Executive Summary – Enforcement Matter – Case No. 61648 Galveston County Water Control and Improvement District No. 1 RN102181377 Docket No. 2021-1569-MLM-E

Order Type: 1660 Agreed Order **Findings Order Justification:** N/A Media: MLM - WQ **Small Business:** No Location(s) Where Violation(s) Occurred: Plant 1, 4900 Nebraska Street, Dickinson, Galveston 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: November 10, 2023 Comments Received: No

Penalty Information

Total Penalty Assessed: \$55,625 Amount Deferred for Expedited Settlement: \$11,125 Total Paid to General Revenue: \$0 Total Due to General Revenue: \$0 Payment Plan: N/A Supplemental Environmental Project ("SEP") Conditional Offset: \$44,500 Name of SEP: Houston-Galveston Area Council (Third-Party Pre-Approved) Compliance History Classifications: Person/CN - Satisfactory Site/RN - High Major Source: Yes

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: August 30, 2021 and July 26, 2022 Date(s) of NOE(s): October 29, 2021 and August 10, 2022

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Violation Information

1. Failed to comply with permitted effluent limitations for ammonia nitrogen, *Escherichia coli*, and dissolved oxygen [Tex. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010173001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6].

2. Failed to maintain authorization to discharge stormwater associated with industrial activities. Specifically, authorization under TPDES General Permit No. TXRNEBE56 expired on November 12, 2021, and the Respondent continued to operate [30 Tex. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(c)].

3. Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state [30 Tex. ADMIN. CODE § 305.125(1) and (5), Tex. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010173001, Permit Conditions No. 2.g].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. By September 1, 2021, determined the cause of noncompliance and made any necessary repairs/adjustments to the Facility to achieve compliance with the permitted effluent limitations of TPDES Permit No. WQ0010173001; and

b. By July 20, 2021, ceased the four unauthorized discharges of sewage, cleaned and disinfected the affected areas, and implemented measures to address inflow and infiltration.

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:

a. Within 30 days:

i. Develop and implement a stormwater pollution prevention plan to comply with the requirements of TPDES General Permit No. TXR050000; and

ii. Submit a Notice of Intent through the State of Texas Environmental Electronic Reporting System to obtain authorization to discharge stormwater.

b. Within 45 days, submit written certification to demonstrate compliance with a.

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Kolby Farren, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-2098; 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: Houston-Galveston Area Council, 3555 Timmons Lane, Suite 120, Houston, Texas 77027

Respondent: Ron Morales, President, Galveston County Water Control and Improvement District No. 1, 2750 Farm-to-Market Road 517 East, Dickinson, Texas 77539

Ivan Langford, General Manager, Galveston County Water Control and Improvement District No. 1, 2750 Farm-to-Market Road 517 East, Dickinson, Texas 77539 **Respondent's Attorney:** N/A

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		Compliance History Worksheet		
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	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%
		Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Orders	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	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%
	Decrees	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 (number of audits for which notices were submitted)	0	0%
	Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were</i> <i>disclosed</i>)	0	0%
		Environmental management systems in place for one year or more	No	0%
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	0 0 0 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%
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Docket No. 2021-1569-MLM-E

Respondent Galveston County Water Control and Improvement District No. 1

PCW

Policy Revision 5 (January 28, 2021)

Screening Date 19-Sep-2022

Respondent Calveston County Water Control and Improvement District No. 1 Reg. Ent. Reference No. SNU021377 Media Water Quality Ent. Reference No. SNU021377 Wieldion Number 2 30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and Tex.s Politica Discharge Etimication System ("TERDS") Formation Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and Tex.s Politica Discharge Etimication System ("TERDS") Formation Violation Number 2 Violation Property and Human Health Matrix Matrix Number of Violation Matrix Matrix Number of Violation Property and Human Health Matrix Number of Violation Property and Human Health Matrix Matrix Number of Violation Property and Matrix Number of Violation Property and Matrix Number of Violation Property Number of Violation Property Number of Violation Proper		eening Date			et No. 2021-1569-MLM-E		PCW
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Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary				collection system.			
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary	Good Faith Ff	forts to Com	nlv 25	0%		Reduction	\$3.750
Ordinary X N/A Notes The Respondent achieved compliance on July 20, 2021. Violation Subtotal \$11,250 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$21 Violation Final Penalty Total \$11,250						Reduction	45,750
N/A			Extraordinary				
Notes The Respondent achieved compliance on July 20, 2021. Violation Subtotal \$11,250 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$21 Violation Final Penalty Total \$11,250							
Violation Subtotal \$11,250 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$21 Violation Final Penalty Total \$11,250			N/A				
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$21 Violation Final Penalty Total \$11,250			Notes The Res	spondent achieved c	ompliance on July 20, 2021.		
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$21 Violation Final Penalty Total \$11,250					Violation	Subtotal	\$11,250
Estimated EB Amount \$21 Violation Final Penalty Total \$11,250	Economic Ben	efit (EB) for	this violation		Statutory Limit	Test	
This violation Final Assessed Penalty (adjusted for limits) \$11,250		Estimate	ea EB Amount	\$21	Violation Final Pena	aity Total	\$11,250
			This	violation Final As	sessed Penalty (adjusted f	or limits)	\$11,250

	E	conomic	Benefit	Woi	rksheet		
Respondent	Galveston Cou	inty Water Contro	l and Improvem	ent Dis	trict No. 1		
Case ID No.	61648						
Reg. Ent. Reference No.	RN102181377	,					
Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
	-					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	<u>\$0</u>
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 Other (as needed)	\$2,500	19-May-2021	20-Jul-2021	0.17	<u>\$21</u> \$0	n/a n/a	<u>\$21</u> \$0
Notes for DELAYED costs	Estimated cos	t to cease the dis	charges of sewa	aa and	clean and disinfect		
			-		he final date is the		. Date required
Avoided Costs	ANNU	is the date of t	he first discharg	e and t	he final date is the	compliance date.	
Avoided Costs Disposal	ANNU	is the date of t	he first discharg	e and t	he final date is the		
	ANNU	is the date of t	he first discharg	e and t tering 0.00 0.00	he final date is the item (except for \$0 \$0	one-time avoideo \$0 \$0	i costs) \$0 \$0
Disposal Personnel	ANNU	is the date of t	he first discharg	e and t tering 0.00 0.00 0.00	he final date is the item (except for \$0 \$0 \$0 \$0	one-time avoideo \$0 \$0 \$0 \$0	1 costs) \$0 \$0 \$0 \$0
Disposal	ANNU/	is the date of t	he first discharg	e and t tering 0.00 0.00 0.00 0.00	he final date is the item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	1 costs) \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling	ANNU,	is the date of t	he first discharg	e and t tering 0.00 0.00 0.00 0.00 0.00	he final date is the item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	l costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	ANNU,	is the date of t	he first discharg	e and t tering 0.00 0.00 0.00 0.00 0.00 0.00	he final date is the item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	compliance date.	l costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	ANNU,	is the date of t	he first discharg	e and t tering 0.00 0.00 0.00 0.00 0.00	he final date is the item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	l costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs		is the date of t	he first discharg	e and t tering 0.00 0.00 0.00 0.00 0.00 0.00	he final date is the item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	compliance date.	l costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Galveston County Water Control and Improvement District No. 1 TPDES Permit No. WQ0010173001 Docket No. 2021-1569-MLM-E

Date of	Location	Amount	Cause
Discharge		(Gallons)	
May 19, 2021	4501 26 th Street (Lift	360	Leak on 18"
	Station)		Discharge Pipe
May 19, 2021	5029 Farm-Market	3,000	Inflow/Infiltration
	Road 517 (Manhole)		
July 20, 2021	Central and Highway	240	Inflow/Infiltration
	3 (Manhole)		
July 20, 2021	5029 Farm-to-Market	360	Inflow/Infiltration
	Road 517 (Manhole)		

Unauthorized Discharge Table

Galveston County Water Control and Improvement District No. 1 TPDES Permit No. WQ0010173001 Docket No. 2021-1569-MWD-E

Date Completed	Location	Corrective Actions					
May 19, 2021	4501 26th Street Lift Station	Ceased discharge, clean and disinfected the affected area.					
May 19, 2021 5029 Farm-Market Road 517 Manhole		Ceased discharge, clean and disinfected the affected area.					
July 20, 2021	Central and Highway 3 Manhole	Ceased discharge, clean and disinfected the affected area.					
July 20, 2021	5029 Farm-to-Market Road 517 (Manhole)	Ceased discharge, clean and disinfected the affected area.					

Corrective Action Table

REAL PROPERTY OF	Policy Re	Pe vision 5 (January 28,		alculatio	n Worksł	neet (PC	,	vision February 11,	2021
DATES	Assigned PCW	15-Aug-2022 28-Sep-2023	Screening	19-Sep-2022	EPA Due		1		
DECDO				19-360-2022	LFA Due				
	Respondent	TY INFORMATI Galveston Count		ol and Improv	ement District I	No. 1			
	g. Ent. Ref. No. ty/Site Region				Major/M	linor Source	Minor		
	NFORMATION f./Case ID No.	61648			No. c	of Violations	1		
	Docket No.	2021-1569-MLM	-E			Order Type	1660		
Med	lia Program(s) Multi-Media	Water Quality			Government Enf.	t/Non-Profit Coordinator			
							Enforcement	eam 1	
Adr	min. Penalty \$ I	_imit Minimum	\$0 I	Maximum	\$25,000				
			Penalt	y Calculat	tion Section	on			
ΤΟΤΑ	L BASE PENA	LTY (Sum of	violation b	base penalt	ies)		Subtotal 1	\$27	,500
ADJU	STMENTS (+	/-) TO SUBTO	DTAL 1						
	Subtotals 2-7 are of Compliance Hi	otained by multiplying storv	the Total Base P	enalty (Subtotal 1 0.0%) by the indicated p Adjustment	percentage. Subto	tals 2, 3, & 7		\$0
	Notes		No adustmer	nt for Complian	ce History.				
	Culpability	No		0.0%	Enhancement		Subtotal 4		\$0
	Notes	The Re	spondent does	s not meet the	culpability crite	eria.			
	Good Faith Eff	ort to Comply T	otal Adjustm	ents			Subtotal 5		\$0
	Economic Ben				Enhancement*	A	Subtotal 6		\$0
	Estimated	Total EB Amounts Cost of Compliance	\$208 \$2,500	*Capped	l at the Total EB \$.	Amount			
SUM (OF SUBTOTA	LS 1-7				F	inal Subtotal	\$27	,500
OTHE	R FACTORS A	S JUSTICE M	IAY REQUI	RE	0.0%		Adjustment		\$0
Reduces of	or enhances the Fina	Subtotal by the indic	cated percentage.	-			1		
	Notes								
						Final Pen	alty Amount	\$27	,500
STAT	UTORY LIMIT		IT			Final Asse	ssed Penalty	\$27	,500
DEFE					20.0%	Reduction	Adjustment	-\$5	,500
Reduces t	the Final Assessed Pe	enalty by the indicated	d percentage.]		
	Notes	[Deferral offere	d for expedited	l settlement.				
PAYA	BLE PENALTY	1						\$22	,000

Compliance Hist	Compliance History Worksheet tory Site Enhancement (Subtotal 2)		
Component		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%
	Any agreed final enforcement orders containing a denial of liability (<i>number of</i> orders meeting criteria)	0	0%
Orders	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	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%
Decrees	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 (number of events)	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 (number of audits for which notices were submitted)	0	0%
Addits	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%
	Environmental management evoteme in place for one vest or more	Ne	00/
	Environmental management systems in place for one year or more	No	0%
Other	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 Pero	centage (Sub	total 2)
Repeat Violator			_
No	Adjustment Pere	centage (Sub	total 3)
Compliance Hist	tory Person Classification (Subtotal 7)		
Satisfactory	Performer Adjustment Pere	centage (Sub	total 7)
Compliance Hist	tory Summary		
Compliance History	No adustment for Compliance History.]
Notes			
Final Compliance	Total Compliance History Adjustment Percentage (S History Adjustment	Subtotals 2,	3,&7)
	Final Adjustment Percenta	age *canned	at 100%

Screening Date 19-Sep-2022 **Docket No.** 2021-1569-MLM-E **Respondent** Galveston County Water Control and Improvement District No. 1 **Case ID No.** 61648

Reg. Ent. Reference No. RN102181377 Media Water Quality

Enf. Coordinator Kolby Farren

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

PCW

Respondent Galveston County Water Control and Improvement District No. 1 Policy Revision 5 (PCW
	January 28, 2021) February 11, 2021
Reg. Ent. Reference No. RN102181377	
Media Water Quality Enf. Coordinator Kolby Farren	
Violation Number 1	
Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(c)	
Violation Description	
Base Penalty	\$25,000
>> Environmental, Property and Human Health Matrix Harm	
Release Major Moderate Minor	
OR Actual Potential Percent	
>>Programmatic Matrix	
Falsification Major Moderate Minor	
Matrix Notes 100% of the rule requirement was not met.	
Adjustment \$22,500	
	\$2,500
	\$2,500
Violation Events	
Number of Violation Events 11 311 Number of violation days	
daily	\$27,500
single event	
Eleven monthly events are recommended, calculated from the expiration date (November 12, 2021) to the screening date (September 19, 2022).	
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.	
	\$27,500
for this violation.	\$27,500
Violation Subtotal	\$27,500 \$27,500

	E	conomic	Benefit	Woi	rksheet		
		inty Water Contro	l and Improvem	ent Dis	trict No. 1		
Case ID No.							
Reg. Ent. Reference No.	Water Quality						Years of
Violation No.						Percent Interest	Depreciation
	-					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
-							
Delayed Costs				-			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed) Engineering/Construction				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Lingineering/ construction				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	\$2,500	12-Nov-2021	11-Jul-2023	1.66	\$208	n/a	\$208
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Intent, and ol	btain authorizatio	n to discharge s	tormwa	ter associated with stigation date, and	vention plan, submin n industrial activitie I the Final Date is tl	s under TPDES
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling Supplies/Equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)		<u>.</u>		0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$2,500			TOTAL		\$208

	ebruary 11, 2021
DATES Assigned 15-Nov-2021 PCW 28-Sep-2023 Screening 17-Nov-2021 EPA Due 5-Dec-2021	
RESPONDENT/FACILITY INFORMATION	
Respondent Galveston County Water Control and Improvement District No. 1 Reg. Ent. Ref. No. RN102181377	
Facility/Site Region 12-Houston Major/Minor Source Major	
CASE INFORMATION	
Enf./Case ID No.61648No. of Violations1Docket No.2021-1569-MLM-EOrder Type1660	
Media Program(s) Water Quality Government/Non-Profit Yes Multi-Media Enf. Coordinator Kolby Farren	
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	\$22,500
ADJUSTMENTS (+/-) TO SUBTOTAL 1	
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 0.0% Adjustment Subtotals 2, 3, & 7	\$0
Notes No adustment for Compliance History.	
Culpability No 0.0% Enhancement Subtotal 4	\$0
Notes The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments Subtotal 5	-\$5,625
Economic Benefit 0.0% Enhancement* Subtotal 6	\$0
Total EB Amounts\$10,925*Capped at the Total EB \$ AmountEstimated Cost of Compliance\$290,000	
SUM OF SUBTOTALS 1-7 Final Subtotal	\$16,875
OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage.	
Notes	
Final Penalty Amount	\$16,875
STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty	\$16,875
DEFERRAL 20.0% Reduction Adjustment	-\$3,375
DEFERRAL 20.0% Reduction Adjustment Reduces the Final Assessed Penalty by the indicated percentage. Image: Comparison of Comparis	-ą,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Notes Deferral offered for expedited settlement.	

>>		ory 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%	
		Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%	
	Orders	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	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%	
	Decrees	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 (number of events)	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 (number of audits for which notices were submitted)	0	0%	
	Addits	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%	
		Environmental management systems in place for one year or more	No	0%	
	Other	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 Per	centage (Sub	total 2)	0%
>>	Repeat Violator	(Subtotal 3)			
	No	Adjustment Per	centage (Sub	total 3)	0%
>>	Compliance Hist	ory Person Classification (Subtotal 7)			
	Satisfactory	Performer Adjustment Per	centage (Sub	total 7) [0%
>>	Compliance Hist	ory Summary		- -	
	Compliance History Notes	No adustment for Compliance History.			
	Einal Compliance	Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7) [0%
~ ~	rmai compliance	History Adjustment Final Adjustment Percent	age *capped a	at 100% [0%

Reg. Ent. Reference No. RN102181377 Media Water Quality

Enf. Coordinator Kolby Farren

Case ID No. 61648

Screening Date 17-Nov-2021

Compliance History Worksheet

Docket No. 2021-1569-MLM-E **Respondent** Galveston County Water Control and Improvement District No. 1 Policy Revision 5 (January 28, 2021)

PCW

PCW Revision February 11, 2021

		ening Date				ket No. 2021-1569-MLM-E		PCW
		•	· · · · · · · · · · · · · · · · · · ·	Water Cor	ntrol and Impr	ovement District No. 1		Revision 5 (January 28, 2021)
Pog		ase ID No.	61648 RN102181377				PCV	<i>W Revision February 11, 2021</i>
Reg.			Water Quality					
	Enf. Co	oordinator	- /					
	Viola	tion Number	1					
		Rule Cite(s)	Pollutant Discha	arge Elimin	ation System	Admin. Code § 305.125(1), a ("TPDES") Permit No. WQ0010 ing Requirements Nos. 1 and 6	173001,	
	Violation	Description	Failed to comp	y with peri	nitted effluent effluent viola	t limitations, as shown in the a ation table.	ttached	
						Bas	e Penalty	\$25,000
>> Env	vironmer	ntal, Prope	rty and Huma		Matrix			
		Release		Harm Moderate	Minor			
OR		Actual Potential			X	Percent 30.0%		
>>Pro	grammat	t ic Matrix Falsification	Maior	Moderate	Minor			
	[Faisincation	Major	Moderate	Minor	Percent 0.0%		
	Matrix Notes	whether the was also c	discharged amou onsidered. Humar of pollutants that	nts of pollu health or do not exc	itants exceede the environme eed levels tha	rogen and <i>Escherichia coli</i> to ded protective levels. Dissolved ent has been exposed to insign t are protective of human heal It of the violation.	Oxygen ificant	
						Adjustment	\$17,500	
							l	\$7,500
Violati	ion Event	S						
		Number of V	iolation Events	3		120 Number of violation	days	
			daily weekly monthly quarterly semiannual annual	Х		Violation Base	e Penalty	\$22,500
			single event					
			Thre	e quarterly	events are re	commended.		
Good F	Faith Effo	orts to Com	ply	25.0%			Reduction	\$5,625
						PRP/Settlement Offer		
			Ordinary	Х				
			N/A	Λ				
			Notes T	he Respond		compliance on September 1, 021.		
						Violation	Subtotal	\$16,875
Econor	mic Bene	fit (EB) for	this violation	Ì		Statutory Limit	Test	
		Estimate	ed EB Amount		\$10,925	Violation Final Pena	alty Total	\$16,875
				This viola	ation Final As	ssessed Penalty (adjusted f	or limits)	\$16,875

	E	conomic	Benefit	Wor	ksheet		
		nty Water Control	and Improvem	ent Dist	rict No. 1		
Case ID No.							
Reg. Ent. Reference No.	Water Quality						Years of
Violation No.						Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delawed Cente							
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 Training/Sampling				0.00	<u>\$0</u> \$0	n/a n/a	\$0 \$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$290,000	30-Nov-2020	1-Sep-2021	0.75	\$10,925	n/a	\$10,925
Notes for DELAYED costs	to the Fa	cility to achieve c	ompliance with d is the end dat	the per e of the	mitted effluent lim	ny necessary repair hitations of TPDES P ncompliance, and th	ermit No.
Avoided Costs	ANNU	ALIZE avoided co	osts before en	tering		one-time avoided	l costs)
Disposal				0.00	\$0	\$0	\$0
Personnel Inspection/Reporting/Sampling				0.00	<u>\$0</u> \$0	<u>\$0</u> \$0	<u>\$0</u> \$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		\$290,000			TOTAL		\$10,925

Galveston County Water Control and Improvement District No. 1 TPDES Permit No. WQ0010173001 Docket No. 2021-1569-MLM-E

Effluent Violation Table					
	Escherichia coli	Ammonia Nitrogen	Ammonia Nitrogen	Dissolved Oxygen	
Monitoring Period	Daily Maximum Concentration	Daily Average Concentration	Daily Maximum Concentration	Monthly Minimum Concentration	
	Limit = 52 CFU	Limit = 1.5 mg/L	Limit = 10 mg/L	Limit = 6 mg/L	
November 2020	С	1.76	С	С	
February 2021	187	1.84	С	5.32	
April 2021	С	2.79	13.3	С	
May 2021	С	2.39	11.5	С	

CFU = Colony Forming Units per 100 milliliters mg/L = milligrams per liter C = compliant

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Compliance History Report

Compliance History Report for CN600737894, RN102181377, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN600737894, Galveston County Water Control and Improvement District 1	Classification: SATISFACTO	RY Rating: 0.88				
Regulated Entity:	RN102181377, PLANT 1	Classification: HIGH	Rating: 0.00				
Complexity Points:	11	Repeat Violator: NO					
CH Group:	08 - Sewage Treatment Facilities						
Location:	4900 Nebraska Street, Dickinson, in Galv	eston County, Texas					
TCEQ Region:	REGION 12 - HOUSTON						
ID Number(s): WASTEWATER PERMIT WQC WASTEWATER AUTHORIZAT		TEWATER EPA ID TX0023655					
Compliance History Peri	iod: September 01, 2017 to August 31, 2	022 Rating Year: 2022	Rating Date: 09/01/2022				
Date Compliance Histor	y Report Prepared: October 20, 202	2					
Agency Decision Requir	ing Compliance History: Enforceme	ent					
Component Period Sele	Component Period Selected: October 20, 2017 to October 20, 2022						
TCEQ Staff Member to C	contact for Additional Information	Regarding This Compliance	History.				
Name: Alejandro Laje	Name: Alejandro Laje Phone: (512) 239-2547						
Site and Owner/Operator History:							
1) Has the site been in existence and/or operation for the full five-year compliance period?YES2) 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: $_{N/A} \label{eq:N/A}$
- B. Criminal convictions: N/A
- C. Chronic excessive emissions events:

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

Item 1	November 15, 2017	(1461661)
Item 2	December 01, 2017	(1474744)
Item 3	February 12, 2018	(1486965)
Item 4	March 08, 2018	(1490640)
Item 5	April 10, 2018	(1493893)
Item 6	May 10, 2018	(1500824)
Item 7	July 11, 2018	(1514252)
Item 8	September 10, 2018	(1527476)
Item 9	September 27, 2018	(1520304)
Item 10	October 11, 2018	(1533834)
Item 11	November 19, 2018	(1541661)
Item 12	December 18, 2018	(1545441)
Item 13	January 10, 2019	(1560317)

Thoma 14	February 12, 2010	(1500215)
Item 14	February 12, 2019	(1560315)
Item 15	March 14, 2019	(1560316)
Item 16	May 14, 2019	(1583683)
Item 17	June 13, 2019	(1583684)
Item 18	July 16, 2019	(1593365)
Item 19	August 27, 2019	(1599705)
Item 20	September 23, 2019	(1606604)
Item 21	October 16, 2019	(1613451)
Item 22	January 09, 2020	(1634258)
Item 23	April 09, 2020	(1653734)
Item 24	May 19, 2020	(1660317)
Item 25	June 09, 2020	(1666827)
Item 26	July 09, 2020	(1673780)
Item 27	August 11, 2020	(1680558)
Item 28	September 14, 2020	(1687125)
Item 29	October 20, 2020	(1693469)
Item 30	November 09, 2020	(1713102)
Item 31	January 12, 2021	(1713104)
Item 32	February 08, 2021	(1726161)
Item 33	April 19, 2021	(1726163)
Item 34	July 19, 2021	(1751918)
Item 35	October 13, 2021	(1777048)
Item 36	November 10, 2021	(1783838)
Item 37	December 09, 2021	(1790867)
Item 38	January 11, 2022	(1798658)
Item 39	February 08, 2022	(1806532)
Item 40	March 07, 2022	(1813600)
Item 41	April 12, 2022	(1820169)
Item 42	May 09, 2022	(1829009)
Item 43	June 13, 2022	(1835302)
Item 44	July 19, 2022	(1842504)
Item 45	August 08, 2022	(1848636)

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): $_{\mbox{$N/A$}}$
- H. Voluntary on-site compliance assessment dates: $$\rm N/A$$
- 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



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IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING GALVESTON COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 RN102181377 BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL OUALITY

AGREED ORDER DOCKET NO. 2021-1569-MLM-E

I. JURISDICTION AND STIPULATIONS

On ______, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Galveston County Water Control and Improvement District No. 1 (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a wastewater treatment facility located at 4900 Nebraska Street in Dickinson, Galveston County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in Tex. WATER CODE § 26.001(5).
- 2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to Tex. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to Tex. WATER CODE § 5.013 because it alleges violations of Tex. WATER CODE ch. 26 and the rules of the TCEQ.
- 3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 4. An administrative penalty in the amount of \$55,625 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$11,125 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$44,500 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.

- 5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
- 7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
- 8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
- 9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. By September 1, 2021, determined the cause of noncompliance and made any necessary repairs/adjustments to the Facility to achieve compliance with the permitted effluent limitations of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010173001; and
 - b. By July 20, 2021, ceased the four unauthorized discharges of sewage identified in the table for Allegation No. 2.b, cleaned and disinfected the affected areas, and implemented measures to address inflow and infiltration.

II. ALLEGATIONS

1. During a record review for the Facility conducted on August 30, 2021, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010173001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, as shown in the effluent violation table below:

Effluent Violation Table					
	Escherichia coli	Ammonia Ammonia Nitrogen Nitrogen		Dissolved Oxygen	
Monitoring Period	Daily Maximum Concentration	Daily Average Concentration	Daily Maximum Concentration	Monthly Minimum Concentration	
	Limit = 52 CFU	Limit = 1.5 mg/L	Limit = 10 mg/L	Limit = 6.0 mg/L	
November 2020	С	1.76	С	С	
February 2021	187	1.84	С	5.32	
April 2021	С	2.79	13.3	С	
May 2021 C 2.39 11.5		С			

CFU = Colony Forming Units per 100 milliliters mg/L = milligrams per liter C = compliant

- 2. During an investigation conducted at the Facility on July 26, 2022, an investigator documented that the Respondent:
 - a. Failed to maintain authorization to discharge stormwater associated with industrial activities, in violation of 30 Tex. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(c). Specifically, authorization under TPDES General Permit No. TXRNEBE56 expired on November 12, 2021, and the Respondent continued to operate.
 - b. Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010173001, Permit Conditions No. 2.g, as shown in the table below:

Date of Discharge	Location	Amount (Gallons)	Cause
May 19, 2021	4501 26 th Street (Lift Station)	360	Leak on 18" Discharge Pipe
May 19, 2021	5029 Farm-Market Road 517 (Manhole)	3,000	Inflow/Infiltration
July 20, 2021	Central and Highway 3 (Manhole)	240	Inflow/Infiltration
July 20, 2021	5029 Farm-to-Market Road 517 (Manhole)	360	Inflow/Infiltration

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Galveston County Water Control and Improvement District No. 1, Docket No. 2021-1569-MLM-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 Section I, Paragraph No. 4. The amount of \$44,500 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 undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Develop and implement a stormwater pollution prevention plan to comply with the requirements of TPDES General Permit No. TXR050000; and
 - ii. Submit a Notice of Intent through the State of Texas Environmental Electronic Reporting System to obtain authorization to discharge stormwater.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i and 3.a.ii. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I Galveston County Water Control and Improvement District No. 1 DOCKET NO. 2021-1569-MLM-E Page 5

> am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Street, Suite H Houston, Texas 77023-1452

- 4. All relief not expressly granted in this Order is denied.
- 5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
- 8. 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.
- 9. 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.

10. 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.

Galveston County Water Control and Improvement District No. 1 DOCKET NO. 2021-1569-MLM-E Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

1/2/2024 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 OAG 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 OAG 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 Ron Morates

12-18-2023 Date <u>President</u>, Board of Directors

Name (Printed or typed) Authorized Representative of Galveston County Water Control and Improvement District No. 1

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

Attachment A

Docket Number: 2021-1569-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Galveston County Water Control and Improvement District No. 1		
Payable Penalty Amount:	\$44,500		
SEP Offset Amount:	\$44,500		
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP		
Third-Party Administrator:	Houston-Galveston Area Council		
Project Name:	Wastewater Treatment Assistance		
Location of SEP:	Austin, Brazoria, Chambers, Colorado, Fort Bend, Harris, Galveston, Grimes, Liberty, Matagorda, Montgomery, San Jacinto, Waller, Walker, and Wharton Counties		

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset 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 **Houston-Galveston Area Council** for the *Wastewater Treatment Assistance* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to provide assistance to low-income homeowners to repair or replace malfunctioning or failing onsite wastewater treatment systems. The Third-Party Administrator may also provide extension of first-time sewer service, pump out service, and water conservation equipment such as low-flow showerheads. The Third-Party Administrator shall review applications for eligibility for assistance at its own expense. The Third-Party Administrator shall seek bids from local onsite wastewater treatment system contractors to perform the work. The Third-Party Administrator shall ensure that all Project work is performed in compliance with local, state, and federal rules relating to onsite wastewater treatment systems. The SEP will be done 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 the Respondent 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

Galveston County Water Control and Improvement District No. 1 Docket No. 2021-1569-MLM-E Agreed Order - Attachment A

Many of the onsite wastewater treatment systems currently in use in the Third-Party Administrator's region are substandard or in disrepair, resulting in the discharge of sewage into local neighborhoods, ditches, and waterways. These septic system failures coupled with proximity to the coast and numerous waterways increases the need to identify problem systems and replace or repair them to prevent further release of raw sewage into the environment.

Each failing septic system that is replaced will improve the water quality in waterways and watersheds by preventing raw sewage with high levels of bacteria, viruses, and protozoa from entering the environment. Sewage overflows may reach rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause algae blooms, and kill fish and other organisms in aquatic habitats. Removal of sewage as a source of pollution will also protect ground, surface, and drinking water from contamination.

This Project has the potential to not only improve water quality but also improve the public health for a sector of the population that is least able to afford health care. Diseases that result from sewage contaminated water range from mild gastroenteritis (causing stomach cramps and diarrhea) to life threatening ailments such as cholera, dysentery, infectious hepatitis, and sever gastroenteritis. People can be exposed through sewage in drinking water sources, direct contact from water in lawns or streets, and inhalation and skin absorption.

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 **Houston-Galveston Area Council SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council Attention: Water Resources Program Manager 3555 Timmons Lane, Suite 120 Houston, Texas 77027

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 Galveston County Water Control and Improvement District No. 1 Docket No. 2021-1569-MLM-E Agreed Order - Attachment A

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.