

**Executive Summary – Enforcement Matter – Case No. 51865**  
**City of Houston**  
**RN100217603**  
**Docket No. 2016-0205-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

69th Street WWTP, 2525 Staff Sergeant Macario Garcia Drive, Houston, Harris County

**Type of Operation:**

Municipal wastewater treatment plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 20, 2016

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,888

**Amount Deferred for Expedited Settlement:** \$1,777

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$7,111

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**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:** October 26, 2015

**Date(s) of NOE(s):** January 26, 2015

**Executive Summary – Enforcement Matter – Case No. 51865**  
**City of Houston**  
**RN100217603**  
**Docket No. 2016-0205-AIR-E**

***Violation Information***

1. Failed to submit a permit compliance certification (“PCC”) within 30 days after the end of the certification period. Specifically, the PCC for the February 12, 2014 through February 11, 2015 certification period was due March 13, 2015, but was not submitted until September 10, 2015 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit (“FOP”) No. O1586, General Terms and Conditions].
2. Failed to post a permanent label summarizing the operating requirements for the degreaser located in the maintenance building [30 TEX. ADMIN. CODE §§ 106.454(1)(E), 115.412(1)(C), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1586, Special Terms and Conditions No. 8].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. On September 10, 2015, submitted the PCC for the February 12, 2014 through February 11, 2015 certification period;
- b. On October 27, 2015, posted a permanent label summarizing the operating requirements for the degreaser located in the maintenance building; and
- c. On February 5, 2016, implemented a weekly calendar with appointments and assignments for members of the responsible team to ensure complete and timely PCCs.

**Technical Requirements:**

N/A

***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

**Executive Summary – Enforcement Matter – Case No. 51865**  
**City of Houston**  
**RN100217603**  
**Docket No. 2016-0205-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Carol McGrath, Enforcement Division,  
Enforcement Team 4, MC R-13, (210) 403-4063; Melissa Cordell, Enforcement  
Division, MC 219, (512) 239-2483

**TCEQ SEP Coordinator:** N/A

**Respondent:** Dale A. Rudick, P.E., Director of the Department of Public Works and  
Engineering, City of Houston, P. O. Box 1562, Houston, Texas 77251-1562

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

TCEQ

<b>DATES</b>	<b>Assigned PCW</b>	1-Feb-2016	<b>Screening</b>	5-Feb-2016	<b>EPA Due</b>	
		7-Mar-2016				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	City of Houston		
<b>Reg. Ent. Ref. No.</b>	RN100217603		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	51865	<b>No. of Violations</b>	2
<b>Docket No.</b>	2016-0205-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Carol McGrath
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$7,500</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>36.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$2,700</b>
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Notes: Enhancement for eight NOVs with dissimilar violations and one order with denial of liability.

<b>Culpability</b>	No	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$1,312</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$51
Estimated Cost of Compliance	\$1,350

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$8,888</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b> Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$8,888</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$8,888</b>
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<b>DEFERRAL</b>	<b>20.0%</b> Reduction	<b>Adjustment</b>	<b>-\$1,777</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$7,111</b>
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Screening Date 5-Feb-2016

Docket No. 2016-0205-AIR-E

PCW

Respondent City of Houston

Policy Revision 4 (April 2014)

Case ID No. 51865

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100217603

Media [Statute] Air

Enf. Coordinator Carol McGrath

**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> )	0	0%
	Other written NOVs	8	16%
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)** 36%

>> 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 eight NOVs with dissimilar violations and one order with denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 36%

>> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 36%

Screening Date 5-Feb-2016

Docket No. 2016-0205-AIR-E

PCW

Respondent City of Houston

Policy Revision 4 (April 2014)

Case ID No. 51865

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100217603

Media [Statute] Air

Enf. Coordinator Carol McGrath

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. O1586, General Terms and Conditions

Violation Description Failed to submit a permit compliance certification ("PCC") within 30 days after the end of the certification period. Specifically, the PCC for the February 12, 2014 through February 11, 2015 certification period was due March 13, 2015, but was not submitted until September 10, 2015.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			15.0%
100% of the rule requirement was not met.					

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 181

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

Violation Base Penalty \$3,750

One single event is recommended for one late PCC.

Good Faith Efforts to Comply

10.0% Reduction \$375

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes The Respondent completed corrective actions on February 5, 2016, after the January 26, 2016 Notice of Enforcement ("NOE").

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$51

Violation Final Penalty Total \$4,725

This violation Final Assessed Penalty (adjusted for limits) \$4,725

# Economic Benefit Worksheet

**Respondent** City of Houston  
**Case ID No.** 51865  
**Reg. Ent. Reference No.** RN100217603  
**Media** Air  
**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)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,000	13-Mar-2015	5-Feb-2016	0.90	\$45	n/a	\$45
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)	\$250	13-Mar-2015	10-Sep-2015	0.50	\$6	n/a	\$6

**Notes for DELAYED costs**

Estimated cost to create and implement a weekly calendar with appointments and assignments for members of the responsible team to ensure complete and timely PCCs and to submit the PCC for the February 12, 2014 through February 11, 2015 certification period. The Date Required is the date the PCC was due. The Final Dates are the compliance dates.

### 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

\$1,250

**TOTAL**

\$51

**Screening Date** 5-Feb-2016  
**Respondent** City of Houston  
**Case ID No.** 51865  
**Reg. Ent. Reference No.** RN100217603  
**Media [Statute]** Air  
**Enf. Coordinator** Carol McGrath  
**Violation Number** 2

**Docket No.** 2016-0205-AIR-E

**PCW**

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

**Rule Cite(s)** 30 Tex. Admin. Code §§ 106.454(1)(E), 115.412(1)(C), and 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. O1586, Special Terms and Conditions No. 8

**Violation Description** Failed to post a permanent label summarizing the operating requirements for the degreaser located in the maintenance building.

**Base Penalty** \$25,000

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual	Potential	Potential	
					0.0%

>> **Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		

100% of the rule requirement was not met.

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events  Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$3,750

One single event is recommended.

**Good Faith Efforts to Comply**

Reduction

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

Notes: The Respondent completed corrective actions on October 27, 2015, prior to the January 26, 2016 NOE.

**Violation Subtotal** \$2,813

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$0

**Violation Final Penalty Total** \$4,163

**This violation Final Assessed Penalty (adjusted for limits)** \$4,163

# Economic Benefit Worksheet

**Respondent** City of Houston  
**Case ID No.** 51865  
**Reg. Ent. Reference No.** RN100217603  
**Media** Air  
**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
<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)	\$100	26-Oct-2015	27-Oct-2015	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to post a permanent label summarizing the operating requirements for the degreaser located in the maintenance building. The Date Required is the date of the investigation. 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

\$100

**TOTAL**

\$0

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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 CN600128995, RN100217603, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

**Customer, Respondent, or Owner/Operator:** CN600128995, City of Houston **Classification:** SATISFACTORY **Rating:** 1.42

**Regulated Entity:** RN100217603, 69TH STREET WWTP **Classification:** SATISFACTORY **Rating:** 3.88

**Complexity Points:** 18 **Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** 2525 SSGT MACARIO GARCIA DR, HOUSTON, HARRIS COUNTY, TX 77020-7501

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**

- |   |  |
|---|--|
| <b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER HG01440       | <b>AIR OPERATING PERMITS</b> PERMIT 1586                                     |
| <b>AIR NEW SOURCE PERMITS</b> PERMIT 5245                 | <b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER HG01440                         |
| <b>AIR NEW SOURCE PERMITS</b> AFS NUM 4820100343          | <b>WASTEWATER</b> PERMIT WQ0010495090  |
| <b>WASTEWATER</b> EPA ID TX0096172                        | <b>WASTEWATER</b> AUTHORIZATION R10495090                                    |
| <b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXD988079059 | <b>INDUSTRIAL AND HAZARDOUS WASTE</b> SOLID WASTE REGISTRATION # (SWR) 79631 |
| <b>STORMWATER</b> PERMIT TXR05K229                        | <b>PETROLEUM STORAGE TANK REGISTRATION</b> REGISTRATION 64863                |

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER HG01440

**Compliance History Period:** September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

**Date Compliance History Report Prepared:** February 02, 2016

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 02, 2011 to February 02, 2016

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

**Name:** Carol McGrath

**Phone:** (210) 403-4063

**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: 12/19/2011 ADMINORDER 2011-0699-PST-E (1660 Order-Agreed Order With Denial)
  - Classification: Moderate
  - Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)(1)  
30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)
  - Description: Failure to provide proper release detection for USTs.
  - Classification: Moderate
  - Citation: 2D TWC Chapter 26, SubChapter A 26.3475(a)  
30 TAC Chapter 334, SubChapter C 334.50(b)(2)
  - Description: Failure to provide proper release detection for the piping associated with UST systems.

**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 14, 2011	(1067926)
Item 2	May 16, 2011	(1067937)
Item 3	June 15, 2011	(1067942)
Item 4	July 19, 2011	(1067947)
Item 5	August 30, 2011	(1067952)
Item 6	September 16, 2011	(1067957)
Item 7	October 14, 2011	(1067962)
Item 8	November 14, 2011	(1067967)
Item 9	December 17, 2011	(1067972)
Item 10	January 04, 2012	(970656)
Item 11	January 19, 2012	(1067978)
Item 12	March 16, 2012	(1067928)
Item 13	May 16, 2012	(1067938)
Item 14	June 18, 2012	(1067943)
Item 15	July 17, 2012	(1067948)
Item 16	September 17, 2012	(1067958)
Item 17	November 18, 2012	(1067968)
Item 18	December 20, 2012	(1067973)
Item 19	January 18, 2013	(1081942)
Item 20	February 08, 2013	(1029755)
Item 21	February 19, 2013	(1081941)
Item 22	April 17, 2013	(1097108)
Item 23	May 16, 2013	(1108126)
Item 24	June 20, 2013	(1111711)
Item 25	July 19, 2013	(1118612)
Item 26	August 23, 2013	(1105924)
Item 27	August 29, 2013	(1126401)
Item 28	September 13, 2013	(1130951)
Item 29	September 26, 2013	(1116495)
Item 30	October 15, 2013	(1136706)
Item 31	November 20, 2013	(1142117)
Item 32	January 17, 2014	(1154633)
Item 33	February 15, 2014	(1161956)
Item 34	April 16, 2014	(1175740)
Item 35	May 19, 2014	(1181950)
Item 36	September 24, 2014	(1192819)
Item 37	October 14, 2014	(1213601)
Item 38	March 20, 2015	(1250028)
Item 39	September 02, 2015	(1275700)
Item 40	September 16, 2015	(1291649)

**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:	02/24/2015 (1216943)	CN600128995
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 317 317.3(a)	
	Description:	Failed to properly maintain the gate and fencing at the offsite lift stations.	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)	
	Description:	Failed to properly operate and maintain the wastewater treatment plant (WWTP).	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 319, SubChapter C 319.303(b)	
	Description:	30 TAC Chapter 319, SubChapter C 319.303(c) Failed to adequately notify the appropriate local government officials and the local media of an unauthorized discharge.	
	Self Report?	NO	Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)  
 Description: Failed to provide timely notification of any noncompliance which may endanger human health or safety, or the environment.  
 Self Report? NO Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
 2D TWC Chapter 26, SubChapter A 26.121(a)(3)  
 2D TWC Chapter 26, SubChapter A 26.121(b)  
 2D TWC Chapter 26, SubChapter A 26.121(c)  
 2D TWC Chapter 26, SubChapter A 26.121(d)  
 2D TWC Chapter 26, SubChapter A 26.121(e)  
 30 TAC Chapter 305, SubChapter F 305.125(4)  
 30 TAC Chapter 305, SubChapter F 305.125(5)  
 TWC Chapter 26 26.121  
 TWC Chapter 26 26.121(a)(2)  
 Description: Failed to prevent the unauthorized discharge of wastewater. Specifically, during the 18 month review period of August 2013 through January 2015, 41 unauthorized discharges were reported. The bypasses were due to wet weather - heavy rainfall events. See the attached Table II: Bypasses.

- 2 Date: 03/31/2015 (1256922) CN600128995  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 04/30/2015 (1263685) CN600128995  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 05/31/2015 (1270789) CN600128995  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 06/30/2015 (1278344) CN600128995  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter
- 6 Date: 07/31/2015 (1284526) CN600128995  
 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
- 7 Date: 09/30/2015 (1297821) CN600128995  
 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
- 8 Date: 10/31/2015 (1303274) CN600128995  
 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 HOUSTON  
RN100217603

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2016-0205-AIR-E

I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Houston ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a municipal waste water treatment plant located at 2525 Staff Sergeant Macario Garcia Drive in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 31, 2016.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eight Thousand Eight Hundred Eighty-Eight Dollars (\$8,888) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand One Hundred

Eleven Dollars (\$7,111) of the administrative penalty and One Thousand Seven Hundred Seventy-Seven Dollars (\$1,777) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. On September 10, 2015, submitted the permit compliance certification ("PCC") for the February 12, 2014 through February 11, 2015 certification period;
  - b. On October 27, 2015, posted a permanent label summarizing the operating requirements for the degreaser located in the maintenance building; and
  - c. On February 5, 2016, implemented a weekly calendar with appointments and assignments for members of the responsible team to ensure complete and timely PCCs.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to submit a PCC within 30 days after the end of the certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. O1586, General Terms and Conditions, as documented during an investigation conducted on October 26, 2015.

Specifically, the PCC for the February 12, 2014 through February 11, 2015 certification period was due March 13, 2015, but was not submitted until September 10, 2015.

2. Failed to post a permanent label summarizing the operating requirements for the degreaser located in the maintenance building, in violation of 30 TEX. ADMIN. CODE §§ 106.454(1)(E), 115.412(1)(C), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1586, Special Terms and Conditions No. 8, as documented during an investigation conducted on October 26, 2015.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Houston, Docket No. 2016-0205-AIR-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 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 Plant operations referenced in this Agreed Order.
3. 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.
4. 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.

5. 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

Ramona Marie J  
For the Executive Director

6/29/16  
Date

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

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Dale A. Rudick  
Signature

4-12-16  
Date

Dale A. Rudick  
Name (Printed or typed)  
Authorized Representative of  
City of Houston

Director, Public Works  
And Engineering  
Title

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