

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 11, 2023

To: Persons on the Attached Mailing List (by mail and email as indicated)

Re: Executive Director's Request for Remand regarding an Agreed Order against Sralla MHP. LP; TCEQ Docket No. 2021-1343-MWD-E

The above-referenced matter is currently scheduled to be considered by the Texas Commission on Environmental Quality at its December 11, 2023, public meeting. However, the Executive Director filed a request to remand this item on December 8, 2023, as the Executive Director has determined that additional case development is necessary. Pursuant to 30 TAC § 10.4, this matter is hereby remanded to the Executive Director.

If you have any questions about this matter, please contact Todd Burkey, Assistant General Counsel at Todd.Burkey@tceq.texas.gov.

Respectfully,

A handwritten signature in cursive script that reads "Mary Smith".

Mary Smith
General Counsel

Mailing List

Mailing List
Sralla MHP, LP
TCEQ Docket No. 2021-1343-MWD-E

Katherine A. Mims, Owner
Tiffany Williams, Vice President of Operations
Sralla MHP, LP
5451 FM Rd. 1488
Magnolia, Texas 77354
kmims@gmimgm.com
twilliams@gmimgm.com

Amy Settemeyer
Melissa Cordell
Michael Parrish
Leslie Gann
Rebecca Margain-Nunez
Kristy Deaver
Monica Larina
TCEQ Enforcement Division MC 219
P.O. Box 13087
Austin, Texas 78711-3087
512/239-2545 FAX 512/239-2550
amy.settemeyer@tceq.texas.gov
Melissa.cordell@tceq.texas.gov
Michael.parrish@tceq.texas.gov
Leslie.gann@tceq.texas.gov
Rebecca.Margain-Nunez@tceq.texas.gov
Kristy.Deaver@tceq.texas.gov
Monica.Larina@tceq.texas.gov

Gitanjali Yadav
Katherine Mckenzie
TCEQ Litigation Division MC 175
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0600 FAX 512/239-3434
Gitanjali.Yadav@tceq.texas.gov
Katherine.mckenzie@tceq.texas.gov

Garrett Arthur
Eli Martinez
TCEQ Office of Public Interest Counsel MC 103
P.O. Box 13087
Austin, Texas 78711-3087
512/239-6363 FAX 512/239-6377
Garrett.arthur@tceq.texas.gov
Eli.martinez@tceq.texas.gov

Docket Clerk
TCEQ Office of Chief Clerk MC 105
P.O. Box 13087
Austin, Texas 78711-3087
512/239-3300 FAX 512/239-3311
<https://www14.tceq.texas.gov/epic/efiling/>

Ryan Vise
TCEQ External Relations Division MC 118
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0010 FAX 512/239-5000
pep@tceq.texas.gov

TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel

Thru: AS Amy Settemeyer, Deputy Director
Enforcement Division

From: MP Michael Parrish, Team Leader
Special Functions Team

Date: December 8, 2023

Subject: **Request for Remand**
December 13, 2023 Commission Agenda
Item No. 18 – Sralla MHP, LP
Docket No. 2021-1343-MWD-E

The Executive Director respectfully requests that the above-referenced item be remanded to staff, as the Executive Director has determined that additional case development is necessary.

Respondent Contact:

Katherine A. Mims, Owner
Sralla MHP, LP
5451 Farm-to-Market Road 1488
Magnolia, Texas 77354

Please do not hesitate to call Michael Parrish at (512) 239-2548 if you have any questions regarding this matter.

cc: Garrett Arthur, Public Interest Counsel
Melissa Schmidt, Public Interest Counsel
Gill Valls, Office of General Counsel
Katherine McKenzie, Agenda Coordinator, Litigation Division
Amy Settemeyer, Deputy Director, Enforcement Division
Melissa Cordell, Assistant Deputy Director, Enforcement Division
Rebecca Margain-Nunez, Executive Assistant, Enforcement Division
Kristy Deaver, Manager, Water Section, Enforcement Division
Monica Larina, Water Section, Enforcement Division

Executive Summary – Enforcement Matter – Case No. 61435

Slalla MHP, LP

RN104090998

Docket No. 2021-1343-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(s) Where Violation(s) Occurred:

Slalla MHP, 13535 Slalla Road, Crosby, 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: October 13, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$53,625

Total Paid to General Revenue: \$26,813

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$26,812

Name of SEP: Galveston Bay Foundation (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 29, 2021

Date(s) of NOE(s): August 23, 2021

Executive Summary – Enforcement Matter – Case No. 61435

Sralla MHP, LP

RN104090998

Docket No. 2021-1343-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for dissolved oxygen, total suspended solids, carbonaceous biochemical oxygen demand (5-day) and ammonia nitrogen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014500001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6].

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 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014500001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Monica Larina, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-0184; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

SEP Third-Party Administrator: Galveston Bay Foundation, 1725 Highway 146
Kemah, Texas 77565

Respondent: Katherine A. Mims, Owner, Sralla MHP, LP, 5451 Farm-to-Market Road
1488, Magnolia, Texas 77354

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	30-Aug-2021	Screening	4-Oct-2021	EPA Due	
	PCW	19-Jan-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Sralla MHP, LP
Reg. Ent. Ref. No.	RN104090998
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	61435	No. of Violations	2
Docket No.	2021-1343-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Monica Larina
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$41,250
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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.

Compliance History	30.0%	Adjustment	Subtotals 2, 3, & 7	\$12,375
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Notes: Enhancement for one agreed order containing a denial of liability and two months of self-reported effluent violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$502
 Estimated Cost of Compliance: \$5,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$53,625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$53,625
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$53,625
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$53,625
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Screening Date 4-Oct-2021

Docket No. 2021-1343-MWD-E

PCW

Respondent Sralla MHP, LP

Policy Revision 5 (January 28, 2021)

Case ID No. 61435

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN104090998

Media Water Quality

Enf. Coordinator Monica Larina

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>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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) 30%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one agreed order containing a denial of liability and two months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date	4-Oct-2021	Docket No.	2021-1343-MWD-E	PCW
Respondent	Sralla MHP, LP			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61435			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN104090998			
Media	Water Quality			
Enf. Coordinator	Monica Larina			
Violation Number	1			
Rule Cite(s)	Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014500001, Effluent Limitations and Monitoring Requirements No. 1			
Violation Description	Failed to comply with permitted effluent limitations, as shown in the attached table.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	X			Percent 50.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

A simplified model was utilized to evaluate ammonia nitrogen and biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids was also evaluated. 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 \$12,500

\$12,500

Violation Events

Number of Violation Events: 3 90 Number of violation days

daily		Violation Base Penalty \$37,500
weekly		
monthly	X	
quarterly		
semiannual		
annual		
single event		

Three monthly events are recommended for the monthly monitoring periods ending January 31, 2021, February 28, 2021, and March 31, 2021.

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 \$37,500

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$502	Violation Final Penalty Total \$48,750
This violation Final Assessed Penalty (adjusted for limits) \$48,750	

Economic Benefit Worksheet

Respondent Sralla MHP, LP
Case ID No. 61435
Reg. Ent. Reference No. RN104090998
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)	\$5,000	31-Oct-2020	3-Nov-2022	2.01	\$502	n/a	\$502
Notes for DELAYED costs	Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility to achieve compliance with the permitted effluent limitations of TPDES Permit No. WQ0014500001. Date required is the end date of the first month of noncompliance, and the final date is the 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	\$5,000	TOTAL	\$502
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Screening Date 4-Oct-2021 **Docket No.** 2021-1343-MWD-E **PCW**
Respondent Sralla MHP, LP *Policy Revision 5 (January 28, 2021)*
Case ID No. 61435 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN104090998
Media Water Quality
Enf. Coordinator Monica Larina

Violation Number 2
Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014500001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6
Violation Description Failed to comply with permitted effluent limitations, as shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 31 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended for the monthly monitoring period ending October 31, 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** \$4,875

This violation Final Assessed Penalty (adjusted for limits) \$4,875

Economic Benefit Worksheet

Respondent Sralla MHP, LP
Case ID No. 61435
Reg. Ent. Reference No. RN104090998
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	Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility to achieve compliance with the permitted effluent limitations of TPDES Permit No. WQ0014500001 is captured in the Economic Benefit Worksheet for 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

Sralla MHP, LP
 TPDES Permit No. WQ0014500001
 Docket No. 2021-1343-MWD-E

Effluent Violation Table

Monitoring Period	Daily Avg. (mg/L)			Daily Grab (mg/L)			Min.	Avg. Loading (lbs/day)		
	CBOD 10	TSS 15	NH ₃ N 3	CBOD 35	TSS 60	NH ₃ N 15	DO 4	CBOD 1.7	TSS 2.5	NH ₃ N 0.5
October 2020	C	C	C	C	C	C	1.7	C	C	C
January 2021	C	40.4	12.8	C	84	C	C	11.1	125.86	28.44
February 2021	24.2	36.3	20.2	42.8	C	26.1	C	2.9	5.99	3.3
March 2021	C	C	23.56	C	C	34.1	C	C	C	3.98

Avg. = Average

NH₃N = Ammonia Nitrogen

DO = Dissolved Oxygen

TSS = Total Suspended Solids

CBOD = Carbonaceous Biochemical Oxygen Demand (5-day)

Min. = Minimum

mg/L = milligrams per liter

lbs/d = pounds per day

C = compliant

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Compliance History Report

Compliance History Report for CN604271106, RN104090998, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN604271106, Sralla MHP, LP **Classification:** SATISFACTORY **Rating:** 2.18

Regulated Entity: RN104090998, SRALLA MHP **Classification:** SATISFACTORY **Rating:** 2.18

Complexity Points: 5 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: 13535 Sralla Road, in Harris County Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011925 **WASTEWATER PERMIT** WQ0014500001

WASTEWATER EPA ID TX0126381

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

Date Compliance History Report Prepared: April 27, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 27, 2017 to April 27, 2022

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

Name: Monica Larina

Phone: (512) 239-0184

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: 10/08/2019 ADMINORDER 2019-0226-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(E)(i)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a well capacity of 1.0 gallon per minute ("gpm") per connection. Specifically, the Facility had 55 connections requiring a well capacity of 55 gpm. However, the Facility only provided 41 gpm, indicating a 25% deficiency.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)

Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the disinfectant chlorine residual monitoring records from the distribution system for review.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)

Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the records of the amount of each chemical used each week were not available.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)

Description: Failure to have all backflow prevention assemblies tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications. Specifically, the backflow prevention assembly device installed at the wastewater treatment plant had not been tested annually.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)

Description: Failure to provide a concrete sealing block that extends a minimum of three feet from the well casing in all directions with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inch per foot. Specifically, a large depression was noted on the concrete sealing block.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)

Description: Failure to provide a suitable sampling cock on the discharge pipe of the Facility's well pump prior to any treatment.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the fence was overgrown with heavy vegetation, a tree between the fence and the 900-gallon pressure tank was extending over the water plant fence, and a small portion of the fence had one strand of barbed wire missing.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)

Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, calibration records for flow meter were not available for review.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(h)(1)(D)

Description: Failure to provide the use of portable generators capable of serving multiple facilities equipped with quick-connect systems in accordance with the affected utility's approved emergency preparedness plan. Specifically, the necessary water plant equipment was not equipped with quick-connect systems to facilitate the implementation of the emergency preparedness plan.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the records of the dates that dead-end mains were flushed were not available for review.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)

Description: Failure to keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the well remains in service.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 16, 2017	(1427301)	Item 21	April 17, 2019	(1573832)
Item 2	June 16, 2017	(1433290)	Item 22	May 10, 2019	(1587253)
Item 3	August 10, 2017	(1441870)	Item 23	June 18, 2019	(1587254)
Item 4	September 12, 2017	(1452123)	Item 24	July 16, 2019	(1595204)
Item 5	November 15, 2017	(1458000)	Item 25	August 19, 2019	(1601469)
Item 6	December 18, 2017	(1469853)	Item 26	September 18, 2019	(1608375)
Item 7	January 19, 2018	(1476563)	Item 27	October 16, 2019	(1615250)
Item 8	March 14, 2018	(1492391)	Item 28	November 18, 2019	(1621053)
Item 9	April 12, 2018	(1495690)	Item 29	December 13, 2019	(1628391)
Item 10	May 20, 2018	(1502636)	Item 30	January 17, 2020	(1636013)
Item 11	June 20, 2018	(1509738)	Item 31	February 13, 2020	(1642636)
Item 12	July 20, 2018	(1516058)	Item 32	March 19, 2020	(1649138)
Item 13	September 20, 2018	(1529300)	Item 33	April 18, 2020	(1655503)
Item 14	September 24, 2018	(1522097)	Item 34	May 15, 2020	(1662050)
Item 15	October 09, 2018	(1535604)	Item 35	June 18, 2020	(1668590)
Item 16	November 19, 2018	(1543479)	Item 36	July 28, 2020	(1675542)
Item 17	December 13, 2018	(1547185)	Item 37	August 14, 2020	(1682316)
Item 18	January 16, 2019	(1565750)	Item 38	September 14, 2020	(1688875)
Item 19	February 15, 2019	(1565748)	Item 39	October 16, 2020	(1695244)
Item 20	March 18, 2019	(1565749)	Item 40	December 14, 2020	(1718333)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SRALLA MHP, LP
RN104090998

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-1343-MWD-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Sralla MHP, LP (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 13535 Sralla Road in 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 June 29, 2021, an investigator documented that the Respondent failed to comply with permitted effluent limitations, as shown in the effluent violation table below:

Monitoring Period	Daily Avg. (mg/L)			Daily Grab (mg/L)			Min.	Avg. Loading (lbs/day)		
	CBOD 10	TSS 15	NH3N 3	CBOD 35	TSS 60	NH3N 15	DO 4	CBOD 1.7	TSS 2.5	NH3N 0.5
October 2020	C	C	C	C	C	C	1.7	C	C	C
January 2021	C	40.4	12.8	C	84	C	C	11.1	125.86	28.44
February 2021	24.2	36.3	20.2	42.8	C	26.1	C	2.9	5.99	3.3
March 2021	C	C	23.56	C	C	34.1	C	C	C	3.98

Avg. = Average
NH3N = Ammonia Nitrogen
DO = Dissolved Oxygen
TSS = Total Suspended Solids
CBOD = Carbonaceous Biochemical Oxygen Demand (5-day)

Min. = Minimum
mg/L = milligrams per liter
lbs/day = pounds per day
C = compliant

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 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. WQ0014500001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6.
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 \$53,625 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$26,813 penalty. Pursuant to TEX. WATER CODE § 7.067, \$26,812 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: Sralla MHP, LP, Docket No. 2021-1343-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. 4. The amount of \$26,812 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 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ001450001, 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. The certification shall include photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be signed by the Respondent and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Enforcement Division, MC 219
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 Enforcement Division 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



11/9/2023

For the Executive Director

Date

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

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



9/5/23

Signature

Date

Kate Mims

Owner

Name (Printed or typed)

Title

Authorized Representative of
Sralla MHP, LP

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: 2021-1343-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Sralla MHP, LP
Payable Penalty Amount:	\$53,625
SEP Offset Amount:	\$26,812
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Galveston Bay Foundation
Project Name:	<i>Galveston Bay “Marsh Mania” Restoration Program</i>
Location of SEP:	Harris, Galveston, Chambers, and Brazoria Counties

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Galveston Bay Foundation** for the *Galveston Bay “Marsh Mania” Restoration Program*. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to re-establish marsh habitat to Galveston Bay by restoring marsh elevations to those that will support marsh vegetation and protect marsh habitats from the threat of erosion. The Third-Party Administrator shall also plant salinity-appropriate marsh grasses to reestablish the habitat. The SEP Offset Amount will be used for on-the-ground site preparation and construction of marsh restoration sites, including supplies, materials, equipment, and contractual labor costs, excluding compensation of Galveston Bay Foundation personnel or volunteers.

Restoration work will take place in and around Galveston Bay, its sub-bays, and its tributaries throughout Harris, Galveston, Chambers, and Brazoria Counties. The specific locations will be determined based on local prioritization and needs. The Third-Party Administrator, at its own expense, shall work with local steering committees comprised of leaders from government agencies and local organizations to identify and prioritize sites. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Due to the loss of wetlands in the Galveston Bay system, the Galveston Bay National Estuary Program identified wetland restoration, creation, and protection as the number one priority in the *Galveston Bay Plan*. Marshes along coastal Texas, including Galveston Bay, serve as nursery grounds for over 95% of the recreational and commercial fish species found in the Gulf of Mexico as well as many varieties of shrimps and crabs. These habitats also provide breeding, nesting, and feeding grounds for more than one-third of all threatened and endangered animal species, support many endangered plant species, and provide permanent and seasonal habitat for a great variety of wildlife, including finfish and shellfish and 75% of North America's bird species. Marshes also result in the reduction of pollution by filtering particulates and excess nutrients from runoff and serve to protect shorelines from erosion and help reduce the effects of flooding and storm surges on more upland areas.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Galveston Bay Foundation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Robert Stokes, President
Galveston Bay Foundation
1725 Highway 146
Kemah, Texas 77565

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the 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 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

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

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the 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.

6. Recognition

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

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