

**Executive Summary – Enforcement Matter – Case No. 62883**

**City of Hitchcock**

**RN101920031**

**Docket No. 2022-1112-WQ-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

WQ

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Hitchcock WWTF, 7725 Hacker Road, Hitchcock, Galveston County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** October 25, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$13,100

**Amount Deferred for Expedited Settlement:** \$2,620

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$10,480

Name of SEP: Stormwater Pollution Prevention (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:** July 27, 2022

**Date(s) of NOE(s):** August 22, 2022

**Executive Summary – Enforcement Matter – Case No. 62883**

**City of Hitchcock**

**RN101920031**

**Docket No. 2022-1112-WQ-E**

***Violation Information***

Failed to maintain authorization to discharge stormwater associated with industrial activities. Specifically, the authorization under Texas Pollutant Discharge Elimination System General Permit No. TXR05EB22 expired on November 12, 2021, and the Respondent continued to operate. [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(c)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures at the Facility:

- a. By September 30, 2022, developed and implemented a stormwater pollution prevention plan; and
- b. By June 23, 2023, submitted a Notice of Intent through the State of Texas Environmental Electronic Reporting System.

**Technical Requirements:**

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

***Contact Information***

**TCEQ Attorney:** N/A

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

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

**Respondent:** The Honorable Chris Armacost, Mayor, City of Hitchcock, 7423 Highway 6, Hitchcock, Texas 77563

Marie Gelles, City Manager, City of Hitchcock, 7423 Highway 6, Hitchcock, Texas 77563

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	29-Aug-2022	<b>Screening</b>	7-Sep-2022	<b>EPA Due</b>	
	<b>PCW</b>	7-Aug-2024				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Hitchcock
<b>Reg. Ent. Ref. No.</b>	RN101920031
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	62883	<b>No. of Violations</b>	1
<b>Docket No.</b>	2022-1112-WQ-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Monica Larina
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$10,000</b>
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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.

<b>Compliance History</b>	<b>41.0%</b>	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$4,100</b>
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Notes: Enhancement for one order without a denial of liability and eight months of self-reported effluent violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$1,000</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$231  
 Estimated Cost of Compliance: \$2,725  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$13,100</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$13,100</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$13,100</b>
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<b>DEFERRAL</b>	<b>20.0%</b>	Reduction	<b>Adjustment</b>	<b>-\$2,620</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$10,480</b>
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**Screening Date** 7-Sep-2022

**Docket No.** 2022-1112-WQ-E

**PCW**

**Respondent** City of Hitchcock

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 62883

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN101920031

**Media** Water Quality

**Enf. Coordinator** Monica Larina

### Compliance History Worksheet

**>> Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	8	16%
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	1	25%
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)** 41%

**>> Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

**>> Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for one order without a denial of liability and eight months of self-reported effluent violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 41%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 41%

**Screening Date** 7-Sep-2022  
**Respondent** City of Hitchcock  
**Case ID No.** 62883  
**Reg. Ent. Reference No.** RN101920031  
**Media** Water Quality  
**Enf. Coordinator** Monica Larina

**Docket No.** 2022-1112-WQ-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**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, the authorization under Texas Pollutant Discharge Elimination System General Permit No. TXR05EB22 expired on November 12, 2021, and the Respondent continued to operate.

**Base Penalty** \$25,000

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> **Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
100% of the rule requirements were not met.					

**Adjustment** \$22,500

\$2,500

**Violation Events**

Number of Violation Events 4      299 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$10,000

Four quarterly events are recommended from the permit expiration date (November 12, 2021) to the screening date (September 7, 2022).

**Good Faith Efforts to Comply**

10.0%

Reduction \$1,000

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

Extraordinary		
Ordinary		x
N/A		

**Notes** Respondent achieved compliance on June 23, 2023.

**Violation Subtotal** \$9,000

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$231

**Violation Final Penalty Total** \$13,100

**This violation Final Assessed Penalty (adjusted for limits)** \$13,100

# Economic Benefit Worksheet

**Respondent** City of Hitchcock  
**Case ID No.** 62883  
**Reg. Ent. Reference No.** RN101920031  
**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	12-Feb-2021	23-Jun-2023	2.36	\$27	n/a	\$27
Other (as needed)	\$2,500	12-Feb-2021	30-Sep-2022	1.63	\$204	n/a	\$204

**Notes for DELAYED costs**

Actual Permit cost to submit a Notice of Intent to obtain authorization to discharge stormwater. The Date Required is the expiration date of TXR05EB22 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 expiration date of TXR05EB22 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** \$231



# Compliance History Report

Compliance History Report for CN600685143, RN101920031, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600685143, City of Hitchcock	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	16.76
<b>Regulated Entity:</b>	RN101920031, CITY OF HITCHCOCK	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	17.33
<b>Complexity Points:</b>	7	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	08 - Sewage Treatment Facilities				
<b>Location:</b>	7725 HACKER ROAD IN HITCHCOCK, GALVESTON COUNTY				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				
<b>ID Number(s):</b>					
<b>WASTEWATER PERMIT</b>	WQ0010690001	<b>WASTEWATER EPA ID</b>	TX0062243		
<b>TIRES REGISTRATION</b>	8135				
<b>Compliance History Period:</b>	September 01, 2017 to August 31, 2022	<b>Rating Year:</b>	2022	<b>Rating Date:</b>	09/01/2022
<b>Date Compliance History Report Prepared:</b>	May 21, 2023				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	May 19, 2018 to May 19, 2023				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Monica Larina			<b>Phone:</b>	(512) 239-0184

## Site and Owner/Operator History:

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

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

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

- |   |  |   |
|---|--|---|
| 1 | Effective Date: 10/27/2021   | ADMINORDER 2019-0880-MWD-E (Findings Order-Agreed Order Without Denial) |
|   | Classification: Minor  |   |
|   | Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  |   |
|   | 30 TAC Chapter 319, SubChapter A 319.11(b)   |   |
|   | Rqmt Prov: Mon & Rep Req No. 2.a PERMIT  |   |
|   | Description: failed to properly preserve effluent samples  |   |
|   | Classification: Moderate   |   |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)   |   |
|   | 30 TAC Chapter 305, SubChapter F 305.125(1)  |   |
|   | Rqmt Prov: Permit Conditions No. 2.g PERMIT  |   |
|   | Description: failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state   |   |
|   | Classification: Moderate   |   |
|   | Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  |   |
|   | Rqmt Prov: Mon & Rep Req 7.a PERMIT  |   |
|   | Description: failed to report an unauthorized discharge orally to the Regional Office within 24 hours of becoming aware of the noncompliance, and in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance |   |
|   | Classification: Moderate   |   |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)   |   |
|   | 30 TAC Chapter 305, SubChapter F 305.125(1)  |   |
|   | Rqmt Prov: Eff Lim & Mon Req No. 1 PERMIT  |   |
|   | Description: Failed to comply with permitted effluent limitations.   |   |

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	June 18, 2018	(1508463)
Item 2	July 24, 2018	(1514791)
Item 3	August 21, 2018	(1520847)
Item 4	September 27, 2018	(1528026)
Item 5	November 06, 2018	(1534372)
Item 6	February 25, 2019	(1561952)
Item 7	April 04, 2019	(1561951)
Item 8	April 26, 2019	(1634799)
Item 9	May 07, 2019	(1572573)
Item 10	June 11, 2019	(1584757)
Item 11	July 30, 2019	(1584758)
Item 12	September 12, 2019	(1600244)
Item 13	October 09, 2019	(1607138)
Item 14	December 12, 2019	(1619801)
Item 16	September 21, 2020	(1681092)
Item 17	September 22, 2020	(1681094)
Item 18	September 23, 2020	(1681096)
Item 19	September 24, 2020	(1687666)
Item 20	October 13, 2020	(1694008)
Item 21	December 11, 2020	(1714693)
Item 23	March 11, 2021	(1727758)
Item 24	April 20, 2021	(1727759)
Item 25	May 10, 2021	(1741177)
Item 26	June 11, 2021	(1741178)
Item 27	July 07, 2021	(1752446)
Item 28	September 16, 2021	(1767100)
Item 29	October 14, 2021	(1777574)
Item 30	November 16, 2021	(1784373)
Item 31	December 10, 2021	(1791403)
Item 32	January 14, 2022	(1799185)
Item 33	February 11, 2022	(1807063)
Item 34	April 14, 2022	(1820701)
Item 35	May 17, 2022	(1829536)
Item 36	August 10, 2022	(1849160)
Item 37	January 05, 2023	(1882899)

**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: 05/31/2022 (1835830)		
	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		
2	Date: 06/30/2022 (1843031)		
	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		
3	Date: 08/31/2022 (1856960)		
	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		
4	Date:	09/30/2022 (1863318)		
	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		
5	Date:	10/31/2022 (1870230)		
	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		
6	Date:	11/30/2022 (1876078)		
	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		
7	Date:	01/31/2023 (1890711)		
	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		
8	Date:	02/28/2023 (1899277)		
	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

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF HITCHCOCK  
RN101920031

§ BEFORE THE  
§ TEXAS COMMISSION ON  
§ ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2022-1112-WQ-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 Hitchcock (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 7725 Hacker Road, in Hitchcock, Galveston County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$13,100 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$2,620 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, \$10,480 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
  - a. By September 30, 2022, developed and implemented a stormwater pollution prevention plan; and
  - b. By June 23, 2023, submitted a Notice of Intent through the State of Texas Environmental Electronic Reporting System.

## **II. ALLEGATIONS**

During an investigation at the Facility conducted on July 27, 2022, an investigator documented that the Respondent 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, the authorization under Texas Pollutant Discharge Elimination System General Permit No. TXR05EB22 expired on November 12, 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 Hitchcock, Docket No. 2022-1112-WQ-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$10,480 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

-----  
Date

  
-----  
For the Executive Director

1/31/2025  
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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.

  
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Signature

1/10/2025  
-----  
Date

Marie Gelles  
-----  
Name (Printed or typed)  
Authorized Representative of  
City of Hitchcock

City Manager  
-----  
Title

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

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

**Attachment A**

**Docket Number: 2022-1112-WQ-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Hitchcock
<b>Penalty Amount:</b>	\$10,480
<b>SEP Offset Amount:</b>	\$10,480
<b>Type of SEP:</b>	Compliance
<b>Project Name:</b>	<i>Stormwater Pollution Prevention</i>
<b>Location of SEP:</b>	Galveston 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 an engineer to develop and implement a site-specific Stormwater Pollution Prevention Plan and submit a Notice of Intent for the Facility. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for engineering analysis, plans and specifications for the permit submittal (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 identifying all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from industrial activities. Additionally, it creates prevention methods and controls to be used to reduce pollutants in instances of stormwater discharges. Stormwater run-off has the potential to accumulate debris, chemicals, sediment, etc., that could adversely affect water quality. This could result in unsafe water for drinking, fishing, swimming and other activities.

*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**

<b>Item</b>	<b>Total</b>
Engineering Assessment and Plan for Stormwater Pollution Prevention	\$13,750
<b>Total</b>	<b>\$13,750</b>

**2. Records**

As of March 27, 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. Copies of all engineering plans related to work performed pursuant to the Project, if applicable; and
6. A detailed map showing the specific location of the project site(s).

**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.