the *Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project*. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to manage the Armand Bayou Nature Center (“ABNC”), which comprises of 2,500 acres located in southeast Harris County. ABNC contains three unique and vanishing ecosystems: coastal tallgrass prairie, forested wetland, and the tidal marsh stream of Armand Bayou. Prescribed burning is one stewardship tool used to maintain a tallgrass prairie ecosystem. If the prairie is not maintained, it can be destroyed by invasive species, which primarily include the Chinese tallow tree and other woody plants. In addition, prescribed mowing shall be conducted on a rotational basis as needed for maintenance of native species and removal of non-native species. The Third Party Administrator shall propagate terrestrial and aquatic native plants and install them to restore the Coastal Prairie, Tidal Marsh, and Forested Wetlands. The SEP Offset Amount will be used to pay for the labor and materials costs associated with conducting prescribed burns, mowing, removing non-native trees, and for planting native trees and plants. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent’s signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The ecological services provided by the restoration and management of the Coastal Prairie, Tidal Marsh, and Forested Wetlands ecosystems working in concert will help minimize pollution, reduce the amount of pollutants reaching the environment, and enhance water quality and wildlife habitat.

Coastal prairie grasslands are considered fire-dependent plant communities and require frequent exposure to fire effects for full ecological function. Prescribed fire in prairies helps control invasive species, minimize accumulated grass thatch, promote enrichment of soil nutrients and improve prairie plant vigor. One additional benefit of controlled prescribed burns is the reduction of fuels and the prevention of wildfires. This is particularly critical in the urban environment to protect human life and property and to minimize the release of large amounts of particulate matter resulting from uncontrolled wild fire. This treatment ensures that these coastal prairie grasslands will perform at their highest ecological function and provide the maximum potential ecological service to benefit water quality.

Mowing and targeted application of specialized herbicides will also help manage prairie species and remove non-native species. Propagation and installation of native plants will restore the natural balance to these ecosystems, reduce erosion, and increase habitat for wildlife. Plant installation in the Forested Wetland and Tidal Marsh will improve water quality by restoring depleted oxygen levels, providing habitat and nourishment for aquatic organisms, and reclaiming the area for native plants.

Proper management and restoration of these ecosystems will maximize the ecological services that they provide to Armand Bayou and Galveston Bay.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Armand Bayou Nature Center, Inc. SEP** and shall mail the contribution with a copy of the Agreed Order to:

Armand Bayou Nature Center, Inc.
Attention: Mark Kramer, Stewardship Coordinator
P.O. Box 58828
Houston, Texas 77258

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

City of Pasadena
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Attachment B
Docket Number: 2015-0087-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Pasadena
Penalty Amount:	Forty-Two Thousand One Hundred Eighty-Eight Dollars (\$42,188)
SEP Offset Amount:	Twenty Thousand Dollars (\$20,000)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	The Trust for Public Land
Project Name:	<i>The Trust for Public Land's Galveston Bay Natural Area Acquisition and Conservation Program</i>
Location of SEP:	Brazoria, Chambers, Galveston, and Harris Counties

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment B.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **The Trust for Public Land** for *The Trust for Public Land's Galveston Bay Natural Area Acquisition and Conservation Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used for property acquisitions that will preserve open space in the Galveston Bay watershed, thereby contributing to improved water quality, conserving wetlands and other special habitats, and increasing public access to the Bay, its tributaries, and their habitats. TPL's professional staff (a) works with local interests to identify acquisition projects, (b) purchases the land to remove it from the market, and (c) transfers the land to a public agency or nonprofit organization, which will be the ultimate fee title holder and permanent steward of the property. TPL will ensure that each property is encumbered with a conservation easement that will preserve the property into perpetuity. SEP Offset Amount will be used for the purchase of land. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The preservation of open space in the Galveston Bay watershed provides substantial environmental, economic, and community benefits for the region. Open space contributes free ecological services, services that society must pay for otherwise. A key environmental benefit for acquisitions along Galveston Bay system waterways will be maintaining/restoring stream buffers that will help filter contaminants before they reach the water, and providing wildlife habitat. Forested buffers provide the additional benefit of improving air quality through the removal of carbon dioxide, ozone, and sulfur dioxide. Acquiring habitat along the bay front or along streams would also provide a buffer for coastal wetlands, preventing their further degradation, and ensuring greater protection of uplands from storm surge and other erosional forces.

The habitats of the Galveston Bay system - barrier islands, oak and riparian woodlands, coastal prairies, cypress swamps, seagrass meadows, saltgrass marshes, and oyster reefs host an astounding cornucopia of wildlife, including 95 percent of the recreationally and commercially important fish species of the Bay and Gulf systems, and 75 percent of North America's bird species. Yet, these habitats have suffered substantial losses and changes: increases in open water, losses of seagrass beds and coastal prairie uplands, conversion of freshwater wetlands to brackish wetlands or agricultural lands, and degradation of estuarine marshes.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **The Trust for Public Land SEP** and shall mail the contribution with a copy of the Agreed Order to:

City of Pasadena
Agreed Order - Attachment B

The Trust for Public Land
Attention: Scott Parker, Texas State Director
2579 Western Trails Boulevard, Suite 130
Austin, Texas 78745

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment B, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment B and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Attachment C
Docket Number: 2015-0087-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Pasadena
Penalty Amount:	Forty-Two Thousand One Hundred Eighty-Eight Dollars (\$42,188)
SEP Offset Amount:	Two Thousand One Hundred Eighty-Eight Dollars (\$2,188)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Gulf Coast Waste Disposal Authority
Project Name:	<i>Rivers, Lakes, Bays 'N Bayous Trash Bash</i>
Location of SEP:	Galveston and Harris Counties

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment C.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Gulf Coast Waste Disposal Authority** (“GCWDA”) for the *Rivers, Lakes, Bays 'N Bayous Trash Bash*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to pay for materials, supplies, disposal, transportation, and advertising, as well as costs directly associated with the cleanup of trash and pollutants from Galveston Bay and waterways in the San Jacinto watershed. GCWDA shall not use SEP Funds to pay for food, drinks, or t-shirts. GCWDA shall use SEP Funds only to clean up property owned by a local government entity, as defined in Texas Water Code § 7.067, or privately owned property that is not subject to a TCEQ enforcement action at the time of cleanup. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit water quality by removing pollutants from Galveston Bay and waterways in the San Jacinto watershed. This SEP will educate volunteers about non-point source pollution and steps the volunteers can take to help keep the environment clean.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Gulf Coast Waste Disposal Authority SEP** and shall mail the contribution with a copy of the Agreed Order to:

Gulf Coast Waste Disposal Authority
Attention: Lori Traweek
910 Bay Area Boulevard
Houston, Texas 77058

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. **Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment C, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. The Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. **Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. **Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. **Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment C and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.