

**Executive Summary – Enforcement Matter – Case No. 58685**  
**City of Deer Park**  
**RN101719839**  
**Docket No. 2019-1764-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

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

Deer Park WWTP, 526 East 2nd Street, Deer Park, Harris 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:** December 11, 2020

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$28,125

**Amount Deferred for Expedited Settlement:** \$5,625

**Total Paid to General Revenue:** \$22,500

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

Payment Plan: 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:** November 18, 2019

**Date(s) of NOE(s):** December 6, 2019

**Executive Summary – Enforcement Matter – Case No. 58685**  
**City of Deer Park**  
**RN101719839**  
**Docket No. 2019-1764-MWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for *Escherichia coli* and ammonia nitrogen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010519002, Interim Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010519002, 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.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Katelyn Tubbs, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-2512; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** The Honorable Jerry Mouton, Jr., Mayor, City of Deer Park, 710 East San Augustine Street, Deer Park, Texas 77536

James Stokes, City Manager, City of Deer Park, 710 East San Augustine Street, Deer Park, Texas 77536

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



Policy Revision 4 (April 2014)

## Penalty Calculation Worksheet (PCW)

PCW Revision March 26, 2014

TCEQ

DATES

Assigned  
PCW9-Dec-2019  
9-Dec-2019

Screening

9-Dec-2019

EPA Due

5-Mar-2020

## RESPONDENT/FACILITY INFORMATION

Respondent	City of Deer Park		
Reg. Ent. Ref. No.	RN101719839		
Facility/Site Region	12-Houston	Major/Minor Source	Major

## CASE INFORMATION

Enf./Case ID No.	58685	No. of Violations	2
Docket No.	2019-1764-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Katelyn Tubbs
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

## Penalty Calculation Section

## TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

## Compliance History

25.0%

Adjustment

Subtotals 2, 3, &amp; 7

Notes

Enhancement for five months of self-reported effluent violations.

## Culpability

No

0.0%

Enhancement

Subtotal 4 

Notes

The Respondent does not meet the culpability criteria.

## Good Faith Effort to Comply Total Adjustments

Subtotal 5 

## Economic Benefit

Total EB Amounts	\$1,467
Estimated Cost of Compliance	\$15,000

0.0% Enhancement\*

\*Capped at the Total EB \$ Amount

Subtotal 6 

## SUM OF SUBTOTALS 1-7

Final Subtotal 

## OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment 

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount 

## STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty 

## DEFERRAL

Reduction

Adjustment 

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

## PAYABLE PENALTY



Screening Date 9-Dec-2019

Docket No. 2019-1764-MWD-E

PCW

Respondent City of Deer Park

Policy Revision 4 (April 2014)

Case ID No. 58685

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101719839

Media Water Quality

Enf. Coordinator Katelyn Tubbs

**Compliance History Worksheet**

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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> )	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	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%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for five months of self-reported effluent violations.

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

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 25%



Screening Date 9-Dec-2019  
Respondent City of Deer Park  
Case ID No. 58685

Docket No. 2019-1764-MWD-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101719839

Media Water Quality

Enf. Coordinator Katelyn Tubbs

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010519002, Interim Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		30.0%
Potential				

### >> Programmatic Matrix

Falsification				Percent
	Major	Moderate	Minor	
				0.0%

Matrix Notes A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. *Escherichia coli* was also considered. Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

### Violation Events

Number of Violation Events 2 Number of violation days 61

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Two monthly events are recommended for the months of June and August 2019.

### Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Reduction \$0

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

Violation Subtotal \$15,000

### Economic Benefit (EB) for this violation

### Statutory Limit Test

Estimated EB Amount \$1,467

Violation Final Penalty Total \$18,750

This violation Final Assessed Penalty (adjusted for limits) \$18,750

# Economic Benefit Worksheet

Respondent City of Deer Park  
Case ID No. 58685  
Reg. Ent. Reference No. RN101719839  
Media Water Quality  
Violation No. 1

Percent Interest 5.0  
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
<b>Delayed Costs</b>							
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)	\$15,000	28-Feb-2019	11-Feb-2021	1.96	\$1,467	n/a	\$1,467

Notes for DELAYED costs

Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance and the Final Date is the estimated date of compliance.

## Avoided Costs ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,000

TOTAL

\$1,467



**Screening Date** 9-Dec-2019  
**Respondent** City of Deer Park  
**Case ID No.** 58685  
**Reg. Ent. Reference No.** RN101719839  
**Media** Water Quality  
**Enf. Coordinator** Katelyn Tubbs  
**Violation Number** 2  
**Rule Cite(s)**

**Docket No.** 2019-1764-MWD-E

**PCW**

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010519002, Interim Effluent Limitations and Monitoring Requirements No. 1

**Violation Description** Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

**>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
					0.0%

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. *Escherichia coli* was also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that 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 2 90 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$7,500

Two quarterly events are recommended for the quarters containing the months of February, May, and July 2019.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

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

Extraordinary	
Ordinary	
N/A	X

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

**Violation Subtotal** \$7,500

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

**Statutory Limit Test**

**Estimated EB Amount** \$0

**Violation Final Penalty Total** \$9,375

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



# Economic Benefit Worksheet

**Respondent** City of Deer Park  
**Case ID No.** 58685  
**Reg. Ent. Reference No.** RN101719839  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

See Economic Benefit No. 1.

## Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

City of Deer Park  
Docket No. 2019-1764-MWD-E  
TPDES Permit No. WQ0010519002  
Case No. 58685

Effluent Violation Table

	<i>Escherichia coli</i> Daily Maximum	Ammonia Nitrogen Daily Avg. Conc. (April-October)	Ammonia Nitrogen Daily Maximum Conc.	Ammonia Nitrogen Daily Avg. Loading (April-October)
Monitoring Period	Limit = 399 CFU/ 100 mL	Limit = 3 mg/L	Limit = 10 mg/L	Limit = 150 lbs/day
February 2019	403	N/A	c	N/A
May 2019	866	c	c	c
June 2019	1,990	3.272	c	c
July 2019	1,050	9.684	21.6	236.16
August 2019	2,419	6.78	15.8	170.44

mg/L = milligrams per liter

lbs/day = pounds per day

c = compliant

N/A = not applicable

Avg.= Average

Conc.= Concentration

CFU/100 mL = colony forming units per 100 milliliters

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

Compliance History Report for CN600691604, RN101719839, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

**Customer, Respondent, or Owner/Operator:** CN600691604, City of Deer Park

**Classification:** SATISFACTORY

**Rating:** 1.69

**Regulated Entity:** RN101719839, DEER PARK  
WASTEWATER TREATMENT PLANT

**Classification:** SATISFACTORY

**Rating:** 2.33

**Complexity Points:** 8

**Repeat Violator:** NO

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

**Location:** 526 East 2nd Street, in Deer Park, Harris County, Texas

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**

WASTEWATER PERMIT WQ0010519002

WASTEWATER EPA ID TX0025321

WASTEWATER LICENSING LICENSE WQ0010519002

**Compliance History Period:** September 01, 2014 to August 31, 2019

**Rating Year:** 2019

**Rating Date:** 09/01/2019

**Date Compliance History Report Prepared:** December 09, 2019

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 09, 2014 to December 09, 2019

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

**Name:** Katelyn Tubbs

**Phone:** (512) 239-2512

### 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  |

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

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

N/A

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

N/A

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

N/A

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

Item 1	December 15, 2014	(1224568)	Item 16	April 18, 2018	(1490723)
Item 2	March 11, 2015	(1248941)	Item 17	April 30, 2018	(1493974)
Item 3	July 13, 2015	(1277246)	Item 18	May 15, 2018	(1500914)
Item 4	September 09, 2015	(1283429)	Item 19	May 31, 2018	(1485195)
Item 5	October 13, 2016	(1397445)	Item 20	June 11, 2018	(1508009)
Item 6	November 16, 2016	(1378733)	Item 21	August 15, 2018	(1520393)
Item 7	February 10, 2017	(1404334)	Item 22	September 13, 2018	(1527563)
Item 8	April 17, 2017	(1417926)	Item 23	October 15, 2018	(1533923)
Item 9	May 15, 2017	(1425520)	Item 24	November 13, 2018	(1541748)
Item 10	June 12, 2017	(1431549)	Item 25	December 11, 2018	(1560576)
Item 11	July 11, 2017	(1440141)	Item 26	December 14, 2018	(1545526)
Item 12	August 11, 2017	(1443824)	Item 27	February 19, 2019	(1560574)
Item 13	September 20, 2017	(1450431)	Item 28	March 14, 2019	(1572125)
Item 14	November 30, 2017	(1474831)	Item 29	May 17, 2019	(1583857)
Item 15	February 13, 2018	(1487053)			



**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: 02/28/2019 (1560575)  |                 |          |
|   | 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 |                 |          |
| 2 | Date: 05/31/2019 (1583858)  |                 |          |
|   | 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: 06/30/2019 (1593462)  |                 |          |
|   | 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: 07/31/2019 (1599792)  |                 |          |
|   | 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: 08/31/2019 (1606694)  |                 |          |
|   | 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 DEER PARK  
RN101719839**

§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2019-1764-MWD-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 Deer Park (the "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 together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 526 East 2nd Street, in Deer Park, Harris County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$28,125 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$22,500 of the penalty and \$5,625 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

5. 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). 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.
6. 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 Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

## II. ALLEGATIONS

During a record review conducted on November 18, 2019, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010519002, Interim Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below.

	<i>Escherichia coli</i> Daily Maximum	Ammonia Nitrogen Daily Avg. Conc. (April-October)	Ammonia Nitrogen Daily Maximum Conc.	Ammonia Nitrogen Daily Avg. Loading (April-October)
Monitoring Period	Limit = 399 CFU/ 100 mL	Limit = 3 mg/L	Limit = 10 mg/L	Limit = 150 lbs/day
February 2019	403	N/A	c	N/A
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July 2019	1,050	9.684	21.6	236.16
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mg/L = milligrams per liter

lbs/day = pounds per day

c = compliant

N/A = not applicable

Avg. = Average

Conc. = Concentration

CFU/100 mL = colony forming units per 100 milliliters



### III. DENIALS

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

### IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Deer Park, Docket No. 2019-1764-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, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010519002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall 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 Street, Suite H  
Houston, Texas 77023-1452

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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 Order or in any plan, report, or other document submitted pursuant to this 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. This 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 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.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.

9. 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



07/07/2021

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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.

Signature

Date

James Stokes  
Name (Printed or typed)  
Authorized Representative of  
City of Deer Park

Title

4-16-2021  
City Manager

☐ If mailing address has changed, please check this box and provide the new address below:

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