

**Blue Water Resort, Inc.**  
RN109137612  
Docket No. 2021-0524-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:**

Yes

**Location Where Violations Occurred:**

11511 Blue Water Highway, Freeport, Brazoria County

**Type of Operation:**

wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

**Texas Register Publication Date:**

March 28, 2025

**Comments Received:**

None

**Penalty Information**

<b>Total Penalty Assessed:</b>	\$32,632
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<b>Total Paid to General Revenue:</b>	\$32,632
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<b>Total Due to General Revenue:</b>	\$0
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**Compliance History Classifications:**

Person – Satisfactory  
Site – Satisfactory

**Major Source:**

No

**Applicable Penalty Policy:**

January 28, 2021

**Investigation Information**

<b>Complaint Date:</b>	N/A
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<b>Date of Investigation:</b>	January 29, 2021
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<b>Dates of NOV's:</b>	See Compliance History – 8 related NOV's
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<b>Date of NOE:</b>	March 29, 2021
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**Blue Water Resort, Inc.**  
**RN109137612**  
**Docket No. 2021-0524-MWD-E**

**Violation Information**

1. Failed to comply with permitted effluent limitations [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015498001, 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 (5) and 319.5(b) and TPDES Permit No. WQ0015498001, Effluent Limitations and Monitoring Requirements No. 1].

**Corrective Actions/Technical Requirements**

**Corrective Actions Completed:**

The Executive Director recognizes that Respondent:

- a. Collected and analyzed effluent samples in accordance with intervals specified in the permit requirements by July 31, 2020; and
- b. No longer owns or operates the Facility as of November 3, 2021.

**Technical Requirements:**

None

**Litigation Information**

**Date Petitions Filed:** July 13, 2023; May 24, 2024

**Dates of Service:** July 24, 2023; May 28, 2024

**Settlement Date:** January 29, 2025

**Contact Information**

**TCEQ Attorneys:** Marilyn Norrod, Litigation Division, (512) 239-3400  
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575

**TCEQ Enforcement Coordinator:** Mark Gamble, Enforcement Division, (512) 239-2587

**TCEQ Regional Contact:** Westin Massey, Houston Regional Office, (713) 767-3500

**Respondent Contact:** Mark Joffrion, President, Blue Water Resort, Inc., P.O. Box 4, Hitchcock, Texas 77563

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	5-Apr-2021	<b>Screening</b>	20-Apr-2021	<b>EPA Due</b>	
	<b>PCW</b>	14-Jun-2021				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Blue Water Resort, Inc.
<b>Reg. Ent. Ref. No.</b>	RN109137612
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	60648	<b>No. of Violations</b>	3
<b>Docket No.</b>	2021-0524-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Mark Gamble
		<b>EC's Team</b>	Enforcement Team 1
<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>	\$23,750
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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>	40.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$9,500
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Notes: Enhancement for 8 months of self-reported effluent violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$937
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$2,031  
Estimated Cost of Compliance: \$25,300  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$32,313
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	1.0%	<b>Adjustment</b>	\$319
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with Violation No. 3.

<b>Final Penalty Amount</b>	\$32,632
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$32,632
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<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.

<b>PAYABLE PENALTY</b>	\$32,632
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<b>Screening Date</b>	20-Apr-2021	<b>Docket No.</b>	2021-0524-MWD-E	<b>PCW</b>
<b>Respondent</b>	Blue Water Resort, Inc.			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	60648			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN109137612			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	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> )	8	40%
	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)** 40%

### >> 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 8 months of self-reported effluent violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 40%

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 40%

<b>Screening Date</b> 20-Apr-2021 <b>Respondent</b> Blue Water Resort, Inc. <b>Case ID No.</b> 60648 <b>Reg. Ent. Reference No.</b> RN109137612 <b>Media</b> Water Quality <b>Enf. Coordinator</b> Mark Gamble	<b>Docket No.</b> 2021-0524-MWD-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	1		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015498001, Effluent Limitations and Monitoring Requirements No. 1		
<b>Violation Description</b>	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.		
<b>Base Penalty</b>			\$25,000

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

<b>OR</b>	<b>Release</b>	<b>Major</b>	<b>Harm Moderate</b>	<b>Minor</b>	
	Actual	x			
	Potential				
					<b>Percent</b> 50.0%

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
					<b>Percent</b> 0.0%

Matrix Notes	A simplified model was used to evaluate ammonia nitrogen, carbonaceous biochemical oxygen demand (5-day), and flow to determine whether the discharged amounts of pollutants exceeded protective levels. 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.
<b>Adjustment</b> \$12,500	

	\$12,500
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**Violation Events**

Number of Violation Events	1	30	Number of violation days
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	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
<b>Violation Base Penalty</b> \$12,500				

One monthly event is recommended for the month of June 2020.
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**Good Faith Efforts to Comply**

	0.0%	
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.	
<b>Violation Subtotal</b> \$12,500		

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

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$1,712
<b>Violation Final Penalty Total</b>	\$17,673
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$17,673	

# Economic Benefit Worksheet

**Respondent** Blue Water Resort, Inc.  
**Case ID No.** 60648  
**Reg. Ent. Reference No.** RN109137612  
**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				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	30-Jun-2020	12-Nov-2021	1.37	\$1,712	n/a	\$1,712

### Notes for DELAYED costs

Estimated delayed 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

\$1,712

<b>Screening Date</b> 20-Apr-2021 <b>Respondent</b> Blue Water Resort, Inc. <b>Case ID No.</b> 60648 <b>Reg. Ent. Reference No.</b> RN109137612 <b>Media</b> Water Quality <b>Enf. Coordinator</b> Mark Gamble	<b>Docket No.</b> 2021-0524-MWD-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	2	<b>Rule Cite(s)</b>	
		30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0015498001, Effluent Limitations and Monitoring Requirements No. 1	
<b>Violation Description</b>	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.		

<b>Base Penalty</b>	\$25,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Release</b>	<b>Harm</b>		
		Major	Moderate	Minor	
	Actual	x			
	Potential				
					<b>Percent</b> 15.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

<b>Matrix Notes</b>	A simplified model was used to evaluate ammonia nitrogen, carbonaceous biochemical oxygen demand (5-day), and flow to determine whether the discharged amounts of pollutants exceeded protective levels. Enterococci, total residual chlorine, and total suspended solids were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$21,250
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	\$3,750
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**Violation Events**

Number of Violation Events	2	123	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				

<b>Violation Base Penalty</b>	\$7,500
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Two quarterly events are recommended for the quarters containing the months of July, August, September, and October 2020.	
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**Good Faith Efforts to Comply**

	0.0%		
	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.		

<b>Violation Subtotal</b>	\$7,500
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$0	<b>Statutory Limit Test</b>	
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<b>Violation Final Penalty Total</b>	\$10,604
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$10,604
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# Economic Benefit Worksheet

**Respondent** Blue Water Resort, Inc.  
**Case ID No.** 60648  
**Reg. Ent. Reference No.** RN109137612  
**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 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	<b>TOTAL</b>	\$0
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<b>Screening Date</b> 20-Apr-2021 <b>Respondent</b> Blue Water Resort, Inc. <b>Case ID No.</b> 60648 <b>Reg. Ent. Reference No.</b> RN109137612 <b>Media</b> Water Quality <b>Enf. Coordinator</b> Mark Gamble	<b>Docket No.</b> 2021-0524-MWD-E  <b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	3	<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 305.125(1) and (5) and 319.5(b) and TPDES Permit No. WQ0015498001, Effluent Limitations and Monitoring Requirements No. 1
<b>Violation Description</b>	Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze carbonaceous biochemical oxygen demand, total residual chlorine, flow, ammonia nitrogen, dissolved oxygen, total suspended solids, and pH for the monthly monitoring periods of April and May 2020. The Respondent did not collect and analyze Enterococci for the quarterly monitoring period ending in June 2020.		

<b>Base Penalty</b>	\$25,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Release</b>	<b>Harm</b>			<b>Percent</b>
		Major	Moderate	Minor	
	Actual	[ ]	[ ]	[ ]	
	Potential	[ ]	x	[ ]	

**>> Programmatic Matrix**

<b>Matrix Notes</b>	<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b>
		[ ]	[ ]	[ ]	
		[ ]	[ ]	[ ]	
		[ ]	[ ]	[ ]	

<b>Adjustment</b>	\$23,750
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<b>Adjustment</b>	\$1,250
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**Violation Events**

Number of Violation Events	3	91	Number of violation days
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daily	[ ]	<b>Violation Base Penalty</b>	\$3,750
weekly	[ ]		
monthly	x		
quarterly	[ ]		
semiannual	[ ]		
annual	[ ]		
single event	[ ]		

Three monthly events are recommended.
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**Good Faith Efforts to Comply**

	<b>25.0%</b>	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	[ ]	[ ]
Ordinary	x	[ ]
N/A	[ ]	[ ]
Notes	Respondent achieved compliance by July 31, 2020.	

<b>Violation Subtotal</b>	\$2,813
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	<b>Statutory Limit Test</b>
\$319	<b>Violation Final Penalty Total</b>
	\$4,356
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
	\$4,356

# Economic Benefit Worksheet

**Respondent** Blue Water Resort, Inc.  
**Case ID No.** 60648  
**Reg. Ent. Reference No.** RN109137612  
**Media** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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							

## 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	\$300	30-Apr-2020	31-Jul-2021	1.25	\$19	\$300	\$319
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Avoided cost to collect and analyze effluent samples (\$100 for each month samples were missed). The Date Required is the last day of the first month of noncompliance, and the Final Date is the date of compliance.						

Approx. Cost of Compliance	\$300	<b>TOTAL</b>	\$319
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Attachment

Blue Water Resort, Inc.  
Docket No. 2021-0524-MWD-E  
TPDES Permit No. WQ0015498001

Effluent Violation Table No. 1					
	Ammonia Nitrogen		CBOD <sub>5</sub>	Flow	Residual Chlorine
	Daily Average Concentration	Daily Average Loading	Daily Average Loading	Daily Average	Monthly Maximum
Month/Year	Limit = 3 mg/L	Limit = .25 lbs/day	Limit = .83 lbs/day	Limit = .01 MGD	Limit = 4 mg/L
June 2020	9.85	2.33	2.58	0.01899	c
July 2020	5.26	c	c	c	c
August 2020	3.39	c	c	c	4.6
October 2020	3.92	c	c	c	c

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

c = compliant

lbs/day = pounds per day

mg/L = milligrams per liter

MGD = million gallons per day

Effluent Violation Table No. 2				
Monitoring Period	<i>Enterococci</i>		Total Suspended Solids	
	Daily Average Concentration	Single Grab Concentration	Daily Average Concentration	Daily Average Loading
Month/Year	Limit = 35 CFU/100 mL	Limit = 104 CFU/100 mL	Limit = 15 mg/L	Limit = 1.3 lbs/day
June 2020	no sample taken	no sample taken	26.2	6.36
July 2020	c	c	22	c
August 2020	c	c	21.1	c
September 2020	270	270	c	c

CFU/100 mL = colony forming units per 100 milliliters

c = compliant

lbs/day = pounds per day

mg/L = milligrams per liter

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# Compliance History Report

Compliance History Report for CN605111939, RN109137612, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN605111939, BLUE WATER RESORT, INC. **Classification:** SATISFACTORY **Rating:** 4.50

**Regulated Entity:** RN109137612, BLUE WATER RESORT **Classification:** SATISFACTORY **Rating:** 4.50

**Complexity Points:** 7 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 11511 BLUEWATER HIGHWAY NEAR FREEPORT, BRAZORIA COUNTY, TEXAS

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**

**WASTEWATER PERMIT** WQ0015498001

**WASTEWATER EPA ID** TX0137243

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 0200730

**Compliance History Period:** September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** October 25, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 25, 2016 to October 25, 2021

**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	August 11, 2020	(1675970)
Item 2	January 25, 2021	(1719580)
Item 3	June 16, 2021	(1743627)
Item 4	July 20, 2021	(1754069)
Item 5	July 29, 2021	(1745114)
Item 6	September 20, 2021	(1768830)

**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: 10/31/2020 (1719581)

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:	11/30/2020 (1719582)	
	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:	12/31/2020 (1719583)	
	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:	01/31/2021 (1732661)	
	Self Report?	YES	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	
5	Date:	02/28/2021 (1732662)	
	Self Report?	YES	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	
6	Date:	03/31/2021 (1732663)	
	Self Report?	YES	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	
7	Date:	04/30/2021 (1743626)	
	Self Report?	YES	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	
8	Date:	07/31/2021 (1759415)	
	Self Report?	YES	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT  
ACTION CONCERNING  
BLUE WATER RESORT, INC.;  
RN109137612

§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER

DOCKET NO. 2021-0524-MWD-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Blue Water Resort, Inc. ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, presented this Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

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 Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### FINDINGS OF FACT

1. Respondent owned and operated a wastewater treatment facility located at 11511 Blue Water Highway near Freeport, Brazoria County, Texas (the "Facility"). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001.
2. During a record review conducted on January 29, 2021, an investigator documented that Respondent:
  - a. Failed to comply with permitted effluent limitations, as shown in the effluent violation tables below:

Effluent Violation Table No. 1					
	Ammonia Nitrogen		CBOD5	Flow	Residual Chlorine
	Daily Average Concentration	Daily Average Loading	Daily Average Loading	Daily Average	Monthly Maximum
Month/Year	Limit = 3 mg/L	Limit = .25 lbs/day	Limit = .83 lbs/day	Limit = .01 MGD	Limit = 4 mg/L
June 2020	9.85	2.33	2.58	0.01899	c
July 2020	5.26	c	c	c	c

August 2020	3.39	c	c	c	4.6
October 2020	3.92	c	c	c	c

CBOD5 = carbonaceous biochemical oxygen demand (5 day)

mg/L = milligrams per liter

c = compliant

MGD = million gallons per day

lbs/day = pounds per day

Effluent Violation Table No. 2				
Monitoring Period	<i>Enterococci</i>		Total Suspended Solids	
	Daily Average Concentration	Single Grab Concentration	Daily Average Concentration	Daily Average Loading
Month/Year	Limit = 35 CFU/100 mL	Limit = 104 CFU/100 mL	Limit = 15 mg/L	Limit = 1.3 lbs/day
June 2020	no sample taken	no sample taken	26.2	6.36
July 2020	c	c	22	c
August 2020	c	c	21.1	c
September 2020	270	270	c	c

CFU/100 mL = colony forming units per 100 milliliters

lbs/day = pounds per day

c = compliant

mg/L = milligrams per liter

- b. Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, Respondent did not collect and analyze carbonaceous biochemical oxygen demand, total residual chlorine, flow, ammonia nitrogen, dissolved oxygen, total suspended solids, and pH for the monthly monitoring periods of April and May 2020. Respondent did not collect and analyze *Enterococci* for the quarterly monitoring period ending in June 2020.
3. The Executive Director recognizes that Respondent:
  - a. Collected and analyzed effluent samples in accordance with intervals specified in the permit requirements by July 31, 2020; and
  - b. No longer owns or operates the Facility as of November 3, 2021.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, 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., Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015498001, Effluent Limitations and Monitoring Requirements No. 1.
3. As evidenced by Finding of Fact No. 2.b., 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 (5) and 319.5(b) and TPDES Permit No. WQ0015498001, 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 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 \$32,632 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Respondent paid \$32,632 of the penalty.

#### **ORDERING PROVISIONS**

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

1. 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 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.
2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent.
4. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
6. 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.
7. 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.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or

process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



May 21, 2025

For the Executive Director

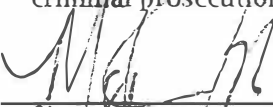
Date

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

I also understand that failure to comply with the Ordering Provisions 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.



Signature  
Mark Joffrion, President  
Blue Water Resort, Inc.  
605 Park Lane  
Friendswood, Texas 77546

Agent for

BLUE WATER

Date

1-29-2025

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