

**Executive Summary – Enforcement Matter – Case No. 49985**  
**City of Hitchcock**  
**RN101920031**  
**Docket No. 2015-0137-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:**

City of Hitchcock WWTF, located at 7725 Hacker Road, approximately one mile south of the intersection of State Highway 6 and Farm-to-Market Road 519, Hitchcock, Galveston County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** January 8, 2016

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$70,313

**Amount Deferred for Expedited Settlement:** \$0

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

**Total Paid to General Revenue:** \$48,963

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

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$21,350

Name of SEP: Chlorine Contact Basin Pump Installation (Compliance)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 49985**  
**City of Hitchcock**  
**RN101920031**  
**Docket No. 2015-0137-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** October 15, 2014 through October 24, 2014

**Date(s) of NOE(s):** January 14, 2015

***Violation Information***

1. Failed to comply with permitted effluent limits for total suspended solids and *Enterococci* [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010690001, Effluent Limitations and Monitoring Requirements No. 1].
2. Failed to report any effluent violation deviating from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance [30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010690001, Monitoring and Reporting Requirements No. 7.c.].
3. Failed to maintain all monitoring and reporting records at the Facility [30 TEX. ADMIN. CODE § 319.7(c)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. On October 15, 2014, began maintaining a composite sampler refrigerator temperature log; and
- b. By February 13, 2015, installed a flow meter, auto pacing valve, solenoid valve, manifolds, flex lines, yokes, a centrifugal pump unit, and other associated equipment to improve wastewater treatment and maintain compliance with permitted effluent limits.

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
  - a. Within 30 days, update operational guidance and conduct employee training to ensure that all monitoring and reporting requirements are properly accomplished, including the submittal of all noncompliance notifications;

**Executive Summary – Enforcement Matter – Case No. 49985  
City of Hitchcock  
RN101920031  
Docket No. 2015-0137-MWD-E**

- b. Within 45 days, submit written certification to demonstrate compliance with a.; and
- c. Within 90 days, the Respondent shall submit written certification of compliance 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.

***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:** Jason Fraley, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2552; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548  
**TCEQ SEP Coordinator:** Meaghan Bailey, SEP Coordinator, Litigation Division, MC 175, (512) 239-0205  
**Respondent:** The Honorable Anthony Matranga, Mayor, City of Hitchcock, 7423 Highway 6, Hitchcock, Texas 77563  
**Respondent's Attorney:** N/A



**Attachment A**  
**Docket Number: 2015-0137-MWD-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Table 1: Case Information**

<b>Respondent:</b>	City of Hitchcock
<b>Penalty Amount:</b>	Seventy Thousand Three Hundred Thirteen Dollars (\$70,313)
<b>SEP Offset Amount:</b>	Twenty-One Thousand Three Hundred Fifty Dollars (\$21,350)
<b>Type of SEP:</b>	Compliance
<b>Project Name:</b>	<i>Chlorine Contact Basin Pump Installation</i>
<b>Location of SEP:</b>	Galveston County

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

**1. Project Description**

**A. Project**

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at Respondent’s wastewater treatment facility. Respondent shall hire a contractor to purchase and install a new Chlorine Injection Mixing System to operate at the inlet of the two existing chlorine contact chambers. The System will include two stainless steel submersible pumps and a Venturi Injector assembly with appurtenances. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for the following: Chlorine Contact Basin Pump Installation (the “Project”). Respondent shall solicit bids from qualified contractors to install the system. Any invitation for bids, including publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

**City of Hitchcock  
Attachment A**

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform this Project and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

**C. Minimum Expenditure**

Respondent shall spend at least the SEP Offset Amount to complete the project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

**Estimated Cost Schedule**

<b>Item</b>	<b>Quantity</b>	<b>Cost</b>	<b>Units</b>	<b>Total</b>
Purchase and Installation of Chlorine Injection Mixing System	1	\$21,350	1	\$21,350
<b>Total</b>				\$21,350

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 90 days after the effective date of this Agreed Order.

**3. Records and Reporting**

**A. Progress Report**

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 60 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 30-day period and setting forth a schedule for achieving completion of the Project within the 90-day timeframe set forth in Section 2, Performance Schedule, above. Respondent shall submit progress reports to the TCEQ

**City of Hitchcock  
Attachment A**

in 30-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

**Table 2: Reporting Schedule**

<b>Days from Effective Order Date</b>	<b>Information Required</b>
30	Notice of Commencement describing actions taken to begin project
60	Actions completed during previous 30-day period
90	Notice of SEP Completion

**B. Final Report**

Within 90 days after the effective date of the Agreed Order, or within 30 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of proof of advertisement of invitation for bids, if applicable (the publication must include the statement that the SEP was performed as a result of a TCEQ enforcement action);
4. A certified/notarized statement of quantifiable environmental benefit;
5. Detailed map showing specific locations of the installation site(s);
6. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;
7. Dated photographs of the purchased materials and supplies; before and after work being performed during the installation process; and of the completed Project; and
8. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

**C. Address**

Respondent shall submit all SEP reports and any additional information as requested to the following address:

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

**City of Hitchcock  
Attachment A**

**4. Additional Information and Access**

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

**5. Failure to Fully Perform**

If 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 through 4 above, the Executive Director (“ED”) may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, 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, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for 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

**6. Publicity**

Any public statements concerning this Project made by or on behalf of 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.

**7. Recognition**

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

**8. 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 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

<b>DATES</b>	<b>Assigned</b>	20-Jan-2015	<b>Screening</b>	27-Jan-2015	<b>EPA Due</b>	
	<b>PCW</b>	2-Apr-2015				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Hitchcock
<b>Reg. Ent. Ref. No.</b>	RN101920031
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>		<b>No. of Violations</b>	4
<b>Enf./Case ID No.</b>	49985	<b>Order Type</b>	Findings
<b>Docket No.</b>	2015-0137-MWD-E	<b>Government/Non-Profit</b>	Yes
<b>Media Program(s)</b>	Water Quality	<b>Enf. Coordinator</b>	Gregory Zychowski
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 3
<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>	\$47,500
-------------------------------------------------------------	-------------------	----------

<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>	Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
<b>Compliance History</b>	50.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>
		\$23,750

Notes: Enhancement for one NOV with same/similar violations, one agreed order with denial of liability, and one agreed order without denial of liability.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
--------------------	----	------------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$937
------------------------------------------------------	-------------------	--------

<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
Total EB Amounts	\$3,110	*Capped at the Total EB \$ Amount	
Estimated Cost of Compliance	\$21,525		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$70,313
-----------------------------	-----------------------	----------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
Reduces or enhances the Final Subtotal by the indicated percentage.			

Notes:

<b>Final Penalty Amount</b>	\$70,313
-----------------------------	----------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$70,313
-----------------------------------	-------------------------------	----------

<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$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.

<b>PAYABLE PENALTY</b>	\$70,313
------------------------	----------

**Screening Date** 27-Jan-2015

**Docket No.** 2015-0137-MWD-E

**PCW**

**Respondent** City of Hitchcock

Policy Revision 4 (April 2014)

**Case ID No.** 49985

PCW Revision March 26, 2014

**Reg. Ent. Reference No.** RN101920031

**Media [Statute]** Water Quality

**Enf. Coordinator** Gregory Zychowski

### 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	1	25%
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%
<i>Please Enter Yes or No</i>			
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)** 50%

>> **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 NOV with same/similar violations, one agreed order with denial of liability, and one agreed order without denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 50%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 50%

**Screening Date** 27-Jan-2015  
**Respondent** City of Hitchcock  
**Case ID No.** 49985  
**Reg. Ent. Reference No.** RN101920031  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Gregory Zychowski

**Docket No.** 2015-0137-MWD-E

**PCW**

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

**Violation Number**

**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. WQ0010690001, Effluent Limitations and Monitoring Requirements No. 1

**Violation Description** Failed to comply with permitted effluent limits, as documented during an investigation conducted on October 15 through October 24, 2014, and shown in the attached violation table.

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="100.0%"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="0.0%"/>

Matrix Notes

Screening levels were used to evaluate *Enterococci* bacteria. 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**

**Violation Events**

Number of Violation Events   Number of violation days

mark only one with an x	daily	<input type="checkbox"/>
	weekly	<input type="checkbox"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
single event	<input type="checkbox"/>	

**Violation Base Penalty**

One monthly event is recommended for the month of November 2013.

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

Notes

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

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

# Economic Benefit Worksheet

**Respondent** City of Hitchcock  
**Case ID No.** 49985  
**Reg. Ent. Reference No.** RN101920031  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment	\$21,350	30-Nov-2013	16-Dec-2015	2.04	\$145	\$2,909
Buildings				0.00	\$0	\$0
Other (as needed)				0.00	\$0	\$0
Engineering/Construction				0.00	\$0	\$0
Land				0.00	\$0	n/a
Record Keeping System				0.00	\$0	n/a
Training/Sampling				0.00	\$0	n/a
Remediation/Disposal				0.00	\$0	n/a
Permit Costs				0.00	\$0	n/a
Other (as needed)				0.00	\$0	n/a

Notes for DELAYED costs

Estimated cost to install a flow meter, auto pacing valve, solenoid valve, manifolds, flex lines, yokes, a centrifugal pump unit, and other associated equipment at the Facility to improve wastewater treatment and maintain compliance with permitted effluent limits. Date Required is the first date of noncompliance. 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
Personnel				0.00	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0
Other (as needed)				0.00	\$0	\$0

Notes for AVOIDED costs

<b>Approx. Cost of Compliance</b>	\$21,350	<b>TOTAL</b>	\$3,055
-----------------------------------	----------	--------------	---------

Screening Date 27-Jan-2015

Docket No. 2015-0137-MWD-E

PCW

Respondent City of Hitchcock

Policy Revision 4 (April 2014)

Case ID No. 49985

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101920031

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010690001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during an investigation conducted on October 15 through October 24, 2014, and shown in the attached violation table.

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

Screening levels were used to evaluate *Enterococci* bacteria. Total suspended solids were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants which do 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 3

90 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$11,250

Three quarterly events are recommended for the quarters containing the months of January, February, and October 2014.

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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$16,875

This violation Final Assessed Penalty (adjusted for limits) \$16,875

# Economic Benefit Worksheet

**Respondent** City of Hitchcock  
**Case ID No.** 49985  
**Reg. Ent. Reference No.** RN101920031  
**Media** Water Quality  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed Costs are included in the Economic Benefit Worksheet for Violation No. 1.

### 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

\$0

**TOTAL**

\$0

**Screening Date** 27-Jan-2015  
**Respondent** City of Hitchcock  
**Case ID No.** 49985  
**Reg. Ent. Reference No.** RN101920031  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Gregory Zychowski

**Docket No.** 2015-0137-MWD-E

**PCW**

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

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010690001, Monitoring and Reporting Requirements No. 7.c.

**Violation Description**

Failed to report any effluent violation deviating from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, as documented during an investigation conducted on October 15 through October 24, 2014, and shown in the attached violation table.

**Base Penalty**

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

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Percent**

**Matrix Notes**

100% of the rule requirement was not met.

**Adjustment**

**Violation Events**

Number of Violation Events

Number of violation days

mark only one with an x

daily	<input type="checkbox"/>
weekly	<input type="checkbox"/>
monthly	<input type="checkbox"/>
quarterly	<input type="checkbox"/>
semiannual	<input type="checkbox"/>
annual	<input type="checkbox"/>
single event	<input checked="" type="checkbox"/>

**Violation Base Penalty**

Two single events are recommended, one for each noncompliance report required for the months of November 2013 and February 2014.

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

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

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

# Economic Benefit Worksheet

**Respondent** City of Hitchcock  
**Case ID No.** 49985  
**Reg. Ent. Reference No.** RN101920031  
**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	\$100	15-Oct-2014	1-Nov-2015	1.05	\$5	n/a	\$5
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 update operational guidance and conduct employee training to ensure that all monitoring and reporting requirements are properly accomplished, including the submittal of all noncompliance notifications. Date Required is the investigation date. 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]	\$25	30-Nov-2013	5-Dec-2013	0.00	\$0	\$25	\$25
Other (as needed)	\$25	28-Feb-2014	5-Mar-2014	0.00	\$0	\$25	\$25

**Notes for AVOIDED costs**

Estimated costs to report effluent violations deviating from the permitted effluent limitation by more than 40%, calculated for the periods that written notices were required.

Approx. Cost of Compliance

\$150

**TOTAL**

\$55

Screening Date 27-Jan-2015

Docket No. 2015-0137-MWD-E

PCW

Respondent City of Hitchcock

Policy Revision 4 (April 2014)

Case ID No. 49985

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101920031

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 319.7(c)

Violation Description Failed to maintain all monitoring and reporting records at the Facility, as documented during an investigation conducted on October 15 through October 24, 2014. Specifically, a composite sampler refrigerator temperature log was not being maintained.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	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 1

104 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$3,750

One single event is recommended.

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 by October 15, 2014.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,688

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

# Economic Benefit Worksheet

**Respondent** City of Hitchcock  
**Case ID No.** 49985  
**Reg. Ent. Reference No.** RN101920031  
**Media** Water Quality  
**Violation No.** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$25	15-Oct-2014	15-Oct-2014	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 maintain a composite sampler refrigerator temperature log. Date Required is the investigation date. Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$25

**TOTAL**

\$0

**City of Hitchcock**  
**Docket No. 2015-0137-MWD-E**  
**Texas Pollutant Discharge Elimination System Permit No. WQ0010690001**

**Effluent Parameter Violation Table**

	<i>Enterococci</i>			<b>Total Suspended Solids</b>
	Daily Average Concentration	Daily Maximum Concentration	Daily Maximum Concentration	Daily Average Concentration
<b>Month/Year</b>	Limit = 35 CFU/100 mL	Limit = 89 CFU/100 mL Prior to April 28, 2014	Limit = 104 CFU/100 mL After April 28, 2014	Limit = 15 mg/L
November 2013	74 <sup>1</sup>	4,839 <sup>1</sup>	NA	c
January 2014	c	c	NA	17.125
February 2014	c	155 <sup>1</sup>	NA	c
October 15, 2014	c	NA	130 <sup>2</sup>	c

c = compliant  
 CFU/100 mL = colony-forming units per 100 milliliters

mg/L = milligrams per liter  
 NA = not applicable

<sup>1</sup> Result required noncompliance notification.  
<sup>2</sup> Result from grab sample collected during the investigation.



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.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600685143, RN101920031, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN600685143, City of Hitchcock

**Classification:** SATISFACTORY

**Rating:** 3.70

**Regulated Entity:** RN101920031, City of Hitchcock WWTF

**Classification:** SATISFACTORY

**Rating:** 7.00

**Complexity Points:** 9

**Repeat Violator:** NO

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

**Location:** 7725 Hacker Road, approximately one mile south of the intersection of State Highway 6 and Farm-to-Market Road 519 in Hitchcock, Galveston County, Texas

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**

**WASTEWATER PERMIT** WQ0010690001

**WASTEWATER EPA ID** TX0062243

**WASTEWATER LICENSING LICENSE** WQ0010690001

**Compliance History Period:** September 01, 2009 to August 31, 2014

**Rating Year:** 2014

**Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** March 13, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** March 13, 2010 to March 13, 2015

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

**Name:** Greg Zychowski

**Phone:** (512) 239-3158

**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: 03/19/2011 ADMINORDER 2010-0075-MWD-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov:Effluent Limits PERMIT  
Description: Failure to comply with permit effluent limits for total mercury and ammonia nitrogen as documented by a TCEQ record review of self-reported data.
- 2 Effective Date: 04/07/2013 ADMINORDER 2012-1971-MWD-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov:Effl. Limit. & Monit. Req. No. 1 PERMIT  
Description: Failed to comply with permitted effluent limits.

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

Item 1	April 12, 2010	(833046)	Item 18	December 21, 2012	(1064864)
Item 2	June 14, 2010	(846941)	Item 19	March 05, 2013	(1080648)
Item 3	September 20, 2010	(874668)	Item 20	April 01, 2013	(1090101)
Item 4	January 21, 2011	(902980)	Item 21	July 02, 2013	(1107435)
Item 5	February 11, 2011	(909850)	Item 22	September 20, 2013	(1130321)
Item 6	June 17, 2011	(946153)	Item 23	September 27, 2013	(1136091)
Item 7	July 15, 2011	(953420)	Item 24	January 22, 2014	(1153997)
Item 8	August 22, 2011	(960053)	Item 25	April 25, 2014	(1175120)
Item 9	September 12, 2011	(966104)	Item 26	May 23, 2014	(1181307)
Item 10	October 18, 2011	(972129)	Item 27	June 13, 2014	(1188202)
Item 11	November 21, 2011	(978290)	Item 28	July 18, 2014	(1199828)
Item 12	December 19, 2011	(985090)	Item 29	August 15, 2014	(1199829)
Item 13	January 03, 2012	(991368)	Item 30	September 12, 2014	(1206582)
Item 14	February 13, 2012	(998726)	Item 31	October 23, 2014	(1212999)
Item 15	March 12, 2012	(1004251)	Item 32	November 18, 2014	(1219257)
Item 16	April 23, 2012	(1010816)	Item 33	December 16, 2014	(1225036)
Item 17	May 23, 2012	(1017191)	Item 34	January 26, 2015	(1231902)

**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: 12/11/2014 (1202890) CN600685143
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Sludge Provisions PERMIT
- Description: Failed to submit the annual sludge report.
- Self Report? NO Classification: Moderate
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Effluent Limitations and Monitoring Req. PERMIT
- Description: Failed to maintain compliance with the permitted effluent limits.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Monitoring and Reporting Requirements PERMIT
- Description: Failed to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)  
30 TAC Chapter 319, SubChapter A 319.7(c)
- Description: Failed to maintain all monitoring and reporting records at the facility.

**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 HITCHCOCK  
RN101920031**

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

**AGREED ORDER  
DOCKET NO. 2015-0137-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 Hitchcock ("Respondent") under the authority of TEX. WATER CODE chs. 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 at 7725 Hacker Road, approximately one mile south of the intersection of State Highway 6 and Farm-to-Market Road 519 in Hitchcock, Galveston 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 on October 15 through October 24, 2014, TCEQ staff documented that the Respondent failed to comply with permitted effluent limits, as shown in the violation table below:

<b>Effluent Parameter Violation Table</b>				
	<i>Enterococci</i>			<b>Total Suspended Solids</b>
	Daily Average Concentration	Daily Maximum Concentration	Daily Maximum Concentration	Daily Average Concentration
<b>Month/Year</b>	Limit = 35 CFU/100 mL	Limit = 89 CFU/100 mL Prior to April 28, 2014	Limit = 104 CFU/100 mL After April 28, 2014	Limit = 15 mg/L
November 2013	74 <sup>1</sup>	4,839 <sup>1</sup>	NA	c
January 2014	c	c	NA	17.125
February 2014	c	155 <sup>1</sup>	NA	c
October 15, 2014	c	NA	130 <sup>2</sup>	c

c = compliant  
 CFU/100 mL = colony-forming units per 100 milliliters

mg/L = milligrams per liter  
 NA = not applicable

<sup>1</sup> Result required noncompliance notification.  
<sup>2</sup> Result from grab sample collected during the investigation.

4. During an investigation conducted on October 15 through October 24, 2014, TCEQ staff documented that the Respondent failed to report any effluent violations deviating from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, as shown in the violation table above.
5. During an investigation conducted on October 15 through October 24, 2014, TCEQ staff documented that the Respondent failed to maintain all monitoring and reporting records at the Facility. Specifically, a composite sampler refrigerator temperature log was not being maintained.
6. The Respondent received notice of the violations on January 16, 2015.

7. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. On October 15, 2014, began maintaining a composite sampler refrigerator temperature log, and
  - b. By February 13, 2015, installed a flow meter, auto pacing valve, solenoid valve, manifolds, flex lines, yokes, a centrifugal pump unit, and other associated equipment to improve wastewater treatment and maintain compliance with permitted effluent limits.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No.3, the Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010690001, Effluent Limitations and Monitoring Requirements No. 1.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to report any effluent violation deviating from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010690001, Monitoring and Reporting Requirements No. 7.c.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to maintain all monitoring and reporting records at the Facility, in violation of 30 TEX. ADMIN. CODE § 319.7(c).
5. 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.
6. An administrative penalty in the amount of Seventy Thousand Three Hundred Thirteen Dollars (\$70,313) 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. The Respondent has paid Forty-Eight Thousand Nine Hundred Sixty-Three Dollars (\$48,963) of the administrative penalty. Twenty-One Thousand Three Hundred Fifty Dollars (\$21,350) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

### 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 Seventy Thousand Three Hundred Thirteen Dollars (\$70,313) as set forth in Section II, Paragraph 6 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 Hitchcock, Docket No. 2015-0137-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 a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 6 above, Twenty-One Thousand Three Hundred Fifty Dollars (\$21,350) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is 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 SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, update operational guidance and conduct employee training to ensure that all monitoring and reporting requirements are properly accomplished, including the submittal of all noncompliance notifications.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.

- c. Within 90 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance, as described in Ordering Provision No. 3.d. below, with the permitted effluent limitations of TPDES Permit No. WQ0010690001, 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.
- d. The certifications required by Ordering Provision Nos. 3.b. and 3.c. 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

Barbara M. Mearns  
For the Executive Director

10/3/16  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Hitchcock. I am authorized to agree to the attached Agreed Order on behalf of the City of Hitchcock, 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 Hitchcock 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.

Anthony Matranga  
Signature

03-09-16  
Date

Mayor Anthony Matranga  
Name (Printed or typed) Title  
Authorized Representative of  
City of Hitchcock

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: 2015-0137-MWD-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Table 1: Case Information**

<b>Respondent:</b>	City of Hitchcock
<b>Penalty Amount:</b>	Seventy Thousand Three Hundred Thirteen Dollars (\$70,313)
<b>SEP Offset Amount:</b>	Twenty-One Thousand Three Hundred Fifty Dollars (\$21,350)
<b>Type of SEP:</b>	Compliance
<b>Project Name:</b>	<i>Chlorine Contact Basin Pump Installation</i>
<b>Location of SEP:</b>	Galveston County

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

**1. Project Description**

A. Project

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at Respondent’s wastewater treatment facility. Respondent shall hire a contractor to purchase and install a new Chlorine Injection Mixing System to operate at the inlet of the two existing chlorine contact chambers. The System will include two stainless steel submersible pumps and a Venturi Injector assembly with appurtenances. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for the following: Chlorine Contact Basin Pump Installation (the “Project”). Respondent shall solicit bids from qualified contractors to install the system. Any invitation for bids, including publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

**City of Hitchcock  
Attachment A**

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform this Project and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

**C. Minimum Expenditure**

Respondent shall spend at least the SEP Offset Amount to complete the project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

**Estimated Cost Schedule**

<b>Item</b>	<b>Quantity</b>	<b>Cost</b>	<b>Units</b>	<b>Total</b>
Purchase and Installation of Chlorine Injection Mixing System	1	\$21,350	1	\$21,350
<b>Total</b>				\$21,350

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 90 days after the effective date of this Agreed Order.

**3. Records and Reporting**

**A. Progress Report**

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 60 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 30-day period and setting forth a schedule for achieving completion of the Project within the 90-day timeframe set forth in Section 2, Performance Schedule, above. Respondent shall submit progress reports to the TCEQ

**City of Hitchcock  
Attachment A**

in 30-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

**Table 2: Reporting Schedule**

<b>Days from Effective Order Date</b>	<b>Information Required</b>
30	Notice of Commencement describing actions taken to begin project
60	Actions completed during previous 30-day period
90	Notice of SEP Completion

**B. Final Report**

Within 90 days after the effective date of the Agreed Order, or within 30 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of proof of advertisement of invitation for bids, if applicable (the publication must include the statement that the SEP was performed as a result of a TCEQ enforcement action);
4. A certified/notarized statement of quantifiable environmental benefit;
5. Detailed map showing specific locations of the installation site(s);
6. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;
7. Dated photographs of the purchased materials and supplies; before and after work being performed during the installation process; and of the completed Project; and
8. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

**C. Address**

Respondent shall submit all SEP reports and any additional information as requested to the following address:

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

**City of Hitchcock  
Attachment A**

**4. Additional Information and Access**

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

**5. Failure to Fully Perform**

If 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 through 4 above, the Executive Director (“ED”) may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, 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, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for 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

**6. Publicity**

Any public statements concerning this Project made by or on behalf of 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.

**7. Recognition**

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

**8. 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 Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.