

Executive Summary – Enforcement Matter – Case No. 61822

City of Humble

RN102179447

Docket No. 2022-0130-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Humble Southwest WWTP, 17720 U.S. Highway 59 North, Humble, 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: September 20, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,750

Amount Deferred for Expedited Settlement: \$3,150

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$12,600

Name of SEP: Bayou Land Conservancy (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: Wastewater: Yes; Stormwater: 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: November 9, 2021

Date(s) of NOE(s): January 7, 2022

Executive Summary – Enforcement Matter – Case No. 61822
City of Humble
RN102179447
Docket No. 2022-0130-MLM-E

Violation Information

1. Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010763002, Permit Conditions No. 2.g].

2. Failed to maintain authorization to discharge stormwater associated with industrial activities. Specifically, authorization under TPDES Multi-Sector General Permit ("MSGP") No. TXR05AY57 expired on August 14, 2021, and the Respondent continued to operate [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. By February 17, 2021, restored power, ceased the unauthorized discharges of sewage, flushed the lines and cleaned and disinfected the affected areas at 20639 Fieldtree Drive;

b. By October 25, 2021, repaired equipment, ceased the unauthorized discharges of sewage, flushed the lines and cleaned and disinfected the affected areas at 20118 Eastway Village Drive; and

c. By January 13, 2022, developed and implemented a stormwater pollution prevention plan and submitted a Notice of Intent to obtain authorization to discharge stormwater associated with industrial activities under TPDES MSGP No. TXR05FM79.

Technical Requirements:

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

Executive Summary – Enforcement Matter – Case No. 61822
City of Humble
RN102179447
Docket No. 2022-0130-MLM-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Monica Larina, Enforcement Division, Enforcement Team 1, MC R-14, (361) 881-6965; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP Third-Party Administrator: Bayou Land Conservancy, 8801 Gosling Road, Spring, Texas 77381

Respondent: The Honorable Norman Funderburk, Mayor, City of Humble, 114 West Higgins Street, Humble, Texas 77338

Jason Stuebe, City Manager, City of Humble, 114 West Higgins Street, Humble, Texas 77338

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Jan-2022	Screening	20-Jan-2022	EPA Due	
	PCW	15-Jul-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Humble (PCW No. 1)
Reg. Ent. Ref. No.	RN102179447
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	61822	No. of Violations	1
Docket No.	2022-0130-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
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	\$15,000
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$1,500
---------------------------	--------	-------------------	--------------------------------	----------

Notes	Reduction for High Performer Classification.
--------------	--

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	-\$3,750
--	-------------------	----------

Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
-------------------------	------	---------------------	-------------------	-----

Total EB Amounts	\$822	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$20,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,750
-----------------------------	-----------------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
Final Penalty Amount	\$9,750

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,750
-----------------------------------	-------------------------------	---------

DEFERRAL	20.0%	Reduction	Adjustment	-\$1,950
-----------------	-------	------------------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
--------------	--

PAYABLE PENALTY	\$7,800
------------------------	---------

Screening Date	20-Jan-2022	Docket No.	2022-0130-MLM-E	PCW
Respondent	City of Humble (PCW No. 1)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61822			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102179447			
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>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer Classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date	20-Jan-2022	Docket No.	2022-0130-MLM-E	PCW
Respondent	City of Humble (PCW No. 1)	Policy Revision 5 (January 28, 2021)		
Case ID No.	61822	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN102179447			
Media	Water Quality			
Enf. Coordinator	Monica Larina			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010763002, Permit Conditions No. 2.g.			
Violation Description	Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state, as shown in the attached Unauthorized Discharge Table.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

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

>> 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 \$17,500

\$7,500

Violation Events

Number of Violation Events	2		2	Number of violation days
----------------------------	---	--	---	--------------------------

	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

Violation Base Penalty \$15,000

Two single events are recommended.

Good Faith Efforts to Comply

25.0%
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Reduction \$3,750

	Extraordinary		
	Ordinary	x	
	N/A		

Notes: The Respondent achieved compliance on October 25, 2021, prior to the Notice of Enforcement dated January 7, 2022.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Estimated EB Amount \$822

Statutory Limit Test
Violation Final Penalty Total \$9,750

This violation Final Assessed Penalty (adjusted for limits) \$9,750

Economic Benefit Worksheet

Respondent City of Humble (PCW No. 1)
Case ID No. 61822
Reg. Ent. Reference No. RN102179447
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment	\$10,000	17-Feb-2021	25-Oct-2021	0.68	\$23	\$457	\$480
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	\$10,000	17-Feb-2021	25-Oct-2021	0.68	\$342	n/a	\$342
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Equipment cost to address the equipment and power failures for the unauthorized discharges at two locations (\$5,000 x 2). The Date Required is the date of the first reported unauthorized discharge, and the Final Date is the date of compliance of the second unauthorized discharge.

Estimated Remediation/Disposal cost to clean and disinfect the unauthorized discharges at two locations (\$5,000 x 2). The Date Required is the date of the first reported unauthorized discharge, and the Final Date is the date of compliance of the second unauthorized discharge.

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

\$20,000

TOTAL

\$822

City of Humble
Docket No. 2022-0130-MLM-E
TPDES Permit No. WQ0010763002

Unauthorized Discharge Table

Date of Discharge	Location	Amount (Gallons)	Cause	Date of Corrective Actions	Corrective Actions
February 17, 2021	20639 Fieldtree Drive	2,500	Power Failure	February 17, 2021	Restored power, ceased the unauthorized discharges of sewage, flushed the lines, and cleaned and disinfected the affected areas.
October 25, 2021	20118 Eastway Village Drive	1,000	Equipment Failure	October 25, 2021	Ceased the unauthorized discharges of sewage, flushed the lines and cleaned and disinfected the affected areas.

City of Humble
Docket No. 2022-0130-MLM-E
TPDES Permit No. WQ0010763002

Corrective Action Table

Date Completed	Location	Corrective Actions
May 20, 2020	518 Kathy Street	Ceased the discharge, cleaned and disinfected the affected areas.
July 24, 2020	20046 Wellesley Drive	Ceased the discharge, cleaned and disinfected the affected areas.
August 6, 2020	20310 United States Highway 59	Ceased the discharge, cleaned and disinfected the affected areas.
August 23, 2020	20116 Eastway Village Drive	Ceased the discharge, cleaned and disinfected the affected areas.
October 5, 2020	19214 United States Highway 59	Ceased the discharge, cleaned and disinfected the affected areas.
November 30, 2020	1321 Main Street	Ceased the discharge, cleaned and disinfected the affected areas.
December 10, 2020	709 Sharon Drive	Ceased the discharge, cleaned and disinfected the affected areas.
December 14, 2020	709 Sharon Drive	Ceased the discharge, cleaned and disinfected the affected areas.
January 22, 2021	2639 Hummingbird Lane	Ceased the discharge, cleaned and disinfected the affected areas.
January 31, 2021	702 Ferguson Street	Ceased the discharge, cleaned and disinfected the affected areas.
February 17, 2021	20639 Fieldtree Drive	Ceased the discharge, cleaned and disinfected the affected areas.
March 29, 2021	100 North Houston Avenue	Ceased the discharge, cleaned and disinfected the affected areas.
August 31, 2021	1462 Michael Drive	Ceased the discharge, cleaned and disinfected the affected areas.
October 11, 2021	19000 Eastex Freeway	Ceased the discharge, cleaned and disinfected the affected areas.
October 20, 2021	19000 Eastex Freeway	Ceased the discharge, cleaned and disinfected the affected areas.
October 25, 2021	20118 Eastway Village Drive	Ceased the discharge, cleaned and disinfected the affected areas.
November 1, 2021	20310 United States Highway 59	Ceased the discharge, cleaned and disinfected the affected areas.



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Jan-2022	Screening	20-Jan-2022	EPA Due	
	PCW	15-Jul-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Humble (PCW No. 2)				
Reg. Ent. Ref. No.	RN102179447				
Facility/Site Region	12-Houston	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	61822	No. of Violations	1
Docket No.	2022-0130-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
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	\$7,500
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$750
---------------------------	--------	-------------------	--------------------------------	--------

Notes	Reduction for High Performer Classification.
--------------	--

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	-\$750
--	-------------------	--------

Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
-------------------------	------	---------------------	-------------------	-----

Total EB Amounts	\$1	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$100	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,000
-----------------------------	-----------------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
--------------	--

Final Penalty Amount	\$6,000
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$6,000
-----------------------------------	-------------------------------	---------

DEFERRAL	20.0%	Reduction	Adjustment	-\$1,200
-----------------	-------	------------------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
--------------	--

PAYABLE PENALTY	\$4,800
------------------------	---------

Screening Date	20-Jan-2022	Docket No.	2022-0130-MLM-E	PCW
Respondent	City of Humble (PCW No. 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61822			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102179447			
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>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer Classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 20-Jan-2022 Respondent City of Humble (PCW No. 2) Case ID No. 61822 Reg. Ent. Reference No. RN102179447 Media Water Quality Enf. Coordinator Monica Larina	Docket No. 2022-0130-MLM-E <div style="border: 1px solid black; padding: 2px;"> Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021 </div>	PCW
--	---	------------

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		Failed to maintain authorization to discharge stormwater associated with industrial activities. Specifically, authorization under TPDES Multi-Sector General Permit ("MSGP") No. TXR05AY57 expired on August 14, 2021, and the Respondent continued to operate.

Base Penalty	\$25,000
---------------------	----------

>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
		Major	Moderate	Minor	
	Actual				
	Potential				

Percent	0.0%
----------------	------

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			

Percent	10.0%
----------------	-------

Matrix Notes	100% of the rule requirements were not met.
---------------------	---

Adjustment	\$22,500
-------------------	----------

Adjustment	\$2,500
-------------------	---------

Violation Events

Number of Violation Events	3		62	Number of violation days
----------------------------	---	--	----	--------------------------

	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			

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

Three monthly events are recommended from the permit application grace period end date (November 12, 2021) to the compliance date (January 13, 2022).

Good Faith Efforts to Comply

	10.0%			
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary				
Ordinary		x		
N/A				

	The Respondent achieved compliance on January 13, 2022.
--	---

Violation Subtotal	\$6,750
---------------------------	---------

Economic Benefit (EB) for this violation

	Statutory Limit Test
--	-----------------------------

Estimated EB Amount	\$1			Violation Final Penalty Total	\$6,000
---------------------	-----	--	--	--------------------------------------	---------

This violation Final Assessed Penalty (adjusted for limits)	\$6,000
--	---------

Economic Benefit Worksheet

Respondent City of Humble (PCW No. 2)
Case ID No. 61822
Reg. Ent. Reference No. RN102179447
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	\$100	12-Nov-2021	13-Jan-2022	0.17	\$1	n/a	\$1
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Permit Cost to develop and implement a stormwater pollution prevention plan and submit a Notice of Intent to obtain authorization to discharge stormwater associated with industrial activities under TPDES MSGP No. TXR05FM79. The Date Required is the end of the permit renewal grace period date, 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

\$100

TOTAL

\$1



Compliance History Report

Compliance History Report for CN600630008, RN102179447, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600630008, City of Humble **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN102179447, CITY OF HUMBLE **Classification:** HIGH **Rating:** 0.00
SOUTHWEST WWTP

Complexity Points: 12 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: 17720 Highway 59 North, Humble, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION **STORMWATER PERMIT** TXR05FM79
REGISTRATION 83667

WASTEWATER PERMIT WQ0010763002 **WASTEWATER EPA ID** TX0034401

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: April 02, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 03, 2019 to April 02, 2024

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:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 15, 2019	(1584236)	Item 15	August 25, 2020	(1680829)
Item 2	June 07, 2019	(1584237)	Item 16	September 10, 2020	(1687400)
Item 3	July 11, 2019	(1593652)	Item 17	October 15, 2020	(1693739)
Item 4	August 26, 2019	(1599980)	Item 18	November 06, 2020	(1713906)
Item 5	September 17, 2019	(1606881)	Item 19	January 11, 2021	(1713908)
Item 6	October 10, 2019	(1613728)	Item 20	February 08, 2021	(1726972)
Item 7	November 15, 2019	(1619539)	Item 21	March 11, 2021	(1726973)
Item 8	December 17, 2019	(1626893)	Item 22	April 12, 2021	(1726974)
Item 9	January 17, 2020	(1634533)	Item 23	May 14, 2021	(1740790)
Item 10	February 17, 2020	(1641148)	Item 24	June 08, 2021	(1740791)
Item 11	March 18, 2020	(1647663)	Item 25	June 17, 2021	(1724520)
Item 12	April 28, 2020	(1654012)	Item 26	July 16, 2021	(1752185)
Item 13	May 11, 2020	(1660584)	Item 27	August 16, 2021	(1757635)
Item 14	July 16, 2020	(1674056)	Item 28	September 13, 2021	(1766820)

Item 29	October 20, 2021	(1777315)	Item 45	February 06, 2023	(1885839)
Item 30	November 29, 2021	(1784113)	Item 46	February 17, 2023	(1890454)
Item 31	December 13, 2021	(1791142)	Item 47	March 16, 2023	(1899020)
Item 32	January 14, 2022	(1798925)	Item 48	April 18, 2023	(1905807)
Item 33	February 07, 2022	(1806803)	Item 49	May 12, 2023	(1912982)
Item 34	March 08, 2022	(1813868)	Item 50	June 16, 2023	(1919591)
Item 35	April 18, 2022	(1820441)	Item 51	July 14, 2023	(1926556)
Item 36	May 16, 2022	(1829278)	Item 52	August 14, 2023	(1933513)
Item 37	June 13, 2022	(1835571)	Item 53	September 15, 2023	(1939655)
Item 38	July 15, 2022	(1842771)	Item 54	October 17, 2023	(1946501)
Item 39	August 19, 2022	(1848901)	Item 55	November 13, 2023	(1952192)
Item 40	September 15, 2022	(1856701)	Item 56	November 21, 2023	(1937141)
Item 41	October 18, 2022	(1863060)	Item 57	December 13, 2023	(1961964)
Item 42	November 18, 2022	(1869972)	Item 58	January 19, 2024	(1968554)
Item 43	December 14, 2022	(1875821)	Item 59	March 06, 2024	(1972114)
Item 44	January 17, 2023	(1882640)			

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF HUMBLE
RN102179447

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0130-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 the City of Humble (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 17720 United States Highway 59 North in Humble, Harris County, Texas (the "Facility") and an associated collection system. 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 \$15,750 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$3,150 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order 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, \$12,600 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 February 17, 2021, restored power, ceased the unauthorized discharges of sewage, flushed the lines and cleaned and disinfected the affected areas at 20639 Fieldtree Drive;
 - b. By October 25, 2021, repaired equipment, ceased the unauthorized discharges of sewage, flushed the lines and cleaned and disinfected the affected areas at 20118 Eastway Village Drive; and
 - c. By January 13, 2022, developed and implemented a stormwater pollution prevention plan and submitted a Notice of Intent to obtain authorization to discharge stormwater associated with industrial activities under Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR05FM79.

II. ALLEGATIONS

During an investigation at the Facility conducted on November 9, 2021, an investigator documented that the Respondent:

1. 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), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010763002, Permit Conditions No. 2.g., as shown in the table below:

Date of Discharge	Location	Amount (Gallons)	Cause
February 17, 2021	20639 Fieldtree Drive	2,500	Power Failure
October 25, 2021	20118 Eastway Village Drive	1,000	Equipment Failure

2. 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 MSGP No. TXR05AY57 expired on August 14, 2021, and the Respondent continued to operate.

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: City of Humble, Docket No. 2022-0130-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 \$12,600 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. 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.
6. 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.

7. 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.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

9/18/2024

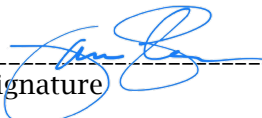
Date

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 Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

August 16, 2024

Date

Jason Stuebe
Name (Printed or typed)
Authorized Representative of
City of Humble

City Manager

Title

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.

Attachment A
Docket Number: 2022-0130-MLM-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Humble
Payable Penalty Amount:	\$12,600
SEP Offset Amount:	\$12,600
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Bayou Land Conservancy
Project Name:	<i>Lake Houston Watershed-Western Watershed Protection Project</i>
Total Project Budget:	\$3,420,000
Location of SEP:	Harris and Montgomery Counties; San Jacinto River Basin; and Gulf Coast Aquifer

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 **Bayou Land Conservancy** for the *Lake Houston Watershed - Western Watershed Protection Project* (the “Project”). Third-Party Administrator has identified approximately 500 acres along the West Fork of the San Jacinto River, Spring Creek, Cypress Creek, and Lake Creek for property acquisition or acquisition of perpetual conservation easements in accordance with Subchapter A, Chapter 183, Texas Natural Resources Code. The goal of this Project is to protect the floodplain within the western tributaries of the Lake Houston Watershed. The Project is to conduct certain due diligence activities and to purchase land or conservation easements in perpetuity from private and public landowners. Third-Party Administrator shall also conduct restoration work as necessary on properties placed under a conservation easement or owned by the Third-Party Administrator. The Third-Party Administrator shall conduct habitat restoration and enhancement, including removing invasive species and planting native vegetation. Restoration activities will be conducted by a contractor and will take place on property protected by a conservation easement or owned by the Third-Party Administrator. The Project will be done in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ.

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 in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

B. Environmental Benefit

Rapid development in the Lake Houston Watershed has led to removal of the natural riparian buffers along the waterways, which jeopardizes the air and water quality. Spring Creek, Cypress Creek, Lake Creek, and the West Fork of the San Jacinto River are major water sources for Lake Houston, which is Houston's primary source of drinking water. When land is cleared and developed within these floodplains, the water becomes more turbid and often has increased E. coli bacteria and other negative water quality contaminants.

Lands permanently preserved with conservation easements maintain vegetated banks and wooded floodplains to allow river overflow. When floodwater passes through the floodplain, the vegetated substrates are not eroded away, and the banks are maintained. Preserving the natural vegetated banks will help maintain water quality in this area. Additionally, many of the properties Third-Party Administrator will secure with conservation easements will be open to the public for low-impact recreational uses, and wildlife will benefit from connected habitat and undisturbed access to critical water sources.

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 Third-Party Administrator. The Respondent shall make the check payable to **Bayou Land Conservancy SEP** and shall mail the contribution with a copy of the Agreed Order to:

Bayou Land Conservancy
Attention: Conservation Director
8801 Gosling Road
Spring, Texas 77381

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 send a copy of the check and transmittal letter to the SEP Coordinator by mail or electronic mail, at:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087
Email: sepreports@tceq.texas.gov

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.