

Executive Summary – Enforcement Matter – Case No. 62068
Westwood Shores Municipal Utility District
RN102916426
Docket No. 2022-0281-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Westwood Shores MUD WWTF, located approximately 450 feet east southeast of the intersection of Doral Street and Westwood Drive East, Trinity County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 10, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,500

Amount Deferred for Expedited Settlement: \$2,900

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$11,600

Name of SEP: Clarifier Improvements (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 28, 2022

Date(s) of NOE(s): February 22, 2022

Executive Summary – Enforcement Matter – Case No. 62068
Westwood Shores Municipal Utility District
RN102916426
Docket No. 2022-0281-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for ammonia nitrogen and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011300001, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By August 31, 2023, the Respondent implemented corrective measures and achieved compliance with all permitted effluent limitations in TPDES Permit No. WQ0011300001.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, develop and implement procedures and conduct employee training to ensure samples are collected and analyzed; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Madison Stringer, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1126; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

TCEQ SEP Coordinator: Adena Crider, Litigation Division, MC 175, (512) 239-0648

Respondent: Joan M. Gallagher, President, Westwood Shores Municipal Utility District, 75 Cottonwood, Trinity, Texas 75862

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	7-Mar-2022	Screening	7-Mar-2022	EPA Due	
	PCW	8-Mar-2022				

RESPONDENT/FACILITY INFORMATION

Respondent	Westwood Shores Municipal Utility District				
Reg. Ent. Ref. No.	RN102916426				
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	62068	No. of Violations	2
Docket No.	2022-0281-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Madison Stringer
		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	\$12,500
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	25.0%	Adjustment	Subtotals 2, 3, & 7	\$3,125
---------------------------	-------	-------------------	--------------------------------	---------

Notes: Enhancement for one agreed order containing denial of liability and one month of self-reported effluent violations.

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	-\$1,125
--	-------------------	----------

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

Total EB Amounts: \$742
Estimated Cost of Compliance: \$5,350
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,500
-----------------------------	-----------------------	----------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$14,500
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,500
-----------------------------------	-------------------------------	----------

DEFERRAL	20.0%	Reduction	Adjustment	-\$2,900
-----------------	-------	------------------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$11,600
------------------------	----------

Screening Date	7-Mar-2022	Docket No.	2022-0281-MWD-E	PCW
Respondent	Westwood Shores Municipal Utility District			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62068			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102916426			
Media	Water Quality			
Enf. Coordinator	Madison Stringer			

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>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

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

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 25%

Screening Date	7-Mar-2022	Docket No.	2022-0281-MWD-E	PCW
Respondent	Westwood Shores Municipal Utility District	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	62068	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN102916426			
Media	Water Quality			
Enf. Coordinator	Madison Stringer			
Violation Number	1			
Rule Cite(s)	Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011300001, Effluent Limitations and Monitoring Requirements No. 1			
Violation Description	Failed to comply with permitted effluent limitations, as shown in the attached table.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes: A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events	3	123	Number of violation days
----------------------------	---	-----	--------------------------

daily					
weekly					
monthly					
quarterly	X				
semiannual					
annual					
single event		Violation Base Penalty \$11,250			

Three quarterly events are recommended for the months containing the quarters of March, August, September, and October 2021.

Good Faith Efforts to Comply

	10.0%		Reduction	\$1,125
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary		X		
N/A				
Notes	The Respondent achieved compliance by August 31, 2023.			
Violation Subtotal				\$10,125

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$605
Violation Final Penalty Total	\$12,938
This violation Final Assessed Penalty (adjusted for limits)	
\$12,938	

Economic Benefit Worksheet

Respondent Westwood Shores Municipal Utility District
Case ID No. 62068
Reg. Ent. Reference No. RN102916426
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				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	31-Mar-2021	31-Aug-2023	2.42	\$605	n/a	\$605
Notes for DELAYED costs	Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility. Date Required is the end date of the first month of noncompliance, and the Final Date is the date of compliance.						

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance \$5,000

TOTAL \$605

Screening Date 7-Mar-2022 Respondent Westwood Shores Municipal Utility District Case ID No. 62068 Reg. Ent. Reference No. RN102916426 Media Water Quality Enf. Coordinator Madison Stringer	Docket No. 2022-0281-MWD-E Violation Number 2 Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0011300001, Effluent Limitations and Monitoring Requirements No. 1 Violation Description Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze samples for total phosphorus for the monthly monitoring period ending August 31, 2021.	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
--	---	--

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

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		X		Percent 5.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
--------------	---

	Adjustment \$23,750
--	----------------------------

	\$1,250
--	---------

Violation Events

Number of Violation Events	1	31	Number of violation days
----------------------------	---	----	--------------------------

	daily					
	weekly					
	monthly					
	quarterly					
	semiannual					
	annual					
	single event	X				Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondent does not meet good faith criteria for this violation.	

	Violation Subtotal \$1,250
--	-----------------------------------

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount \$137	Violation Final Penalty Total \$1,563
This violation Final Assessed Penalty (adjusted for limits) \$1,563	

Economic Benefit Worksheet

Respondent Westwood Shores Municipal Utility District
Case ID No. 62068
Reg. Ent. Reference No. RN102916426
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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	\$250	28-Jan-2022	31-Oct-2024	2.76	\$34	n/a	\$34
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs Estimated cost to develop and implement procedures to ensure samples are collected and analyzed in accordance with requirements of TPDES Permit No. WQ0011300001, including for total phosphorus. Date required is the investigation date and final date is the estimated date of compliance.							

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$100	31-Aug-2021	7-Mar-2022	0.52	\$3	\$100	\$103
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs Estimated cost to collect and analyze samples for total phosphorus for the month of August 2021. Date Required is the last date of the noncompliant monitoring period and the Final Date is the screening date.							

Approx. Cost of Compliance \$350

TOTAL \$137

Westwood Shores Municipal Utility District
TPDES Permit No. WQ0011300001
Docket No. 2022-0281-MWD-E

Effluent Violation Table

Monitoring Period	Ammonia Nitrogen Daily Average Concentration Limit = 3 mg/L	Ammonia Nitrogen Single Grab Concentration Limit = 15 mg/L	Total Suspended Solids Daily Average Concentration Limit = 15 mg/L
March 2021	4.3	Compliant	Compliant
August 2021	17	17	Compliant
September 2021	8.16	15.7	Compliant
October 2021	Compliant	Compliant	20.4

mg/L = milligrams per liter



Compliance History Report

Compliance History Report for CN600623631, RN102916426, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600623631, Westwood Shores Municipal Utility District
Classification: SATISFACTORY **Rating:** 1.64

Regulated Entity: RN102916426, WESTWOOD SHORES MUD
Classification: SATISFACTORY **Rating:** 1.64

Complexity Points: 6
Repeat Violator: NO

CH Group: 08 - Sewage Treatment Facilities

Location: approximately 450 feet east southeast of the intersection of Doral Street and Westwood Drive East, in Trinity County, Texas

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):
WASTEWATER PERMIT WQ0011300001 **WASTEWATER EPA ID** TX0027677

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 02, 2019 to April 02, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Madison Stringer **Phone:** (512) 239-1126

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 11/07/2023 ADMINORDER 2021-0025-MWD-E (1660 Order-Agreed Order With Denial)
- Classification: Minor
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
- Rqmt Prov: OpR 1 PERMIT
- Description: Failure to properly operate and maintain units of collection, treatment, and disposal.
- Classification: Moderate
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
- Rqmt Prov: SP IV, Pg. 32, C PERMIT
- Description: Failure to submit the 2017, 2018, and 2019 Annual Sludge Reports (ASRs) to the TCEQ Region 10 Beaumont Office and TCEQ Enforcement Division by September 30.
- Classification: Minor
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
- 30 TAC Chapter 305, SubChapter F 305.125(5)
- 30 TAC Chapter 317 317.4(g)(1)(C)
- Rqmt Prov: OR, Pg. 13, No. 1 PERMIT
- Description: Failure to properly operate and maintain units of collection, treatment, and disposal.
- Classification: Minor
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
- 30 TAC Chapter 305, SubChapter F 305.125(5)
- Rqmt Prov: OR, Pg. 13, No. 1 PERMIT

Description: Failure to properly operate and maintain units of collection, treatment, and disposal.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OR, Pg. 13, No. 1 PERMIT

Description: Failure to properly operate and maintain units of collection, treatment, and disposal.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(11)(C)(ii)

Rqmt Prov: MRR Pg. 6, No. 3(c)(ii)e(vi) PERMIT

Description: Failure to properly maintain a complete record of monitoring activities.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: MRR Pg. 7 No. 7(C) PERMIT

Description: Failure to submit a report for effluent violations that deviated from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 18, 2019	(1572225)	Item 24	March 29, 2021	(1726713)
Item 2	May 13, 2019	(1584056)	Item 25	May 12, 2021	(1740664)
Item 3	June 13, 2019	(1584057)	Item 26	June 15, 2021	(1740665)
Item 4	July 12, 2019	(1593563)	Item 27	July 13, 2021	(1752102)
Item 5	August 13, 2019	(1599893)	Item 28	January 20, 2022	(1798841)
Item 6	September 18, 2019	(1606794)	Item 29	February 15, 2022	(1806717)
Item 7	October 11, 2019	(1613637)	Item 30	April 20, 2022	(1820354)
Item 8	November 13, 2019	(1619451)	Item 31	June 17, 2022	(1835486)
Item 9	December 19, 2019	(1626804)	Item 32	July 20, 2022	(1842689)
Item 10	January 17, 2020	(1634445)	Item 33	August 17, 2022	(1848819)
Item 11	February 19, 2020	(1641061)	Item 34	October 19, 2022	(1862977)
Item 12	March 17, 2020	(1647579)	Item 35	November 18, 2022	(1869890)
Item 13	April 13, 2020	(1653921)	Item 36	December 19, 2022	(1875739)
Item 14	May 14, 2020	(1660501)	Item 37	April 20, 2023	(1905725)
Item 15	June 17, 2020	(1667015)	Item 38	May 19, 2023	(1912903)
Item 16	July 15, 2020	(1673964)	Item 39	July 19, 2023	(1926475)
Item 17	August 19, 2020	(1680743)	Item 40	August 18, 2023	(1933432)
Item 18	September 17, 2020	(1687312)	Item 41	September 19, 2023	(1939573)
Item 19	October 15, 2020	(1693652)	Item 42	October 18, 2023	(1946421)
Item 20	November 19, 2020	(1713648)	Item 43	November 19, 2023	(1952112)
Item 21	December 14, 2020	(1713649)	Item 44	December 20, 2023	(1961879)
Item 22	January 14, 2021	(1713650)	Item 45	January 20, 2024	(1968473)
Item 23	February 12, 2021	(1726712)			

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

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

1	Date:	05/31/2023	(1919509)		
	Self Report?	YES		Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)			
		30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOV's Issued During Component Period 4/2/2019 and 4/2/2024

1	Date: 03/31/2021 (1726714) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
2	Date: 07/31/2021 (1791054) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
3	Date: 08/31/2021 (1766669) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
4	Date: 09/30/2021 (1777229) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
5	Date: 10/31/2021 (1784022) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
6	Date: 11/30/2021 (1791055) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
7	Date: 02/28/2022 (1813782) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
8	Date: 04/30/2022 (1829196) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)	Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

9 Date: 08/31/2022 (1856619)
Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

10* Date: 12/31/2022 (1882558)
Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

11* Date: 01/31/2023 (1890373)
Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

12* Date: 02/28/2023 (1898935)
Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

13* Date: 03/16/2023 (1873547)
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 305, SubChapter F 305.125(5)
OpR, Pg. 13, No. 1 PERMIT
Description: Failure by Westwood Shores Municipal Utility District to properly operate and maintain all systems of collection, treatment, and disposal.
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 305, SubChapter F 305.125(5)
OpR, Pg. 13, No. 1 PERMIT
Description: Failure by Westwood Shores Municipal Utility District to properly operate and maintain all systems of collection, treatment, and disposal.

14* Date: 05/31/2023 (1919509)
Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

* NOVs applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

Appendix B

All Investigations Conducted During Component Period April 02, 2019 and April 02, 2024

Item 1* April 18, 2019** (1572225) Item 2* May 13, 2019** (1584056)

Item 3*	June 13, 2019**	(1584057)	Item 34*	January 20, 2022**	(1798841)
Item 4*	July 12, 2019**	(1593563)	Item 35	January 28, 2022**	(1791054)
Item 5*	August 13, 2019**	(1599893)	Item 36*	February 15, 2022**	(1806717)
Item 6*	September 18, 2019**	(1606794)	Item 37	February 28, 2022**	(1789107)
Item 7*	October 11, 2019**	(1613637)	Item 38	March 18, 2022**	(1813782)
Item 8*	November 13, 2019**	(1619451)	Item 39*	April 20, 2022**	(1820354)
Item 9*	December 19, 2019**	(1626804)	Item 40	May 20, 2022**	(1829196)
Item 10*	January 17, 2020**	(1634445)	Item 41*	June 17, 2022**	(1835486)
Item 11*	February 19, 2020**	(1641061)	Item 42*	July 20, 2022**	(1842689)
Item 12*	March 17, 2020**	(1647579)	Item 43*	August 17, 2022**	(1848819)
Item 13*	April 13, 2020**	(1653921)	Item 44	September 19, 2022**	(1856619)
Item 14*	May 14, 2020**	(1660501)			
Item 15*	June 17, 2020**	(1667015)	Item 45*	October 19, 2022**	(1862977)
Item 16*	July 15, 2020**	(1673964)	Item 46*	November 18, 2022**	(1869890)
Item 17	July 21, 2020**	(1657306)	Item 47*	December 19, 2022**	(1875739)
Item 18*	August 19, 2020**	(1680743)	Item 48	January 20, 2023**	(1882558)
Item 19*	September 17, 2020**	(1687312)	Item 49	February 17, 2023**	(1890373)
Item 20*	October 15, 2020**	(1693652)	Item 50	March 15, 2023**	(1873547)
Item 21*	November 19, 2020**	(1713648)	Item 51	March 17, 2023**	(1898935)
Item 22*	December 14, 2020**	(1713649)	Item 52*	April 20, 2023**	(1905725)
Item 23*	January 14, 2021**	(1713650)	Item 53*	May 19, 2023**	(1912903)
Item 24*	February 12, 2021**	(1726712)	Item 54	June 20, 2023**	(1919509)
Item 25*	March 29, 2021**	(1726713)	Item 55*	July 19, 2023**	(1926475)
Item 26	April 12, 2021**	(1726714)	Item 56*	August 18, 2023**	(1933432)
Item 27*	May 12, 2021**	(1740664)	Item 57	September 12, 2023	(1924306)
Item 28*	June 15, 2021**	(1740665)	Item 58*	September 19, 2023	(1939573)
Item 29*	July 13, 2021**	(1752102)	Item 59*	October 18, 2023	(1946421)
Item 30	September 18, 2021**	(1766669)	Item 60*	November 19, 2023	(1952112)
Item 31	October 19, 2021**	(1777229)	Item 61*	December 20, 2023	(1961879)
Item 32	November 18, 2021**	(1784022)	Item 62*	January 20, 2024	(1968473)
Item 33	December 17, 2021**	(1791055)			

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WESTWOOD SHORES MUNICIPAL
UTILITY DISTRICT
RN102916426

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

AGREED ORDER DOCKET NO. 2022-0281-MWD-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 Westwood Shores Municipal Utility District (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 approximately 450 feet east southeast of the intersection of Doral Street and Westwood Drive East in Trinity 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 \$14,500 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$2,900 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, \$11,600 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 by August 31, 2023, the Respondent implemented corrective measures at the Facility and achieved compliance with all permitted effluent limitations in Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011300001.

II. ALLEGATIONS

During a record review for the Facility conducted on January 28, 2022, an investigator documented that the Respondent:

1. Failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011300001, Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below:

Monitoring Period	Ammonia Nitrogen Daily Average Concentration Limit = 3 mg/L	Ammonia Nitrogen Single Grab Concentration Limit = 15 mg/L	Total Suspended Solids Daily Average Concentration Limit = 15 mg/L
March 2021	4.3	Compliant	Compliant
August 2021	17	17	Compliant
September 2021	8.16	15.7	Compliant
October 2021	Compliant	Compliant	20.4

mg/L = milligrams per liter

2. Failed to collect and analyze effluent samples at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0011300001, Effluent Limitations and Monitoring Requirements No. 1. Specifically, the Respondent did not collect and analyze samples for total phosphorus for the monthly monitoring period ending August 31, 2021.

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: Westwood Shores Municipal Utility District, Docket No. 2022-0281-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent implemented and completed the SEP as set forth in Section I, Paragraph No. 4. The amount of \$11,600 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. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, develop and implement procedures and conduct employee training to ensure samples are collected and analyzed in accordance with TPDES Permit No. WQ0011300001, Monitoring and Reporting Requirements No. 1.
 - 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 No. 3.a. 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 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:

Beaumont Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Fwy.
Beaumont, TX 77703-1830

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. 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 Order Compliance Team at the address listed above.
7. 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.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Krista Mello-Jurack

10/26/2025

For the Executive Director

Date

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

I also understand that failure to comply with the Ordering Provisions, 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.

Jean M. Gallego

Signature

9/15/25

Date

Jean M. Gallego

Name (Printed or typed)

President

Title

Authorized Representative of
Westwood Shores Municipal Utility District

☐ 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: 2022-0281-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Westwood Shores Municipal Utility District
Penalty Amount:	\$11,600
SEP Offset Amount:	\$11,600
Type of SEP:	Compliance
Project Name:	<i>Clarifier Improvements</i>
Location of SEP:	Trinity County

The Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order in exchange for Respondent’s performance of a Supplemental Environmental Project (“SEP”).

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility (the “Facility”) which are described in this Agreed Order.

1. Project Description

A. Project

Respondent hired a contractor to desilt the clarifier, which included sludge removal, cleaning, and repairs to electrical and mechanical components at the Facility. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for the sludge removal, cleaning, and repair of electrical and mechanical components (the “Project”). Respondent hired qualified contractors to perform the Project. The SEP was performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent used the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Expenses. No portion of the SEP Offset Amount was spent on administrative costs, including operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent had no prior commitment to perform this Project and that the SEP was performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. Additional risks include occurrences of low dissolved oxygen, fish kills, algal bloom, and bacterial contamination in waterways.

C. Expenses

Respondent spent at least the SEP Offset Amount to complete the project described in Section 1.A, above, and complied with all other provisions of this SEP. Respondent understood that it may have costs more than the SEP Offset Amount to complete the Project.

Expenses

Item	Total
Desilting of Clarifier	\$49,255.91
Total	\$49,255.91

2. Records

As of June 12, 2024, Respondent provided TCEQ the following documentation as proof of completion of the proposed SEP:

1. An itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 2.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 2.1., above;
4. A certified statement of SEP completion and document authentication;
5. A detailed map showing the specific location of the project site(s); and
6. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project.

3. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff and shall allow immediate (i.e., within 24 hours) access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to the SEP Coordinator at the address provided below:

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 Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an**

enforcement action brought by TCEQ. Such statements include advertising, public relations, and press releases.

6. Recognition

Respondent may not seek recognition for this project 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 Respondent under any other Agreed Order negotiated with TCEQ or any other agency of the state or federal government.