

**Executive Summary – Enforcement Matter – Case No. 59560**  
**City of Morgan's Point**  
**RN102075801**  
**Docket No. 2020-0934-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:**

Morgan's Point WWTP, 227 North Wilson Road, Morgan's Point, 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:** July 22, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$33,000

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

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$33,000

Name of SEP: WWTP Improvements (Compliance)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**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:** April 30, 2020

**Date(s) of NOE(s):** June 17, 2020

**Executive Summary – Enforcement Matter – Case No. 59560**  
**City of Morgan's Point**  
**RN102075801**  
**Docket No. 2020-0934-MWD-E**

***Violation Information***

1. Failed to comply with permitted effluent limitations for total suspended solids, ammonia nitrogen, and carbonaceous biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010779001, Effluent Limitations and Monitoring Requirements No. 1].

2. Failed to collect and analyze effluent samples at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0010779001, Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**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, within 235 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010779001, 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 to demonstrate compliance.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Mark Gamble, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2587; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** Betty Sanders, SEP Coordinator, Litigation Division, MC 175, (512) 239-3992

**Respondent:** The Honorable Michel Bechtel, Mayor, City of Morgan's Point, 510 Bayridge Rd., Morgan's Point, Texas 77571

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	29-Jun-2020	<b>Screening</b>	8-Jul-2020	<b>EPA Due</b>	
	<b>PCW</b>	15-Jul-2020				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Morgan's Point
<b>Reg. Ent. Ref. No.</b>	RN102075801
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	59560	<b>No. of Violations</b>	3
<b>Docket No.</b>	2020-0934-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Mark Gamble
		<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>	\$27,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	20.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$5,500
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Notes	Enhancement for four months of self-reported effluent violations.
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<b>Culpability</b>	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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Notes	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$3,140	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$25,100	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$33,000
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	<b>Subtotal</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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<b>Final Penalty Amount</b>	\$33,000
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$33,000
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	<b>\$33,000</b>
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**Screening Date** 8-Jul-2020

**Docket No.** 2020-0934-MWD-E

**PCW**

**Respondent** City of Morgan's Point

*Policy Revision 4 (April 2014)*

**Case ID No.** 59560

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN102075801

**Media** Water Quality

**Enf. Coordinator** Mark Gamble

### Compliance History Worksheet

#### >> 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> )	4	20%
	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)** 20%

#### >> 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 four months of self-reported effluent violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 20%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 20%

**Screening Date** 8-Jul-2020 **Docket No.** 2020-0934-MWD-E **PCW**  
**Respondent** City of Morgan's Point *Policy Revision 4 (April 2014)*  
**Case ID No.** 59560 *PCW Revision March 26, 2014*  
**Reg. Ent. Reference No.** RN102075801  
**Media** Water Quality  
**Enf. Coordinator** Mark Gamble

**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010779001, Effluent Limitations and Monitoring Requirements No. 1  
**Violation Description** Failed to comply with permitted effluent limitations, as shown in the attached Effluent Violation Tables Nos. 1 and 2.  
**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

**Matrix Notes**  
 A simplified model was used to evaluate carbonaceous biochemical oxygen demand (5-day) and ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids were also considered. Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$17,500  
 \$7,500

**Violation Events**

Number of Violation Events 3      91 Number of violation days  

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$22,500

Three monthly events are recommended for the months of March, April, and June 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** \$22,500

**Economic Benefit (EB) for this violation      Statutory Limit Test**

**Estimated EB Amount** \$3,034      **Violation Final Penalty Total** \$27,000  
**This violation Final Assessed Penalty (adjusted for limits)** \$27,000

# Economic Benefit Worksheet

**Respondent** City of Morgan's Point  
**Case ID No.** 59560  
**Reg. Ent. Reference No.** RN102075801  
**Media Violation No.** Water Quality  
 1

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)	\$25,000	31-Mar-2019	2-Sep-2021	2.43	\$3,034	n/a	\$3,034

**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 \$25,000

**TOTAL** \$3,034

**Screening Date** 8-Jul-2020  
**Respondent** City of Morgan's Point  
**Case ID No.** 59560  
**Reg. Ent. Reference No.** RN102075801  
**Media** Water Quality  
**Enf. Coordinator** Mark Gamble

**Docket No.** 2020-0934-MWD-E

**PCW**

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

**Violation Number** 2

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010779001, Effluent Limitations and Monitoring Requirements No. 1

**Violation Description** Failed to comply with permitted effluent limitations, as shown in the attached Effluent Violation Table No. 2.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	5.0%
	Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. 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** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 3      123 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

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

Three quarterly events are recommended for the quarters containing the months of May 2019, November 2019, December 2019, and January 2020.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

**Violation Subtotal** \$3,750

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

**Statutory Limit Test**

**Estimated EB Amount** \$0

**Violation Final Penalty Total** \$4,500

**This violation Final Assessed Penalty (adjusted for limits)** \$4,500

# Economic Benefit Worksheet

**Respondent** City of Morgan's Point  
**Case ID No.** 59560  
**Reg. Ent. Reference No.** RN102075801  
**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

Economic Benefit is included in Violation 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

**Screening Date** 8-Jul-2020  
**Respondent** City of Morgan's Point  
**Case ID No.** 59560  
**Reg. Ent. Reference No.** RN102075801  
**Media** Water Quality  
**Enf. Coordinator** Mark Gamble

**Docket No.** 2020-0934-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 319.5(b) and TPDES Permit No. WQ0010779001, Effluent Limitations and Monitoring Requirements No. 1

**Violation Description** Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze Enterococci for the month of April 2019.

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

**>> Programmatic Matrix**

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

**Matrix Notes** Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One quarterly event is recommended.

**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="text" value="x"/>	<input type="text"/>

**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 Morgan's Point  
**Case ID No.** 59560  
**Reg. Ent. Reference No.** RN102075801  
**Media Violation No.** Water Quality  
 3

Percent Interest	Years of Depreciation
5.0	15

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

### 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

### 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)	\$100	30-Apr-2019	8-Jul-2020	1.19	\$6	\$100	\$106

Notes for AVOIDED costs

Estimated avoided cost to collect and analyze effluent samples (\$100 for each month samples were missed). The Date Required is the initial date of noncompliance and the Final Date is the screening date.

Approx. Cost of Compliance \$100

**TOTAL** \$106

City of Morgan's Point  
Docket No. 2020-0934-MWD-E  
TPDES Permit No. WQ0010779001

Effluent Violation Table No. 1

	CBOD <sub>5</sub>			Total Suspended Solids		
	Daily Average Conc.	Single Grab Conc.	Daily Average Loading	Daily Average Conc.	Single Grab Conc.	Daily Average Loading
Month/ Year	Limit = 10 mg/L	Limit = 35 mg/L	Limit = 17 lbs/day	Limit = 15 mg/L	Limit = 60 mg/L	Limit = 25 lbs/day
March 2019	490.3	1,750	117.05	55.1	166.2	c
April 2019	137.64	483	67.63	27.08	c	c
June 2019	243.71	957	155.2	44.2	162	28.69

c = compliant

CBOD<sub>5</sub> = carbonaceous biochemical oxygen demand (5-day)

Conc. = Concentration

lbs/day = pounds per day

mg/L = milligrams per liter

Effluent Violation Table No. 2

Ammonia Nitrogen

	Daily Average Conc. (Apr.-Oct.)	Daily Average Conc. (Nov.-Mar.)	Single Grab Conc.	Daily Average Loading (Apr.-Oct.)
Month/ Year	Limit = 3 mg/L	Limit = 5 mg/L	Limit = 15 mg/L	Limit = 5 lbs/day
March 2019	N/A	6.38	16.4	c
April 2019	20.43	N/A	36.8	7.35
May 2019	4.36	N/A	15.3	c
November 2019	N/A	5.78	c	c
December 2019	N/A	15.58	19.2	c
January 2020	N/A	10.68	18.6	c

c = compliant

Conc. = Concentration

lbs/day = pounds per day

mg/L = milligrams per liter

N/A = Not Applicable

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# Compliance History Report

Compliance History Report for CN600245518, RN102075801, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

**Customer, Respondent, or Owner/Operator:** CN600245518, City of Morgan's Point **Classification:** SATISFACTORY **Rating:** 2.48  
**Regulated Entity:** RN102075801, CITY OF MORGANS POINT **Classification:** SATISFACTORY **Rating:** 2.48  
**Complexity Points:** 5 **Repeat Violator:** NO  
**CH Group:** 08 - Sewage Treatment Facilities  
**Location:** 227 NORTH WILSON ROAD, MORGANS POINT, IN HARRIS COUNTY, TEXAS  
**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**

**WASTEWATER PERMIT** WQ0010779001

**WASTEWATER EPA ID** TX0027260

**WASTEWATER LICENSING LICENSE** WQ0010779001

**Compliance History Period:** September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

**Date Compliance History Report Prepared:** July 08, 2020

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 08, 2015 to July 08, 2020

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

**Name:** Mark Gamble

**Phone:** (512) 239-2587

**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	July 16, 2015	(1277332)	Item 14	September 16, 2016	(1372645)
Item 2	August 11, 2015	(1283511)	Item 15	October 05, 2016	(1378818)
Item 3	September 10, 2015	(1290655)	Item 16	November 09, 2016	(1384781)
Item 4	October 14, 2015	(1296857)	Item 17	December 13, 2016	(1390913)
Item 5	November 19, 2015	(1302305)	Item 18	January 11, 2017	(1397528)
Item 6	December 10, 2015	(1309238)	Item 19	February 06, 2017	(1404424)
Item 7	January 13, 2016	(1316035)	Item 20	July 11, 2017	(1431638)
Item 8	February 08, 2016	(1325409)	Item 21	July 12, 2017	(1440226)
Item 9	March 10, 2016	(1332149)	Item 22	August 07, 2017	(1443908)
Item 10	April 12, 2016	(1339304)	Item 23	October 19, 2017	(1450514)
Item 11	May 11, 2016	(1346110)	Item 24	November 07, 2017	(1461833)
Item 12	June 15, 2016	(1352544)			
Item 13	July 14, 2016	(1359512)			

Item 25	December 07, 2017	(1468217)	Item 35	November 19, 2018	(1541839)
Item 26	January 09, 2018	(1474918)	Item 36	December 11, 2018	(1545611)
Item 27	February 08, 2018	(1487135)	Item 37	February 11, 2019	(1560833)
Item 28	April 06, 2018	(1494058)	Item 38	March 21, 2019	(1560834)
Item 29	May 08, 2018	(1501002)	Item 39	August 08, 2019	(1599878)
Item 30	June 19, 2018	(1508092)	Item 40	September 16, 2019	(1606779)
Item 31	July 10, 2018	(1514425)	Item 41	October 03, 2019	(1613622)
Item 32	August 02, 2018	(1520477)	Item 43	November 08, 2019	(1619436)
Item 33	September 07, 2018	(1527647)	Item 44	April 08, 2020	(1653906)
Item 34	October 04, 2018	(1534007)	Item 45	May 15, 2020	(1660487)

**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: 11/30/2019 (1626789)  
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: 12/31/2019 (1634430)  
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: 01/31/2020 (1641046)  
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: 02/29/2020 (1647564)  
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



- Self Report? YES For Informational Purposes Only  
 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
- 10\* Date: 06/30/2019 (1593548) Classification: Moderate
- Self Report? YES For Informational Purposes Only  
 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
- 11 Date: 11/30/2019 (1626789) Classification: Moderate
- Self Report? YES For Informational Purposes Only  
 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
- 12 Date: 12/31/2019 (1634430) Classification: Moderate
- Self Report? YES For Informational Purposes Only  
 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
- 13 Date: 01/31/2020 (1641046) Classification: Moderate
- Self Report? YES For Informational Purposes Only  
 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
- 14 Date: 02/29/2020 (1647564) Classification: Moderate
- Self Report? YES For Informational Purposes Only  
 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

\* NOVs applicable for the Compliance History rating period 9/1/2014 to 8/31/2019

## Appendix B

### All Investigations Conducted During Component Period July 08, 2015 and July 08, 2020

- (1277332)  
 Item 1\* July 16, 2015\*\* For Informational Purposes Only
- (1283511)  
 Item 2\* August 11, 2015\*\* For Informational Purposes Only
- (1290655)  
 Item 3\* September 10, 2015\*\* For Informational Purposes Only
- (1296857)  
 Item 4\* October 14, 2015\*\* For Informational Purposes Only
- (1302305)  
 Item 5\* November 19, 2015\*\* For Informational Purposes Only
- (1309238)

Item 6*	December 10, 2015**	For Informational Purposes Only (1316035)
Item 7*	January 13, 2016**	For Informational Purposes Only (1325409)
Item 8*	February 08, 2016**	For Informational Purposes Only (1332149)
Item 9*	March 10, 2016**	For Informational Purposes Only (1339304)
Item 10*	April 12, 2016**	For Informational Purposes Only (1346110)
Item 11*	May 11, 2016**	For Informational Purposes Only (1352544)
Item 12*	June 15, 2016**	For Informational Purposes Only (1359512)
Item 13*	July 14, 2016**	For Informational Purposes Only (1365953)
Item 14	August 11, 2016**	For Informational Purposes Only (1372645)
Item 15*	September 16, 2016**	For Informational Purposes Only (1378818)
Item 16*	October 05, 2016**	For Informational Purposes Only (1384781)
Item 17*	November 09, 2016**	For Informational Purposes Only (1390913)
Item 18*	December 13, 2016**	For Informational Purposes Only (1397528)
Item 19*	January 11, 2017**	For Informational Purposes Only (1404424)
Item 20*	February 06, 2017**	For Informational Purposes Only (1411516)
Item 21	March 13, 2017**	For Informational Purposes Only (1418014)
Item 22	April 06, 2017**	For Informational Purposes Only (1425606)
Item 23	May 09, 2017**	For Informational Purposes Only (1431638)
Item 24*	July 11, 2017**	For Informational Purposes Only (1440226)
Item 25*	July 12, 2017**	For Informational Purposes Only (1443908)
Item 26*	August 07, 2017**	For Informational Purposes Only (1450514)
Item 27*	October 19, 2017**	For Informational Purposes Only

Item 28*	November 07, 2017**	(1461833) For Informational Purposes Only
Item 29*	December 07, 2017**	(1468217) For Informational Purposes Only
Item 30*	January 09, 2018**	(1474918) For Informational Purposes Only
Item 31*	February 08, 2018**	(1487135) For Informational Purposes Only
Item 32	March 14, 2018**	(1490808) For Informational Purposes Only
Item 33*	April 06, 2018**	(1494058) For Informational Purposes Only
Item 34*	May 08, 2018**	(1501002) For Informational Purposes Only
Item 35*	June 19, 2018**	(1508092) For Informational Purposes Only
Item 36*	July 10, 2018**	(1514425) For Informational Purposes Only
Item 37*	August 02, 2018**	(1520477) For Informational Purposes Only
Item 38*	September 07, 2018**	(1527647) For Informational Purposes Only
Item 39*	October 04, 2018**	(1534007) For Informational Purposes Only
Item 40*	November 19, 2018**	(1541839) For Informational Purposes Only
Item 41*	December 11, 2018**	(1545611) For Informational Purposes Only
Item 42	January 14, 2019**	(1560835) For Informational Purposes Only
Item 43*	February 11, 2019**	(1560833) For Informational Purposes Only
Item 44*	March 21, 2019**	(1560834) For Informational Purposes Only
Item 45	April 18, 2019**	(1572210) For Informational Purposes Only
Item 46	May 28, 2019**	(1584026) For Informational Purposes Only
Item 47	June 20, 2019**	(1584027) For Informational Purposes Only
Item 48	July 19, 2019**	(1593548) For Informational Purposes Only

Item 49*	August 08, 2019**	(1599878) For Informational Purposes Only
Item 50*	September 16, 2019	(1606779) For Informational Purposes Only
Item 51*	October 03, 2019	(1613622) For Informational Purposes Only
Item 52*	November 08, 2019	(1619436) For Informational Purposes Only
Item 53	December 18, 2019	(1626789) For Informational Purposes Only
Item 54	January 16, 2020	(1634430) For Informational Purposes Only
Item 55	February 10, 2020	(1641046) For Informational Purposes Only
Item 56	March 30, 2020	(1647564) For Informational Purposes Only
Item 57*	April 08, 2020	(1653906) For Informational Purposes Only
Item 58*	May 15, 2020	(1660487) For Informational Purposes Only
Item 59	June 22, 2020	(1645933) For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2014 and 08/31/2019.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF MORGAN'S POINT  
RN102075801**

**§  
§  
§  
§  
§**

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2020-0934-MWD-E**

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 Morgan's Point (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 presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including 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 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 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. The duties and responsibilities imposed by this 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 227 North Wilson Road in Morgan's Point, 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. During a record review conducted on April 30, 2020 an investigator documented that the Respondent:
  - a. Did not comply with permitted effluent limitations, as shown in the effluent violation tables below:

Effluent Violation Table No. 1						
	CBOD <sub>5</sub>			Total Suspended Solids		
	Daily Average Conc.	Single Grab Conc.	Daily Average Loading	Daily Average Conc.	Single Grab Conc.	Daily Average Loading
Month/ Year	Limit = 10 mg/L	Limit = 35 mg/L	Limit = 17 lbs/day	Limit = 15 mg/L	Limit = 60 mg/L	Limit = 25 lbs/day
March 2019	490.3	1,750	117.05	55.1	166.2	c
April 2019	137.64	483	67.63	27.08	c	c
June 2019	243.71	957	155.2	44.2	162	28.69

c = compliant  
CBOD<sub>5</sub> = carbonaceous biochemical oxygen demand (5-day)  
Conc. = Concentration

lbs/day = pounds per day  
mg/L = milligrams per liter

Effluent Violation Table No. 2				
Ammonia Nitrogen				
	Daily Average Conc. (Apr.-Oct.)	Daily Average Conc. (Nov.-Mar.)	Single Grab Conc.	Daily Average Loading (Apr.-Oct.)
Month/ Year	Limit = 3 mg/L	Limit = 5 mg/L	Limit = 15 mg/L	Limit = 5 lbs/day
March 2019	N/A	6.38	16.4	c
April 2019	20.43	N/A	36.8	7.35
May 2019	4.36	N/A	15.3	c
November 2019	N/A	5.78	c	c
December 2019	N/A	15.58	19.2	c
January 2020	N/A	10.68	18.6	c

c = compliant  
Conc. = Concentration  
lbs/day = pounds per day

mg/L = milligrams per liter  
N/A = Not Applicable

- b. Did not collect and analyze *Enterococci* for the month of April 2019.

## II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010779001, Effluent Limitations and Monitoring Requirements No. 1.
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to collect and analyze effluent samples at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0010779001, Effluent Limitations and Monitoring Requirements No. 1.
4. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of \$33,000 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Pursuant to TEX. WATER CODE § 7.067, \$33,000 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A" - incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

## III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Morgan's Point, Docket No. 2020-0934-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 the SEP as set forth in Conclusion of Law No. 5. The amount of \$33,000 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall, within 235 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010779001, 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:

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

4. All relief not expressly granted in this Order is denied.
5. 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.
6. 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.
7. 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.
8. 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 in this Order.
9. 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.
10. 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.
11. 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.

12. 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

  
\_\_\_\_\_  
For the Executive Director

10/24/2022

\_\_\_\_\_  
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

SEPT. 30, 2022  
\_\_\_\_\_  
Date

Michel Bechtel  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Morgan's Point

Mayor  
\_\_\_\_\_  
Title

*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.

**Attachment A**

**Docket Number: 2020-0934-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Morgan's Point
<b>Penalty Amount:</b>	Thirty-Three Thousand Dollars (\$33,000)
<b>SEP Offset Amount:</b>	Thirty-Three Thousand Dollars (\$33,000)
<b>Type of SEP:</b>	Compliance
<b>Project Name:</b>	<i>WWTP Improvements</i>
<b>Location of SEP:</b>	Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset 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.

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 (the “Facility”) which are described in this Agreed Order. This Agreed Order cites violations at Respondent’s Facility.

**1. Project Description**

**A. Project**

Respondent shall hire a contractor to purchase and install a new air diffuser system at the Facility. The new air diffuser system will provide more evenly distributed oxygen levels to help offset ammonia. The project will help the City meet its permitted discharge requirements. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for: air diffuser system (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement, 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, including permits that may be required prior to commencement of the SEP.

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.

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 preventing wastewater discharges being released into the environment during the collection process.

Wastewater discharges can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. Additional risks include occurrences of low dissolved oxygen, fish kills, algal bloom, and bacterial contamination in waterways.

**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>
Air Diffuser System Installation	1	\$34,500	Each	\$34,500
<b>Total</b>				<b>\$34,500</b>

**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 130 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 90 days after 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 60-day period and setting forth a schedule for achieving completion of the Project within the 130-day timeframe set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

**Reporting Schedule**

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

**B. Final Report**

Within 130 days after the effective date of the Agreed Order, or within 30 days after completion of the 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 or receipts corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
4. Copies of proof of advertisement of invitation for bids, if applicable;
5. A certified statement of SEP completion and document authentication;
6. Detailed map showing specific location of the project site(s);
7. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;
8. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
9. 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

**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.