

Executive Summary – Enforcement Matter – Case No. 62245

City of Rockport

RN101916575

Docket No. 2022-0466-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – WQ, MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Rockport WWTF, 1401 North Pearl Street, Rockport, Aransas 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 3, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$35,315

Amount Deferred for Expedited Settlement: \$7,063

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$28,252

Name of SEP: Clarifier Repairs (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 19, 2022

Date(s) of NOE(s): March 18, 2022

Executive Summary – Enforcement Matter – Case No. 62245

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RN101916575

Docket No. 2022-0466-MLM-E

Violation Information

1. Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the discharge monitoring reports ("DMRs") for May and June 2021 were not submitted by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010054001, Monitoring and Reporting Requirements No. 1].
2. Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance. Specifically, the Respondent did not provide noncompliance notifications for the exceedances during the months of May 2021 for two-hour peak flow and July 2021 for carbonaceous biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010054001, Monitoring and Reporting Requirements No. 7(c)].
3. Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state. Specifically, grease balls were observed discharging from the Facility at the Tulle Ditch Outfall [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010054001, Permit Conditions No. 2.g].
4. Failed to comply with recommended sampling and testing methods. Specifically, thermometers utilized in the sample compositor and the refrigerator for sample storage were not National Institute of Standards and Technology ("NIST") traceable thermometers that had been calibrated in the previous twelve months as required [30 TEX. ADMIN. CODE § 319.11].
5. Failed to timely submit a complete annual sludge report ("ASR") to the TCEQ by September 30th of each year. Specifically, the 2021 ASR was not submitted to the TCEQ [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010054001, Sludge Provisions, Section II, F].
6. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the east return activated sludge line leading to the east grit chamber was inoperable [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010054001, Operational Requirements No. 1].
7. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the bar screen container was uncovered, the rake used to collect solids in the chlorine contact chamber was inoperable, and the Henderson Lift Station had excessive amounts of floating solids in the wet well [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010054001, Operational Requirements No. 1].

Executive Summary – Enforcement Matter – Case No. 62245

City of Rockport

RN101916575

Docket No. 2022-0466-MLM-E

8. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the flow meter for the reclaimed water usage at the golf course was inoperable and irrigation records could not be generated [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010054001, Operational Requirements No. 1].

9. Failed to have automatic flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less often than annually. Specifically, the automatic flow measuring device was last calibrated on January 15, 2021 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010054001, Monitoring Requirements No. 5].

10. Failed to comply with recommended sampling and testing methods. Specifically, the operator collected *Escherichia coli* samples with a separate sample container, then transferred the sample to a pre-sterilized sample container, instead of directly into the sample container [30 TEX. ADMIN. CODE § 319.11].

11. Failed to maintain authorization to discharge stormwater associated with industrial activities. Specifically, authorization under TPDES Multi-Sector General Permit No. TXR05Q766 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 July 21, 2021, submitted the DMRs for the months of May and June 2021;
- b. By January 21, 2022, purchased NIST thermometers for the compositor and the refrigerator;
- c. By January 24, 2022, developed and implemented procedures and conducted employee training to ensure samples are taken directly in the sample container;
- d. By February 7, 2022, removed and properly disposed of excessive floating solids from the Henderson Lift Station wet well;
- e. By February 8, 2022, calibrated the flow meter for reclaimed water usage at the golf course and began maintaining irrigation records;
- f. By February 8, 2022, calibrated the Facility automatic flow measuring device;

Executive Summary – Enforcement Matter – Case No. 62245

City of Rockport

RN101916575

Docket No. 2022-0466-MLM-E

g. By February 11, 2022, replaced the chlorine contact chamber rake and ceased the discharge of grease balls;

h. By February 11, 2022, installed new dumpsters with lids;

i. By February 23, 2022, obtained authorization to discharge stormwater associated with industrial activities under TPDES Multi-Sector General Permit No. TXR05FO44 and developed and implemented a stormwater pollution prevention plan;

j. By March 28, 2022, submitted noncompliance notifications to the TCEQ for May and July 2021;

k. By March 28, 2022, submitted updated flow DMR for May 2021; and

l. By April 5, 2022, submitted the 2021 ASR.

Technical Requirements:

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

2. The Order will also require the Respondent to:

a. Within 30 days, repair the activated sludge return line leading to the east grit chamber; and

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Harley Hobson, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1337; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

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

Respondent: The Honorable Lowell Tim Jayroe, Mayor, City of Rockport, 2751 State Highway 35 Bypass, Rockport, Texas 78382

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	28-Mar-2022	Screening	7-Apr-2022	EPA Due	
	PCW	14-Jun-2022				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Rockport
Reg. Ent. Ref. No.	RN101916575
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	62245	No. of Violations	10
Docket No.	2022-0466-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Harley Hobson
		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	\$34,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for compliance history.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$6,435
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$199	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$5,075	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$27,815
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$27,815
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$27,815
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DEFERRAL	20.0%	Reduction	Adjustment	-\$5,563
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$22,252
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Screening Date	7-Apr-2022	Docket No.	2022-0466-MLM-E	PCW
Respondent	City of Rockport	Policy Revision 5 (January 28, 2021)		
Case ID No.	62245	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101916575			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			

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)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date	7-Apr-2022	Docket No.	2022-0466-MLM-E	PCW
Respondent	City of Rockport	Policy Revision 5 (January 28, 2021)		
Case ID No.	62245	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101916575			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010054001, Monitoring and Reporting Requirements No. 1			
Violation Description	Failed to timely submit monitoring results at intervals specified in the permit. Specifically, the discharge monitoring reports ("DMRs") for May and June 2021 were not submitted by the 20th day of the following month.			
Base Penalty			\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				x	Percent 1.0%
Matrix Notes	Less than 30% of the rule requirements were not met.				
Adjustment					\$24,750

\$250

Violation Events

Number of Violation Events	2	61	Number of violation days														
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td></td></tr> <tr><td style="text-align: center;">weekly</td><td></td></tr> <tr><td style="text-align: center;">monthly</td><td></td></tr> <tr><td style="text-align: center;">quarterly</td><td></td></tr> <tr><td style="text-align: center;">semiannual</td><td></td></tr> <tr><td style="text-align: center;">annual</td><td></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x		
daily																	
weekly																	
monthly																	
quarterly																	
semiannual																	
annual																	
single event	x																
Violation Base Penalty			\$500														
Two single events are recommended for the DMRs of May and June 2021 that were not timely submitted.																	

Good Faith Efforts to Comply

	0.0%		Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal			\$500	

Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$2	Violation Final Penalty Total
	\$500
This violation Final Assessed Penalty (adjusted for limits)	
\$500	

Economic Benefit Worksheet

Respondent City of Rockport
Case ID No. 62245
Reg. Ent. Reference No. RN101916575
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	20-May-2021	28-Mar-2022	0.85	\$2	n/a	\$2

Notes for DELAYED costs

Estimated Other cost to submit discharge monitoring reports to the TCEQ for the monitoring periods of May and June 2021. The Date Required is the date the first report was due, and the Final Date is the date the DMRs were submitted.

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

\$50

TOTAL

\$2

Screening Date 7-Apr-2022 Respondent City of Rockport Case ID No. 62245 Reg. Ent. Reference No. RN101916575 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2022-0466-MLM-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	
Rule Cite(s)		30 Tex. Admin. Code § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010054001, Monitoring and Reporting Requirements No. 7(c)
Violation Description		Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance. Specifically, the Respondent did not provide noncompliance notifications for the exceedances during the months of May 2021 for two-hour peak flow and July 2021 for carbonaceous biochemical oxygen demand (5-day).

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 20.0%

Matrix Notes	100% of the rule requirements were not completed.
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Adjustment	\$20,000
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	\$5,000
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Violation Events

Number of Violation Events	2	317	Number of violation days
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	daily						
	weekly						
	monthly						
	quarterly						
	semiannual						
	annual						
	single event		x				

Violation Base Penalty	\$10,000
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Two single events are recommended.

Good Faith Efforts to Comply

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

Notes	The Respondent achieved compliance by March 28, 2022.
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Violation Subtotal	\$9,000
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$1	Statutory Limit Test
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Violation Final Penalty Total	\$9,000
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This violation Final Assessed Penalty (adjusted for limits)	\$9,000
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Economic Benefit Worksheet

Respondent City of Rockport
Case ID No. 62245
Reg. Ent. Reference No. RN101916575
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$25	25-Jun-2021	28-Mar-2022	0.76	\$1	n/a	\$1
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 Record Keeping System to submit a noncompliance notification to the TCEQ for May 2021. The Date Required is the date the noncompliance notification was due, 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

\$25

TOTAL

\$1

Screening Date 7-Apr-2022 Respondent City of Rockport Case ID No. 62245 Reg. Ent. Reference No. RN101916575 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2022-0466-MLM-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	3	
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010054001, Permit Conditions No. 2.g	
Violation Description	Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state. Specifically, grease balls were observed discharging from the Facility at the Tulle Ditch Outfall.	

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$17,500
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	\$7,500
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Violation Events

Number of Violation Events	1	23	Number of violation days
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	daily				Violation Base Penalty \$7,500
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				

One monthly event is recommended from the January 19, 2022 investigation date to the February 11, 2022 compliance date.

Good Faith Efforts to Comply

	25.0%	
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent achieved compliance by February 11, 2022.	

Violation Subtotal	\$5,625
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$2	Statutory Limit Test
		Violation Final Penalty Total \$5,625
This violation Final Assessed Penalty (adjusted for limits)		\$5,625

Economic Benefit Worksheet

Respondent City of Rockport
Case ID No. 62245
Reg. Ent. Reference No. RN101916575
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$500	19-Jan-2022	11-Feb-2022	0.06	\$0	\$2	\$2
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Equipment cost to replace the chlorine contact chamber rake and cease the discharge of grease balls. The Date Required is the investigation 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

\$500

TOTAL

\$2

Screening Date 7-Apr-2022 Respondent City of Rockport Case ID No. 62245 Reg. Ent. Reference No. RN101916575 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2022-0466-MLM-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
Violation Number 4		
Rule Cite(s) 30 Tex. Admin. Code § 319.11		
Violation Description Failed to comply with recommended sampling and testing methods. Specifically, thermometers utilized in the sample compositor and the refrigerator for sample storage were not National Institute of Standards and Technology ("NIST") traceable thermometers that had been calibrated in the previous twelve months as required.		
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	
				Percent	7.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				Percent	0.0%

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1		Number of violation days 3
--	--	--

	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

Violation Base Penalty \$1,750

One quarterly event is recommended from the January 19, 2022 investigation date to the January 21, 2022 compliance date.

Good Faith Efforts to Comply

	25.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent achieved compliance by January 21, 2022.

Violation Subtotal \$1,313

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount \$0	Violation Final Penalty Total \$1,313
This violation Final Assessed Penalty (adjusted for limits) \$1,313	

Economic Benefit Worksheet

Respondent City of Rockport
Case ID No. 62245
Reg. Ent. Reference No. RN101916575
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$100	19-Jan-2022	21-Jan-2022	0.01	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Equipment cost to purchase NIST thermometers for the compositor and the refrigerator. The Date Required is the investigation 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 \$0

Screening Date 7-Apr-2022 Respondent City of Rockport Case ID No. 62245 Reg. Ent. Reference No. RN101916575 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2022-0466-MLM-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	5
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0010054001, Sludge Provisions, Section II, F
Violation Description	Failed to timely submit a complete annual sludge report ("ASR") to the TCEQ by September 30th of each year. Specifically, the 2021 ASR was not submitted to the TCEQ.

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				
	Potential				
Percent 0.0%					

>> Programmatic Matrix

OR	Falsification	Major	Moderate	Minor	Percent
	Actual				
	Potential				
Percent 1.0%					

Matrix Notes	Less than 30% of the rule requirements were not met.
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Adjustment	\$24,750
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	\$250
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Violation Events

Number of Violation Events 1	187	Number of violation days
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	daily		Violation Base Penalty	\$250
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

One single event is recommended.

Good Faith Efforts to Comply

0.0%	Reduction
	\$0

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

Violation Subtotal	\$250
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$1	Statutory Limit Test
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Violation Final Penalty Total	\$250
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This violation Final Assessed Penalty (adjusted for limits)	\$250
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Economic Benefit Worksheet

Respondent City of Rockport
Case ID No. 62245
Reg. Ent. Reference No. RN101916575
Media Water Quality
Violation No. 5

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	\$50	30-Sep-2021	5-Apr-2022	0.51	\$1	n/a	\$1
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 Record Keeping cost to submit the 2021 ASR, in accordance with the permit. The Date Required is the date the ASR was due, 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

\$50

TOTAL

\$1

Screening Date 7-Apr-2022 Respondent City of Rockport Case ID No. 62245 Reg. Ent. Reference No. RN101916575 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2022-0466-MLM-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>									
Violation Number 6											
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010054001, Operational Requirements No. 1											
Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the east return activated sludge line leading to the east grit chamber was inoperable.											
Base Penalty		\$25,000									
>> Environmental, Property and Human Health Matrix											
OR	Release	Harm									
		Major Moderate Minor									
	Actual Potential	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; height: 15px;"></td> <td style="width: 33%; height: 15px;"></td> <td style="width: 33%; height: 15px;"></td> </tr> <tr> <td style="height: 15px;"></td> <td style="height: 15px;"></td> <td style="height: 15px; text-align: center;">x</td> </tr> </table>						x	Percent 7.0%		
		x									
>> Programmatic Matrix											
	Falsification	Major Moderate Minor									
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; height: 15px;"></td> <td style="width: 25%; height: 15px;"></td> <td style="width: 25%; height: 15px;"></td> <td style="width: 25%; height: 15px;"></td> </tr> </table>					<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; height: 15px;"></td> <td style="width: 25%; height: 15px;"></td> <td style="width: 25%; height: 15px;"></td> <td style="width: 25%; height: 15px;"></td> </tr> </table>					Percent 0.0%
Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.										
Adjustment		\$23,250									
		\$1,750									
Violation Events											
Number of Violation Events		1	78								
		Number of violation days									
	daily weekly monthly quarterly semiannual annual single event	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 15px;"></td></tr> <tr><td style="height: 15px;"></td></tr> <tr><td style="height: 15px;"></td></tr> <tr><td style="height: 15px; text-align: center;">x</td></tr> <tr><td style="height: 15px;"></td></tr> <tr><td style="height: 15px;"></td></tr> <tr><td style="height: 15px;"></td></tr> </table>				x				Violation Base Penalty \$1,750	
x											
One quarterly events are recommended from the January 19, 2022 investigation date to the April 7, 2022 screening date.											
Good Faith Efforts to Comply		0.0%	Reduction \$0								
	Before NOE/NOV NOE/NOV to EDRP/Settlement Offer										
Extraordinary	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 15px;"></td></tr> </table>										
Ordinary	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 15px;"></td></tr> </table>										
N/A	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 15px; text-align: center;">x</td></tr> </table>	x									
x											
Notes	The Respondent does not meet the good faith criteria for this violation.										
Violation Subtotal		\$1,750									
Economic Benefit (EB) for this violation		Statutory Limit Test									
Estimated EB Amount \$182		Violation Final Penalty Total \$1,750									
This violation Final Assessed Penalty (adjusted for limits)		\$1,750									

Economic Benefit Worksheet

Respondent City of Rockport
Case ID No. 62245
Reg. Ent. Reference No. RN101916575
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$1,000	19-Jan-2022	21-Aug-2024	2.59	\$9	\$173	\$182
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Engineering/Construction cost to repair the activated sludge return line leading to the east grit chamber. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$182

Screening Date 7-Apr-2022 Respondent City of Rockport Case ID No. 62245 Reg. Ent. Reference No. RN101916575 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2022-0466-MLM-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
Violation Number 7		
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010054001, Operational Requirements No. 1		
Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the bar screen container was uncovered, the rake used to collect solids in the chlorine contact chamber was inoperable, and the Henderson Lift Station had excessive amounts of floating solids in the wet well.		
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 7.0%
	Potential			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events	3		23	Number of violation days
----------------------------	---	--	----	--------------------------

	daily		Violation Base Penalty \$5,250
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

Three quarterly events are recommended (one for each location) from the January 19, 2022 investigation date to the February 11, 2022 compliance date.

Good Faith Efforts to Comply

	25.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes: The Respondent achieved compliance by February 11, 2022.

Reduction \$1,312

Violation Subtotal \$3,938

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$4
Violation Final Penalty Total	\$3,938
This violation Final Assessed Penalty (adjusted for limits) \$3,938	

Economic Benefit Worksheet

Respondent City of Rockport
Case ID No. 62245
Reg. Ent. Reference No. RN101916575
Media Water Quality
Violation No. 7

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	\$500	19-Jan-2022	7-Feb-2022	0.05	\$1	n/a	\$1
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	19-Jan-2022	11-Feb-2022	0.06	\$3	n/a	\$3

Notes for DELAYED costs

Estimated Equipment cost captured in Economic Benefit No. 3.

Estimated Remediation/Disposal cost to remove and properly dispose of excessive floating solids in the Henderson Lift Station wet well. The Date Required is the investigation date, and the Final Date is the date of compliance.

Estimated Other cost to install new dumpsters with lids. The Date Required is the investigation 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

\$1,500

TOTAL

\$4

Screening Date 7-Apr-2022 Respondent City of Rockport Case ID No. 62245 Reg. Ent. Reference No. RN101916575 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2022-0466-MLM-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
Violation Number 8		
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010054001, Operational Requirements No. 1		
Violation Description Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the flow meter for the reclaimed water usage at the golf course was inoperable, and irrigation records could not be generated.		
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 7.0%
	Potential			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1	24	Number of violation days
--	--	--------------------------

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,750

One quarterly event is recommended from the January 19, 2022 investigation date to the February 8, 2022 compliance date.

Good Faith Efforts to Comply

	25.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes: The Respondent achieved compliance by February 8, 2022.

Reduction \$437

Violation Subtotal \$1,313

Economic Benefit (EB) for this violation

	Statutory Limit Test	
Estimated EB Amount	\$5	Violation Final Penalty Total
		\$1,313
This violation Final Assessed Penalty (adjusted for limits)		\$1,313

Economic Benefit Worksheet

Respondent City of Rockport
Case ID No. 62245
Reg. Ent. Reference No. RN101916575
Media Water Quality
Violation No. 8

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	\$1,500	19-Jan-2022	8-Feb-2022	0.05	\$0	\$5	\$5
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Equipment cost to calibrate the flow meter for reclaimed water usage at the golf course and begin maintaining irrigation records. The Date Required is the investigation 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

\$1,500

TOTAL

\$5

Screening Date 7-Apr-2022 Respondent City of Rockport Case ID No. 62245 Reg. Ent. Reference No. RN101916575 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2022-0466-MLM-E PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	9	
Rule Cite(s)		30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010054001, Monitoring Requirements No. 5
Violation Description		Failed to have automatic flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less often than annually. Specifically, the automatic flow measuring device was last calibrated on January 15, 2021.

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

OR	Falsification	Major	Moderate	Minor	
	Actual				
	Potential				
					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.
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Adjustment	\$21,250
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	\$3,750
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Violation Events

Number of Violation Events 1	24	Number of violation days
--	--	--------------------------

	daily		
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

Violation Base Penalty	\$3,750
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One quarterly event is recommended from the January 15, 2022 calibration due date to the February 8, 2022 compliance date.
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Good Faith Efforts to Comply

	25.0%	
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent achieved compliance by February 8, 2022.	

Violation Subtotal	\$2,813
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$1	Statutory Limit Test
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	\$2,813	Violation Final Penalty Total
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This violation Final Assessed Penalty (adjusted for limits)	\$2,813
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Economic Benefit Worksheet

Respondent City of Rockport
Case ID No. 62245
Reg. Ent. Reference No. RN101916575
Media Water Quality
Violation No. 9

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)	\$250	15-Jan-2022	8-Feb-2022	0.07	\$1	n/a	\$1

Notes for DELAYED costs

Estimated Other cost to calibrated the Facility automatic flow measuring device. The Date Required is the calibration due 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

\$250

TOTAL

\$1

Screening Date	7-Apr-2022	Docket No.	2022-0466-MLM-E	PCW
Respondent	City of Rockport	Policy Revision 5 (January 28, 2021)		
Case ID No.	62245	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101916575			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			
Violation Number	10			
Rule Cite(s)	30 Tex. Admin. Code § 319.11			
Violation Description	Failed to comply with recommended sampling and testing methods. Specifically, the operator collected Escherichia coli ("Escherichia coli") samples with a separate sample container, then transferred the sample to a pre-sterilized sample container, instead of directly into the sample container.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential			x
		Percent	7.0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		Percent	0.0%	
Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	\$23,250	
		\$1,750		
Violation Events				
Number of Violation Events		1	15	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
		Violation Base Penalty		
		\$1,750		
One single event is recommended from the January 19, 2022 investigation date to the January 24, 2022 compliance date.				
Good Faith Efforts to Comply		25.0%	Reduction	
		\$437		
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary	x		
	N/A			
	Notes	The Respondent achieved compliance by January 24, 2022.		
		Violation Subtotal	\$1,313	
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount		\$0	Violation Final Penalty Total	\$1,313
		This violation Final Assessed Penalty (adjusted for limits)		
		\$1,313		

Economic Benefit Worksheet

Respondent City of Rockport
Case ID No. 62245
Reg. Ent. Reference No. RN101916575
Media Water Quality
Violation No. 10

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	\$100	19-Jan-2022	24-Jan-2022	0.01	\$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 Training/Sampling cost to develop and implement procedures and conduct employee training to ensure samples are taken directly with the sample container. The Date Required is the investigation 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

\$0



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	28-Mar-2022	Screening	7-Apr-2022	EPA Due	
	PCW	28-Apr-2022				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Rockport
Reg. Ent. Ref. No.	RN101916575
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	62245	No. of Violations	1
Docket No.	2022-0466-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Harley Hobson
		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	\$10,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustments for compliance history.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$2,500
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$72
Estimated Cost of Compliance: \$2,725
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$7,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,500
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,500
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$6,000
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Screening Date	7-Apr-2022	Docket No.	2022-0466-MLM-E	PCW
Respondent	City of Rockport			
Case ID No.	62245			
Reg. Ent. Reference No.	RN101916575			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustments for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 7-Apr-2022 Respondent City of Rockport Case ID No. 62245 Reg. Ent. Reference No. RN101916575 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2022-0466-MLM-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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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 Texas Pollutant Discharge Elimination System Multi-Sector General Permit No. TXR05Q766 expired on August 14, 2021, and the Respondent continued to operate.

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%

Matrix Notes	100% of the rule requirements were not met.
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Adjustment	\$22,500
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	\$2,500
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Violation Events

Number of Violation Events	4		103	Number of violation days
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	daily			Violation Base Penalty \$10,000
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			

Four monthly events are recommended from the November 12, 2021 permit application grace period end date to the February 23, 2022 compliance date.

Good Faith Efforts to Comply

	25.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent achieved compliance by February 23, 2022.	

Violation Subtotal	\$7,500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$72
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Statutory Limit Test

Violation Final Penalty Total	\$7,500
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This violation Final Assessed Penalty (adjusted for limits)	\$7,500
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Economic Benefit Worksheet

Respondent City of Rockport
Case ID No. 62245
Reg. Ent. Reference No. RN101916575
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$225	14-Aug-2021	23-Feb-2022	0.53	\$6	n/a	\$6
Other (as needed)	\$2,500	14-Aug-2021	23-Feb-2022	0.53	\$66	n/a	\$66

Notes for DELAYED costs

Actual Permit Cost to submit a Notice of Intent to obtain authorization to discharge stormwater. The Date Required is the permit expiration date, and the Final Date is the date of compliance.

Estimated Other cost to develop and implement a stormwater pollution prevention plan. The Date Required is the permit expiration 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

\$2,725

TOTAL

\$72



Compliance History Report

Compliance History Report for CN600634810, RN101916575, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600634810, City of Rockport **Classification:** SATISFACTORY **Rating:** 0.95

Regulated Entity: RN101916575, CITY OF ROCKPORT **Classification:** SATISFACTORY **Rating:** 1.23

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

CH Group: 08 - Sewage Treatment Facilities

Location: 1401 North Pearl Street, Rockport, Aransas County, Texas

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

WASTEWATER PERMIT WQ0010054001 **WASTEWATER EPA ID** TX0022152

WASTEWATER AUTHORIZATION R10054001 **STORMWATER PERMIT** TXR05FO44

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: Harley Hobson **Phone:** (512) 239-1337

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 16, 2019	(1583508)	Item 19	November 17, 2020	(1712837)
Item 2	June 18, 2019	(1583509)	Item 20	December 18, 2020	(1712838)
Item 3	July 16, 2019	(1593265)	Item 21	January 13, 2021	(1712839)
Item 4	August 20, 2019	(1599613)	Item 22	February 19, 2021	(1725891)
Item 5	September 10, 2019	(1606514)	Item 23	March 19, 2021	(1725892)
Item 6	September 16, 2019	(1613361)	Item 24	April 20, 2021	(1725893)
Item 7	November 15, 2019	(1619176)	Item 25	July 21, 2021	(1751832)
Item 8	December 17, 2019	(1626527)	Item 26	September 20, 2021	(1766380)
Item 9	January 20, 2020	(1634168)	Item 27	October 21, 2021	(1776959)
Item 10	February 17, 2020	(1640786)	Item 28	November 19, 2021	(1783749)
Item 11	March 18, 2020	(1647307)	Item 29	December 17, 2021	(1790777)
Item 12	April 17, 2020	(1653645)	Item 30	January 21, 2022	(1798570)
Item 13	May 18, 2020	(1660230)	Item 31	February 16, 2022	(1806443)
Item 14	June 18, 2020	(1666734)	Item 32	March 18, 2022	(1813512)
Item 15	July 14, 2020	(1673692)	Item 33	May 20, 2022	(1828920)
Item 16	September 04, 2020	(1680467)	Item 35	June 20, 2022	(1835214)
Item 17	September 21, 2020	(1687035)	Item 36	July 20, 2022	(1842417)
Item 18	October 21, 2020	(1693382)	Item 37	August 19, 2022	(1848547)

Item 38	September 19, 2022	(1856349)	Item 46	June 20, 2023	(1919238)
Item 39	October 19, 2022	(1862704)	Item 47	July 19, 2023	(1926203)
Item 40	December 20, 2022	(1875468)	Item 48	August 18, 2023	(1933164)
Item 41	January 20, 2023	(1882289)	Item 49	September 19, 2023	(1939303)
Item 42	February 20, 2023	(1890103)	Item 50	October 18, 2023	(1946152)
Item 43	March 20, 2023	(1898664)	Item 51	November 17, 2023	(1951843)
Item 44	April 20, 2023	(1905452)	Item 52	December 15, 2023	(1961607)
Item 45	May 18, 2023	(1912634)	Item 53	January 19, 2024	(1968201)

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 ROCKPORT
RN101916575

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

AGREED ORDER DOCKET NO. 2022-0466-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 Rockport (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 1401 North Pearl Street in Rockport, Aransas 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 \$35,315 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$7,063 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, \$28,252 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 July 21, 2021, submitted the discharge monitoring reports ("DMRs") for the months of May and June 2021;
 - b. By January 21, 2022, purchased National Institute of Standards and Technology ("NIST") thermometers for the compositor and the refrigerator;
 - c. By January 24, 2022, developed and implemented procedures and conducted employee training to ensure samples are taken directly in the sample container;
 - d. By February 7, 2022, removed and properly disposed of excessive floating solids from the Henderson Lift Station wet well;
 - e. By February 8, 2022, calibrated the flow meter for reclaimed water usage at the golf course and began maintaining irrigation records;
 - f. By February 8, 2022, calibrated the Facility automatic flow measuring device;
 - g. By February 11, 2022, replaced the chlorine contact chamber rake and ceased the discharge of grease balls;
 - h. By February 11, 2022, installed new dumpsters with lids;
 - i. By February 23, 2022, obtained authorization to discharge stormwater associated with industrial activities under Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit No. TXR05FO44 and developed and implemented a stormwater pollution prevention plan;
 - j. By March 28, 2022, submitted noncompliance notifications to the TCEQ for May and July 2021;

- k. By March 28, 2022, submitted updated flow DMR for May 2021; and
- l. By April 5, 2022, submitted the 2021 annual sludge report ("ASR"), in accordance with the permit.

II. ALLEGATIONS

During an investigation at the Facility conducted on January 19, 2022, an investigator documented that the Respondent:

- 1. Failed to timely submit monitoring results at intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0010054001, Monitoring and Reporting Requirements No. 1. Specifically, the DMRs for May and June 2021 were not submitted by the 20th day of the following month.
- 2. Failed to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010054001, Monitoring and Reporting Requirements No. 7(c). Specifically, the Respondent did not provide noncompliance notifications for the exceedances during the months of May 2021 for two-hour peak flow and July 2021 for carbonaceous biochemical oxygen demand (5-day).
- 3. Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0010054001, Permit Conditions No. 2.g. Specifically, grease balls were observed discharging from the Facility at the Tulle Ditch Outfall.
- 4. Failed to comply with recommended sampling and testing methods, in violation of 30 TEX. ADMIN. CODE § 319.11. Specifically, thermometers utilized in the sample compositor and the refrigerator for sample storage were not NIST traceable thermometers that had been calibrated in the previous twelve months as required.
- 5. Failed to timely submit a complete annual sludge report ("ASR") to the TCEQ by September 30th of each year, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010054001, Sludge Provisions, Section II, F. Specifically, the 2021 ASR was not submitted to the TCEQ.
- 6. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010054001, Operational Requirements No. 1. Specifically, the east return activated sludge line leading to the east grit chamber was inoperable.
- 7. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010054001, Operational Requirements No. 1. Specifically, the bar screen container was uncovered, the rake used to collect solids in the chlorine contact chamber was inoperable, and the Henderson Lift Station had excessive amounts of floating solids in the wet well.

8. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010054001, Operational Requirements No. 1. Specifically, the flow meter for the reclaimed water usage at the golf course was inoperable and irrigation records could not be generated.
9. Failed to have automatic flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less often than annually, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010054001, Monitoring Requirements No. 5. Specifically, the automatic flow measuring device was last calibrated on January 15, 2021.
10. Failed to comply with recommended sampling and testing methods, in violation of 30 TEX. ADMIN. CODE § 319.11. Specifically, the operator collected *Escherichia coli* samples with a separate sample container, then transferred the sample to a pre-sterilized sample container, instead of directly into the sample container.
11. 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 Multi-Sector General Permit No. TXR05Q766 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 Rockport, Docket No. 2022-0466-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 implemented and completed the SEP as set forth in Section I, Paragraph No. 4. The amount of \$28,252 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, repair the activated sludge return line leading to the east grit chamber.
 - 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:

Water Section
Enforcement Division, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
500 North Shoreline Boulevard, Suite 500
Corpus Christi, Texas 78401

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 Enforcement Division 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-Jurach

11/10/2025

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

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

[Signature]

Signature

9/9/2025

Date

Tim Jaxon

Name (Printed or typed)
Authorized Representative of
City of Rockport

Mayer

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: 2022-0466-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Rockport
Penalty Amount:	\$28,252
SEP Offset Amount:	\$28,252
Type of SEP:	Compliance
Project Name:	<i>Clarifier Repairs</i>
Location of SEP:	Aransas 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 purchase and install a CM30 drive unit for the clarifier at the Facility. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for the clarifier drive unit (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 ensuring that equipment responsible for improving the quality of wastewater effluent being released into the environment operates as intended. 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
CM30 Clarifier Drive Unit	\$70,185
Labor/Installation	\$55,624
Total	\$125,809

2. Records

As of May 30, 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. Photographs 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.