

**Executive Summary – Enforcement Matter – Case No. 60234**

**City of Beaumont**

**RN101612224**

**Docket No. 2021-0039-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:**

Hillebrandt Wastewater Treatment Facility, 4900 Lafin Drive, Beaumont, Jefferson County

**Type of Operation:**

Wastewater treatment plant with an associated collection system

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** November 5, 2021

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$11,250

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

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$11,250

Name of SEP: Lift Station 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:** October 26, 2020

**Date(s) of NOE(s):** December 29, 2020

**Executive Summary – Enforcement Matter – Case No. 60234**  
**City of Beaumont**  
**RN101612224**  
**Docket No. 2021-0039-MWD-E**

***Violation Information***

Failed to prevent an unauthorized discharge of untreated wastewater into or adjacent to any water in the state [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010501020, Permit Conditions No. 2.g].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By October 26, 2020, the Respondent had repaired the broken sewer main line, recovered the untreated sewage discharged, disinfected the affected area, and collected and properly disposed of the dead fish.

**Technical Requirements:**

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

***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

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

**Respondent:** The Honorable Becky Ames, Mayor, City of Beaumont, P.O. Box 3827, Beaumont, Texas 77704

Kyle Hayes, City Manager, City of Beaumont, P.O. Box 3827, Beaumont, Texas 77704

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	4-Jan-2021	<b>Screening</b>	5-Jan-2021	<b>EPA Due</b>	
	<b>PCW</b>	1-Sep-2021				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Beaumont				
<b>Reg. Ent. Ref. No.</b>	RN101612224				
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	60234	<b>No. of Violations</b>	1
<b>Docket No.</b>	2021-0039-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>	Katelyn Tubbs
		<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>	\$7,500
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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>	75.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$5,625
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<b>Notes</b>	Enhancement for two Orders that do not contain a denial of liability and Repeat Violator classification.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	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>	-\$1,875
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$4,258	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$47,835	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$11,250
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$11,250
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$11,250
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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.

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$11,250
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Screening Date 5-Jan-2021

Docket No. 2021-0039-MWD-E

PCW

Respondent City of Beaumont

Policy Revision 4 (April 2014)

Case ID No. 60234

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101612224

Media Water Quality

Enf. Coordinator Katelyn Tubbs

### 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> )	0	0%
	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	2	50%
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) 50%

#### >> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3) 25%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

#### >> Compliance History Summary

Compliance History Notes

Enhancement for two Orders that do not contain a denial of liability and Repeat Violator classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 75%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 75%

**Screening Date** 5-Jan-2021 **Docket No.** 2021-0039-MWD-E **PCW**  
**Respondent** City of Beaumont *Policy Revision 4 (April 2014)*  
**Case ID No.** 60234 *PCW Revision March 26, 2014*  
**Reg. Ent. Reference No.** RN101612224  
**Media** Water Quality  
**Enf. Coordinator** Katelyn Tubbs

**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 Permit No. WQ0010501020, Permit Conditions No. 2.g  
**Violation Description** Failed to prevent an unauthorized discharge of untreated wastewater into or adjacent to any water in the state. Specifically, approximately 1,000 gallons of untreated sewage was discharged from a sewage collection main located adjacent to 5595 Gail Drive which resulted in the death of 44 fish.  
**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

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

**Violation Events**

Number of Violation Events 1      1 Number of violation days  

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

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

One monthly event is recommended from the date of discharge (October 26, 2020) to the compliance date (October 26, 2020).

**Good Faith Efforts to Comply** 25.0% Reduction \$1,875

Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer  
 Extraordinary    
 Ordinary    
 N/A    
**Notes** The Respondent achieved compliance on October 26, 2020.

**Violation Subtotal** \$5,625

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

**Estimated EB Amount** \$4,258      **Violation Final Penalty Total** \$11,250  
**This violation Final Assessed Penalty (adjusted for limits)** \$11,250

# Economic Benefit Worksheet

**Respondent** City of Beaumont  
**Case ID No.** 60234  
**Reg. Ent. Reference No.** RN101612224  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$835	26-Oct-2020	26-Oct-2020	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	\$5,000	26-Oct-2020	26-Oct-2020	0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$42,000	26-Oct-2020	5-Nov-2022	2.03	\$4,258	n/a	\$4,258

**Notes for DELAYED costs**

Actual Equipment cost to repair the broken sewer main line. Date Required is the discharge date and the Final date is the compliance date.

Estimated Remediation/Disposal cost to recover the untreated wastewater discharged, disinfect the affected area, and properly dispose of the dead fish. Date Required is the discharge date and the Final date is the compliance date.

Actual Other cost to complete "Lift Station Improvements" Project. Date Required is the discharge date and the Final date is the estimated completion date.

### 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
<b>ONE-TIME avoided costs</b>				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$47,835

**TOTAL** \$4,258

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# Compliance History Report

Compliance History Report for CN600130439, RN101612224, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN600130439, City of Beaumont      **Classification:** SATISFACTORY      **Rating:** 8.40

**Regulated Entity:** RN101612224, HILLEBRANDT WASTEWATER TREATMENT FACILITY      **Classification:** SATISFACTORY      **Rating:** 45.27

**Complexity Points:** 9      **Repeat Violator:** YES

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

**Location:** 4900 Lafin Drive in Beaumont, Jefferson County, Texas

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):**

<b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER JE0868M	<b>WASTEWATER LICENSING</b> LICENSE WQ0010501020
<b>PRETREATMENT</b> EPA ID TX0046990000	<b>PRETREATMENT</b> PERMIT WQ0010501020
<b>STORMWATER</b> PERMIT TXR05U404	<b>WASTEWATER</b> PERMIT WQ0010501020
<b>WASTEWATER</b> EPA ID TX0046990	<b>WASTEWATER</b> AUTHORIZATION R10501020

**Compliance History Period:** September 01, 2015 to August 31, 2020      **Rating Year:** 2020      **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** January 05, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 05, 2016 to January 05, 2021

**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:**

- 1      Effective Date: 11/07/2017      ADMINORDER 2017-0139-MWD-E (Findings Order-Agreed Order Without Denial)  
Classification: Major  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
Rqmt Prov: PC No. 2(g), Pg. 9 PERMIT  
Description: Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state. Specifically, during a record review conducted on November 22, 2016, an investigator documented on October 3, 2016, approximately 1,000 gallons of untreated wastewater discharged from the collection system into a ditch located at 5305 Tyrell Park Road, killing 10 fish.
- 2      Effective Date: 12/12/2018      ADMINORDER 2017-1770-MWD-E (Findings Order-Agreed Order Without Denial)  
Classification: Major  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
Description: Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state. Specifically, on October 23, 2017, approximately 3,000 gallons of untreated sewage discharged from a sewage main located near 1355 Reynolds Road into a ditch between Reynolds Road and Wooten Road, killing approximately 75 fish

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

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	February 09, 2016	(1325565)	Item 39	November 07, 2018	(1541990)
Item 2	March 07, 2016	(1332304)	Item 40	December 10, 2018	(1545761)
Item 4	April 11, 2016	(1339459)	Item 41	January 07, 2019	(1561287)
Item 6	May 06, 2016	(1346271)	Item 42	January 31, 2019	(1540551)
Item 7	June 07, 2016	(1352704)	Item 43	February 12, 2019	(1561285)
Item 9	July 27, 2016	(1359669)	Item 45	March 08, 2019	(1561286)
Item 10	August 09, 2016	(1366109)	Item 47	April 08, 2019	(1572359)
Item 12	October 10, 2016	(1378969)	Item 48	May 09, 2019	(1584330)
Item 13	November 07, 2016	(1384932)	Item 49	June 10, 2019	(1584331)
Item 14	December 06, 2016	(1391066)	Item 50	July 12, 2019	(1593699)
Item 16	January 09, 2017	(1397686)	Item 51	August 14, 2019	(1600027)
Item 17	February 07, 2017	(1404575)	Item 52	September 09, 2019	(1606928)
Item 18	March 07, 2017	(1411667)	Item 53	October 08, 2019	(1613775)
Item 19	April 07, 2017	(1418165)	Item 54	December 16, 2019	(1626940)
Item 20	May 08, 2017	(1425758)	Item 55	January 08, 2020	(1634580)
Item 22	June 09, 2017	(1431801)	Item 56	February 07, 2020	(1641195)
Item 23	July 10, 2017	(1440378)	Item 57	March 09, 2020	(1647710)
Item 24	August 09, 2017	(1444059)	Item 59	April 08, 2020	(1654059)
Item 25	October 09, 2017	(1456520)	Item 60	May 11, 2020	(1660631)
Item 26	November 06, 2017	(1461986)	Item 62	June 08, 2020	(1667151)
Item 27	December 06, 2017	(1468370)	Item 63	July 09, 2020	(1674103)
Item 28	January 08, 2018	(1475069)	Item 64	July 14, 2020	(1639108)
Item 30	March 08, 2018	(1490960)	Item 65	August 11, 2020	(1680876)
Item 34	July 09, 2018	(1514575)	Item 66	September 16, 2020	(1687447)
Item 35	August 06, 2018	(1520631)	Item 67	October 07, 2020	(1693786)
Item 36	September 07, 2018	(1527799)			
Item 37	October 08, 2018	(1534156)			

**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.

N/A

**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
- 9 Date: 05/31/2018 (1508243) 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
- 10 Date: 10/03/2018 (1518777) Classification: Minor
- Self Report? NO For Informational Purposes Only  
 Citation: OR Pg. 13, No. 1 PERMIT  
 Description: Failure by the City of Beaumont to properly operate and maintain units of collection, treatment, and disposal.
- 11 Date: 02/26/2019 (1544887) Classification: Minor
- Self Report? NO For Informational Purposes Only  
 Citation: MRR No. 7(A) Pg. 7 PERMIT  
 Description: Total failure by the City of Beaumont to report an unauthorized discharge (UD) to the Regional Office within 24 hours and five working days of becoming aware of the non-compliance.
- 12\* Date: 10/31/2019 (1619586) 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 9/1/2015 to 8/31/2020

## Appendix B

### All Investigations Conducted During Component Period January 05, 2016 and January 05, 2021

- (1325565)  
 Item 1\* February 09, 2016\*\* For Informational Purposes Only
- (1332304)  
 Item 2\* March 07, 2016\*\* For Informational Purposes Only
- (1339459)  
 Item 3\* April 11, 2016\*\* For Informational Purposes Only
- (1346271)  
 Item 4\* May 06, 2016\*\* For Informational Purposes Only
- (1352704)  
 Item 5\* June 07, 2016\*\* For Informational Purposes Only
- (1359669)  
 Item 6\* July 27, 2016\*\* For Informational Purposes Only
- (1366109)  
 Item 7\* August 09, 2016\*\* For Informational Purposes Only
- (1372795)

Item 8      September 07, 2016\*\* For Informational Purposes Only  
(1378969)

Item 9\*      October 10, 2016\*\* For Informational Purposes Only  
(1384932)

Item 10\*     November 07, 2016\*\* For Informational Purposes Only  
(1391066)

Item 11\*     December 06, 2016\*\* For Informational Purposes Only  
(1397686)

Item 12\*     January 09, 2017\*\* For Informational Purposes Only  
(1381495)

Item 13      January 11, 2017\*\* For Informational Purposes Only  
(1404575)

Item 14\*     February 07, 2017\*\* For Informational Purposes Only  
(1411667)

Item 15\*     March 07, 2017\*\* For Informational Purposes Only  
(1418165)

Item 16\*     April 07, 2017\*\* For Informational Purposes Only  
(1396520)

Item 17      April 10, 2017\*\* For Informational Purposes Only  
(1425758)

Item 18\*     May 08, 2017\*\* For Informational Purposes Only  
(1431801)

Item 19\*     June 09, 2017\*\* For Informational Purposes Only  
(1440378)

Item 20\*     July 10, 2017\*\* For Informational Purposes Only  
(1444059)

Item 21\*     August 09, 2017\*\* For Informational Purposes Only  
(1450663)

Item 22      September 12, 2017\*\* For Informational Purposes Only  
(1439110)

Item 23      October 09, 2017\*\* For Informational Purposes Only  
(1443022)

Item 24      October 26, 2017\*\* For Informational Purposes Only  
(1461986)

Item 25\*     November 06, 2017\*\* For Informational Purposes Only  
(1453721)

Item 26      December 06, 2017\*\* For Informational Purposes Only  
(1475069)

Item 27\*     January 08, 2018\*\* For Informational Purposes Only  
(1487285)

Item 28      February 07, 2018\*\* For Informational Purposes Only  
(1465981)

Item 29      February 14, 2018\*\* For Informational Purposes Only

Item 30*	March 08, 2018**	(1490960) For Informational Purposes Only
Item 31	April 09, 2018**	(1494206) For Informational Purposes Only
Item 32	May 09, 2018**	(1501156) For Informational Purposes Only
Item 33	June 07, 2018**	(1508243) For Informational Purposes Only
Item 34*	July 09, 2018**	(1514575) For Informational Purposes Only
Item 35*	August 06, 2018**	(1520631) For Informational Purposes Only
Item 36*	September 07, 2018**	(1527799) For Informational Purposes Only
Item 37*	October 08, 2018**	(1534156) For Informational Purposes Only
Item 38*	November 07, 2018**	(1541990) For Informational Purposes Only
Item 39*	December 10, 2018**	(1545761) For Informational Purposes Only
Item 40*	January 07, 2019**	(1561287) For Informational Purposes Only
Item 41*	January 31, 2019**	(1540551) For Informational Purposes Only
Item 42*	February 12, 2019**	(1561285) For Informational Purposes Only
Item 43*	March 08, 2019**	(1561286) For Informational Purposes Only
Item 44*	April 08, 2019**	(1572359) For Informational Purposes Only
Item 45*	May 09, 2019**	(1584330) For Informational Purposes Only
Item 46*	June 10, 2019**	(1584331) For Informational Purposes Only
Item 47*	July 12, 2019**	(1593699) For Informational Purposes Only
Item 48*	August 14, 2019**	(1600027) For Informational Purposes Only
Item 49*	September 09, 2019**	(1606928) For Informational Purposes Only
Item 50*	October 08, 2019**	(1613775) For Informational Purposes Only

Item 51	October 18, 2019**	(1597225) For Informational Purposes Only
Item 52	November 07, 2019**	(1619586) For Informational Purposes Only
Item 53*	December 16, 2019**	(1626940) For Informational Purposes Only
Item 54*	January 08, 2020**	(1634580) For Informational Purposes Only
Item 55*	February 07, 2020**	(1641195) For Informational Purposes Only
Item 56*	March 09, 2020**	(1647710) For Informational Purposes Only
Item 57*	April 08, 2020**	(1654059) For Informational Purposes Only
Item 58*	May 11, 2020**	(1660631) For Informational Purposes Only
Item 59*	June 08, 2020**	(1667151) For Informational Purposes Only
Item 60*	July 09, 2020**	(1674103) For Informational Purposes Only
Item 61*	July 14, 2020**	(1639108) For Informational Purposes Only
Item 62*	August 11, 2020**	(1680876) For Informational Purposes Only
Item 63*	September 16, 2020	(1687447) For Informational Purposes Only
Item 64*	October 07, 2020	(1693786) For Informational Purposes Only
Item 65	December 22, 2020	(1680096) For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF BEAUMONT  
RN101612224**

**§  
§  
§  
§  
§**

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2021-0039-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 Beaumont (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 plant with an associated collection system located at 4900 Lafin Drive in Beaumont, Jefferson 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 an investigation conducted on October 26, 2020, an investigator documented that approximately 1,000 gallons of untreated sewage was discharged from a sewage collection main located adjacent to 5595 Gail Drive which resulted in the death of 44 fish.
3. The Executive Director recognizes that by October 26, 2020, the Respondent had repaired the broken sewer main line, recovered the untreated sewage discharged, disinfected the affected area, and collected and properly disposed of the dead fish.

## 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, the Respondent failed to prevent an unauthorized discharge of untreated wastewater into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010501020, Permit Conditions No. 2.g.
3. 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.
4. An administrative penalty in the amount of \$11,250 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, \$11,250 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. 4 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 Beaumont, Docket No. 2021-0039-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 an SEP as set forth in Conclusion of Law No. 4. The amount of \$11,250 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. 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.
7. 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.
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.
9. 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.

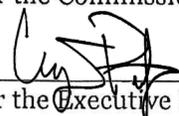
10. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic 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.
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

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

\_\_\_\_\_  
3/16/2022  
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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Beaumont

\_\_\_\_\_  
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: 2021-0039-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Beaumont
<b>Penalty Amount:</b>	Eleven Thousand Two Hundred Fifty Dollars (\$11,250)
<b>SEP Offset Amount:</b>	Eleven Thousand Two Hundred Fifty Dollars (\$11,250)
<b>Type of SEP:</b>	Compliance
<b>Project Name:</b>	<i>Lift Station Improvements</i>
<b>Location of SEP:</b>	Jefferson 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 pump station control panel at the Rue Lane lift station in Beaumont, Jefferson County. The lift station controls currently consist of hardwired alternator panels and a Murphy pressure switch system for level detection and pump control and perform inconsistently during times of seasonal pressure changes. The control system upgrade will modernize the controls with a new level transmitter and a new pump control panel. The control system upgrade will aid in preventing the sanitary sewer system from surcharging and leading to potential unauthorized discharges. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: pump station control panel (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>
Pump Station Control Panel	1	\$42,000	1	\$42,000
<b>Total</b>				<b>\$42,000</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

Days from Effective Order Date	Information Required
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.