Executive Summary – Enforcement Matter – Case No. 65927
HP Gibbs, LP
RN109635649
Docket No. 2024-0716-MWD-E

Order Type:
1660
Findings Order Justification:
N/A
Media:
MWD
Small Business:
Yes
Location(s) Where Violation(s) Occurred:
Northlake WWTP, approximately one mile west and approximately 0.5 mile south of the intersection of County Road 335 and County Road 338, Northlake, Denton 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: June 5, 2026
Comments Received: No

Penalty Information

Total Penalty Assessed: $132,167
Amount Deferred for Expedited Settlement: $26,433
Total Paid to General Revenue: $105,734
Total Due to General Revenue: $0
Compliance History Classifications:
Person/CN - High
Site/RN - High
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: April 25, 2023 and February 27, 2024
Date(s) of NOE(s): June 1, 2023 and April 19, 2024

Violation Information

1. Failed to test the reduced-pressure backflow assembly ("RPBA") annually. Specifically, the fire hydrant RPBA had not been tested annually [30 TEX. ADMIN. CODE § 217.330(b)].

2. Failed to ensure the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the chlorine contact basin of the South plant contained surface accumulation of sludge, the chlorine contact basin of the North plant and aeration basins of both plants contained foaming, and the clarifier weirs in the South plant were unleveled [30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015551001, Operational Requirements No. 1.].

3. Failed to submit a complete ASR to the TCEQ by September 30th of each year. Specifically, the 2021, 2022, and 2023 ASRs. indicated that the regulated entity disposed of sludge at a "municipal landfill". However, the 2021 and 2023 ASRs indicated that sludge was disposed of at the "Village Creek WRF", which is a wastewater treatment facility rather than a landfill. Additionally, the 2022 ASR did not have the required information as listed on the permit (owner and location of receiving facility, and dates of disposal) [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0015551001, Sludge Provisions, Section IV(C)].

4. Failed to maintain complete sludge records. Specifically, sludge haul manifests requested during the investigation and submitted on March 13, 2024, did not contain all the required information. The manifests were missing the Facility's permit number and were using different names for the Facility (Pecan Creek and Pecan Plaza were used instead of Northlake). They also did not have the final copy that has signatures for all three parties [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 312.145(a) and TPDES Permit No. WQ0015551001, Sludge Provisions, Section IV(B)(2)].

5. Failed to have hazard signs on the outward facing of the fence stating "DANGER – NO TRESSPASSING" in English and Spanish. Specifically, the Facility only had a hazard sign at the main gate and did not have signage on two other fences and the outside gate [30 TEX. ADMIN. CODE § 217.328(b)].

6. Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment. Specifically, residual sludge and foam accumulation were documented in the receiving stream. Additionally, solids were observed flowing over the plant's weirs into the receiving stream [30 TEX. ADMIN. CODE § 305.125(1) and (4), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0015551001, Permit Conditions No. 2.g].

7. 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

flow meters at both plants were not calibrated in 2023. Additionally, the flow measurement accuracy check performed during the investigation revealed that the staff gauge for the South plant measured 5.04 head inches and the flow meter measured 0.219 million gallons per day ("MGD") which is an 18.57% error. Also, the staff gauge for the North plant measured 3.84 head inches and the flow meter measured 0.105 MGD, which is a 12.19% error [30 TEX. ADMIN. CODE §§ 305.125(1) and 217.33(a) and TPDES Permit No. WQ0015551001, Monitoring and Reporting Requirements No. 5].

8. Failed to comply with permitted effluent limitations. Specifically, the grab sample collected during the investigation at the South plant revealed the Respondent exceeded the permitted effluent limitations for dissolved oxygen ("DO") minimum of 5 milligrams per liter ("mg/L") with a result of 3.77 mg/L, for total residual chlorine ("TCR") minimum of 1.0 mg/L with a result of 0.6 mg/L, and for total suspended solids limit of 60 mg/L with a result of 2 72 mg/L [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0015551001, Interim II Effluent Limits and Monitoring Requirements Nos. 1, 2, and 6].

9. Failed to maintain monitoring and reporting records at the Facility. Specifically, the investigator reviewed the operator bench sheets and found deficiencies: date of analysis was missing for pH and DO, and individual sheets did not indicate which plant they were for. Additionally, DO, pH, and TCR analysis methods were not specified [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(C) and 319.7(a) and (c), and TPDES Permit No. WQ0015551001, Monitoring and Reporting Requirements No. 3(c)].

10. Failed to accurately report monitoring activities. Specifically, the carbonaceous biochemical oxygen demand (5-day) ("CBOD") and ammonia nitrogen ("NH3-N") loading results for the sample collected June 27, 2023, were not included in the DMR for June 2023. Additionally, the pH and DO results obtained by the contract laboratory were not included in the DMR submission [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0015551001, Monitoring and Reporting Requirements No. 1].

11. Failed 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, did not provide a noncompliance notification for the exceedances during the monthly monitoring periods of June 2021, December 2022, and January, March, September, and June 2023 [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0015551001, Monitoring and Reporting Requirements No. 7(c)].

12. Failed to comply with permitted effluent limitations for flow, NH3-N, and total suspended solids [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0015551001, Interim I and II Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent conducted the following activities:

a. By April 22, 2024, transferred TPDES Permit No. WQ0015551001 to Northlake Municipal Management District No. 1.

b. Implemented the following corrective measures at the Facility:

i. By March 22, 2024, provided documentation that the flow meters were calibrated;

ii. By March 28, 2024, tested the fire hydrant meter RPBA, and

iii. By April 1, 2024, provided documentation that the required hazard signs had been posted on each fence.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Bethany Batchelor, Enforcement Division, Enforcement Backlog Team, MC R-12, (713) 767-3586; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548
Respondent: Fred J. Balda, President, HP Gibbs, LP, 3000 Turtle Creek Boulevard, Dallas, Texas 75219
Kim Comiskey, Vice President, HP Gibbs, LP, 3000 Turtle Creek Boulevard, Dallas, Texas 75219
Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

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

DATES						
	Assigned	22-Apr-2024				
	PCW	3-Sep-2025	**Screening**	23-Apr-2024	**EPA Due**	

RESPONDENT/FACILITY INFORMATION

Respondent	HP Gibbs, LP		
Reg. Ent. Ref. No.	RN109635649		
Facility/Site Region	4-Dallas/Fort Worth	**Major/Minor Source**	Minor

CASE INFORMATION

Enf./Case ID No.	65927	**No. of Violations**	12
Docket No.	2024-0716-MWD-E	**Order Type**	1660
Media Program(s)	Water Quality	**Government/Non-Profit**	No
Multi-Media		**Enf. Coordinator**	Bethany Batchelor
		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*** **$71,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **35.0%** Adjustment ***Subtotals 2, 3, & 7*** **$25,025**

Notes: Enhancement for nine months of self-reported effluent violations. Reduction for High Performer Compliance History Classification.

Culpability No **0.0%** Enhancement ***Subtotal 4*** **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments ***Subtotal 5*** **-$3,125**

Economic Benefit **50.0%** Enhancement* ***Subtotal 6*** **$19,385**

Total EB Amounts $19,385
Estimated Cost of Compliance $18,631
**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 ***Final Subtotal*** **$112,785**

OTHER FACTORS AS JUSTICE MAY REQUIRE **17.2%** ***Adjustment*** **$19,382**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture avoided costs in Violation Nos. 1, 3, 4, 6, 7, 9, 10, 11, and 12.

Final Penalty Amount **$132,167**

STATUTORY LIMIT ADJUSTMENT ***Final Assessed Penalty*** **$132,167**

DEFERRAL **20.0%** Reduction ***Adjustment*** **-$26,433**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$105,734**

Screening Date 23-Apr-2024 **Docket No.** 2024-0716-MWD-E **PCW**

Respondent HP Gibbs, LP

Policy Revision 5 (January 28, 2021)

Case ID No. 65927

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN109635649

Media Water Quality

Enf. Coordinator Bethany Batchelor

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 (*number of NOVs meeting criteria*)	9	45%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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 (*number of judgments or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	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) 45%

>> Repeat Violator (Subtotal 3)

No ***Adjustment Percentage (Subtotal 3)*** 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer ***Adjustment Percentage (Subtotal 7)*** -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for nine months of self-reported effluent violations. Reduction for High Performer Compliance History Classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 35%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 35%

Screening Date 23-Apr-2024 **Docket No.** 2024-0716-MWD-E **PCW**

Respondent HP Gibbs, LP *Policy Revision 5 (January 28, 2021)*

Case ID No. 65927 *PCW Revision February 11, 2021*

Reg. Ent. Reference No. RN109635649

Media Water Quality

Enf. Coordinator Bethany Batchelor

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 217.330(b)

Violation Description Failed to test the reduced-pressure backflow assembly ("RPBA") annually. Specifically, the fire hydrant RPBA had not been tested annually.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 2 — 395 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $7,500

Two annual events are recommended from one year prior to the investigation on February 27, 2023, to the compliance date March 28, 2024.

Good Faith Efforts to Comply

25.0% Reduction $1,875

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

Notes: The Respondent achieved compliance by March 28, 2024.

Violation Subtotal $5,625

Economic Benefit (EB) for this violation

Estimated EB Amount $265

Statutory Limit Test

Violation Final Penalty Total $11,561

This violation Final Assessed Penalty (adjusted for limits) $11,561

Economic Benefit Worksheet

Respondent HP Gibbs, LP
Case ID No. 65927
Reg. Ent. Reference No. RN109635649
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$250	27-Feb-2024	28-Mar-2024	0.08	$1	n/a	$1
Notes for DELAYED costs	Estimated other cost to test the RPBA at the Facility by a licensed tested. 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	$250	27-Feb-2023	28-Mar-2024	1.08	$14	$250	$264
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	Estimated avoided cost to test the RPBA at the Facility by a licensed tester in prior year. The Date Required is the one year prior to the investigation, and the Final Date is the date of compliance.						
Approx. Cost of Compliance	$500				**TOTAL**	$265	

Screening Date	23-Apr-2024	**Docket No.** 2024-0716-MWD-E	**PCW**
Respondent	HP Gibbs, LP		*Policy Revision 5 (January 28, 2021)*
Case ID No.	65927		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN109635649		
Media	Water Quality		
Enf. Coordinator	Bethany Batchelor		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015551001, 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 chlorine contact basin of the South plant contained surface accumulation of sludge, the chlorine contact basin of the North plant and aeration basins of both plants contained foaming, and the clarifier weirs in the South plant were unleveled.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	**Harm** Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 2 — 56 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $7,500

Two monthly events are recommended from the investigation date, February 27, 2024 to the screening date, April 23, 2024.

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 $7,500

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $13,758

This violation Final Assessed Penalty (adjusted for limits) $13,758

Economic Benefit Worksheet

Respondent HP Gibbs, LP
Case ID No. 65927
Reg. Ent. Reference No. RN109635649
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				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							
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	See avoided cost on Economic Benefit Worksheet for Violation No. 12						

Approx. Cost of Compliance $0

TOTAL $0

Screening Date	23-Apr-2024	**Docket No.** 2024-0716-MWD-E	**PCW**
Respondent	HP Gibbs, LP		*Policy Revision 5 (January 28, 2021)*
Case ID No.	65927		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN109635649		
Media	Water Quality		
Enf. Coordinator	Bethany Batchelor		

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0015551001, Sludge Provisions, Section IV(C)

Violation Description Failed to submit a complete annual sludge report ("ASR") to the TCEQ by September 30th of each year. Specifically, the 2021, 2022, and 2023 ASRs indicated that the regulated entity disposed of sludge at a "municipal landfill". However, the 2021 and 2023 ASRs indicated that sludge was disposed of at the "Village Creek WRF", which is a wastewater treatment facility rather than a landfill. Additionally, the 2022 ASR did not have the required information listed on the permit (owner and location of receiving facility, and dates of disposal).

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 2.5%

Matrix Notes: Between 30% and 70% of the rule requirements were not met.

Adjustment $24,375

$625

Violation Events

Number of Violation Events: 3 — 936 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,875

Three single events are recommended, one for each ASR.

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 $1,875

Economic Benefit (EB) for this violation

Estimated EB Amount $113

Statutory Limit Test

Violation Final Penalty Total $4,859

This violation Final Assessed Penalty (adjusted for limits) $4,859

Economic Benefit Worksheet

Respondent HP Gibbs, LP
Case ID No. 65927
Reg. Ent. Reference No. RN109635649
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
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)				0.00	$0	n/a	$0
Notes for DELAYED costs							
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)	$100	30-Sep-2021	22-Apr-2024	2.56	$13	$100	$113
Notes for AVOIDED costs	Estimated Training cost to update the Facility's operational guidance and conduct employee training to ensure that ASRs are properly and accurately completed and submitted. The Date required is the due date of the first ASR, and the Final Date is the date of permit transfer.						

Approx. Cost of Compliance $100

TOTAL $113

Screening Date	23-Apr-2024	**Docket No.** 2024-0716-MWD-E	**PCW**
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Reg. Ent. Reference No.	RN109635649		
Media	Water Quality		
Enf. Coordinator	Bethany Batchelor		

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (11)(B) and 312.145(a) and TPDES Permit No. WQ0015551001, Sludge Provisions, Section IV(B)(2)

Violation Description Failed to maintain complete sludge records. Specifically, sludge haul manifests requested during the investigation and submitted on March 13, 2024 did not contain all the required information. The manifests were missing the Facility's permit number and were using different names for the Facility (Pecan Creek and Pecan Plaza were used instead of Northlake). They also did not have the final copy that has signatures for all three parties.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10.0%

Matrix Notes: Greater than 70% of the rule requirements were not met.

Adjustment $22,500

$2,500

Violation Events

Number of Violation Events: 1 — 56 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

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 $2,500

Economic Benefit (EB) for this violation

Estimated EB Amount $101

Statutory Limit Test

Violation Final Penalty Total $5,848

This violation Final Assessed Penalty (adjusted for limits) $5,848

Economic Benefit Worksheet

Respondent HP Gibbs, LP
Case ID No. 65927
Reg. Ent. Reference No. RN109635649
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
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)				0.00	$0	n/a	$0
Notes for DELAYED costs							
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)	$100	27-Feb-2024	22-Apr-2024	0.15	$1	$100	$101
Notes for AVOIDED costs	Estimated Training cost to update the Facility's operational guidance and conduct employee training to ensure sludge haul manifests are fully and accurately completed. The Date Required is the investigation date, and the Final Date is the date of permit transfer.						

Approx. Cost of Compliance $100

TOTAL $101

Screening Date	23-Apr-2024	**Docket No.** 2024-0716-MWD-E	**PCW**
Respondent	HP Gibbs, LP		*Policy Revision 5 (January 28, 2021)*
Case ID No.	65927		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN109635649		
Media	Water Quality		
Enf. Coordinator	Bethany Batchelor		

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 217.328(b)

Violation Description Failed to have hazard signs on the outward facing of the fence stating "DANGER - NO TRESSPASSING" in English and Spanish. Specifically, the Facility only had a hazard sign at the main gate and did not have signage on two other fences and the outside gate.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10.0%

Matrix Notes: Greater than 70% of the rule requirements were not met.

Adjustment $22,500

$2,500

Violation Events

Number of Violation Events: 1 — 34 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction $625

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

Notes: The Respondent achieved compliance by April 1, 2024.

Violation Subtotal $1,875

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $5,116

This violation Final Assessed Penalty (adjusted for limits) $5,116

Economic Benefit Worksheet

Respondent HP Gibbs, LP
Case ID No. 65927
Reg. Ent. Reference No. RN109635649
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				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)	$150	27-Feb-2024	1-Apr-2024	0.09	$1	n/a	$1
Notes for DELAYED costs	Estimated cost to obtain and display the required hazard signs on each side fence and gate. 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 $150

TOTAL $1

Screening Date	23-Apr-2024	**Docket No.** 2024-0716-MWD-E	**PCW**
Respondent	HP Gibbs, LP		*Policy Revision 5 (January 28, 2021)*
Case ID No.	65927		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN109635649		
Media	Water Quality		
Enf. Coordinator	Bethany Batchelor		

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (4), Tex. Water Code § 26.121(a), and TPDES Permit No. WQ0015551001, Permit Conditions No. 2.g

Violation Description Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment. Specifically, residual sludge and foam accumulation were documented in the receiving stream. Additionally, solids were observed flowing over the South plant's weirs into the receiving stream.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 25.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment has been exposed to significants amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $18,750

$6,250

Violation Events

Number of Violation Events: 2 — 56 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $12,500

Two monthly events are recommended from the investigation date February 27, 2024, to the screening date April 23, 2024.

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 $12,500

Economic Benefit (EB) for this violation

Estimated EB Amount $5,037

Statutory Limit Test

Violation Final Penalty Total $21,668

This violation Final Assessed Penalty (adjusted for limits) $21,668

Economic Benefit Worksheet

Respondent HP Gibbs, LP
Case ID No. 65927
Reg. Ent. Reference No. RN109635649
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
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)				0.00	$0	n/a	$0
Notes for DELAYED costs							
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)	$5,000	27-Feb-2024	22-Apr-2024	0.15	$37	$5,000	$5,037
Notes for AVOIDED costs	Estimated cost to remove the sludge from the receiving stream and disinfect the affected area. The Date Required is the investigation date, and the Final Date is the date of permit transfer.						

Approx. Cost of Compliance $5,000

TOTAL $5,037

Screening Date	23-Apr-2024	**Docket No.** 2024-0716-MWD-E	**PCW**
Respondent	HP Gibbs, LP		*Policy Revision 5 (January 28, 2021)*
Case ID No.	65927		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN109635649		
Media	Water Quality		
Enf. Coordinator	Bethany Batchelor		

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 217.33(a) and TPDES Permit No. WQ0015551001, Monitoring and Reporting 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 flow meters at both plants were not calibrated in 2023. Additionally, the flow measurement accuracy check performed during the investigation revealed that the staff gauge for the South plant measured 5.04 head inches and the flow meter measured 0.219 million gallons per day ("MGD") which is an 18.57% error. Also the staff gauge for the North plant measured 3.84 head inches and the flow meter measured 0.105 MGD, which is a 12.19% error.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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

Adjustment $23,750

$1,250

Violation Events

Number of Violation Events: 2 — 389 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

Two single events are recommended, one for each meter.

Good Faith Efforts to Comply

25.0% Reduction $625

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

Notes: The Respondent achieved compliance by March 22, 2024.

Violation Subtotal $1,875

Economic Benefit (EB) for this violation

Estimated EB Amount $255

Statutory Limit Test

Violation Final Penalty Total $5,116

This violation Final Assessed Penalty (adjusted for limits) $5,116

Economic Benefit Worksheet

Respondent HP Gibbs, LP
Case ID No. 65927
Reg. Ent. Reference No. RN109635649
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	$250	27-Feb-2024	22-Mar-2024	0.07	$1	n/a	$1
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 annually calibrate the flow measuring devices. 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	$250	31-Dec-2023	22-Apr-2024	0.31	$4	$250	$254
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	Estimated avoided cost to annually calibrate the flow measuring devices in 2023. The Date Required is the date the annual calibration was due, and the Final Date is the date of permit transfer.						

Approx. Cost of Compliance $500

TOTAL $255

Screening Date	23-Apr-2024	**Docket No.** 2024-0716-MWD-E	**PCW**
Respondent	HP Gibbs, LP		*Policy Revision 5 (January 28, 2021)*
Case ID No.	65927		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN109635649		
Media	Water Quality		
Enf. Coordinator	Bethany Batchelor		

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and TPDES Permit No. WQ0015551001, Interim II Effluent Limits and Monitoring Requirements Nos. 1, 2, and 6

Violation Description Failed to comply with permitted effluent limitations. Specifically, the grab sample collected during the investigation at the South plant revealed the Respondent exceeded the permitted effluent limitations for dissolved oxygen ("DO") minimum of 5 milligrams per liter ("mg/L") with a result of 3.77 mg/L, for total residual chlorine ("TCR") minimum of 1.0 mg/L with a result of 0.6 mg/L, and for total suspended solids limit of 60 mg/L with a result of 272 mg/L.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protected of human health or environmental receptors as a result of the violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 1 — 1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $3,750

One quarterly event is recommended for February 27, 2024 grab sample.

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 $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $7,826

This violation Final Assessed Penalty (adjusted for limits) $7,826

Economic Benefit Worksheet

Respondent HP Gibbs, LP
Case ID No. 65927
Reg. Ent. Reference No. RN109635649
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				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)				0.00	$0	n/a	$0
Notes for DELAYED costs							
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	See Economic Benefit Worksheet for Violation 12.						

Approx. Cost of Compliance $0

TOTAL $0

Screening Date	23-Apr-2024	**Docket No.** 2024-0716-MWD-E	**PCW**
Respondent	HP Gibbs, LP		*Policy Revision 5 (January 28, 2021)*
Case ID No.	65927		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN109635649		
Media	Water Quality		
Enf. Coordinator	Bethany Batchelor		

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (11)(C) and 319.7(a), and TPDES Permit No. WQ0015551001, Monitoring and Reporting Requirements No. 3(c)

Violation Description Failed to maintain monitoring and reporting records at the Facility. Specifically, the investigator reviewed the operator bench sheets and found deficiencies: date of analysis was missing for pH and DO, and individual sheets did not indicate which plant they were for. Additionally, DO, pH, and TCR analysis methods were not specified.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 2.5%

Matrix Notes: Between 30% and 70% of the rule requirements were not met.

Adjustment $24,375

$625

Violation Events

Number of Violation Events: 1 — 56 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $625

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 $625

Economic Benefit (EB) for this violation

Estimated EB Amount $101

Statutory Limit Test

Violation Final Penalty Total $2,882

This violation Final Assessed Penalty (adjusted for limits) $2,882

Economic Benefit Worksheet

Respondent HP Gibbs, LP
Case ID No. 65927
Reg. Ent. Reference No. RN109635649
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)				0.00	$0	n/a	$0
Notes for DELAYED costs							
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)	$100	27-Feb-2024	22-Apr-2024	0.15	$1	$100	$101
Notes for AVOIDED costs	Estimated Training/Sampling cost to update the Facility's operational guidance and conduct employee training to ensure monitoring and reporting records are properly maintained, including dates of analyses, location of samples, and analysis methods for the operator bench sheets. The Date Required is the investigation date, and the Final Date is the estimated date of permit transfer.						

Approx. Cost of Compliance	$100	TOTAL	$101

Screening Date 23-Apr-2024 | **Docket No.** 2024-0716-MWD-E | **PCW**

Respondent HP Gibbs, LP

Policy Revision 5 (January 28, 2021)

Case ID No. 65927

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN109635649

Media Water Quality

Enf. Coordinator Bethany Batchelor

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0015551001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to accurately report monitoring activities. Specifically, the carbonaceous biochemical oxygen demand (5-day) ("CBOD") and ammonia nitrogen ("NH3-N") loading results for the sample collected June 27, 2023, were not included in the discharge monitoring report ("DMR") for June 2023. Additionally, the pH and DO results obtained by the contract laboratory were not included in the DMR submission.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes: Less than 30% of the rule requirements were not met.

Adjustment $24,750

$250

Violation Events

Number of Violation Events: 1 | 56 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $250

One single event is recommended for the month of June 2023.

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

Economic Benefit (EB) for this violation

Estimated EB Amount $26

Statutory Limit Test

Violation Final Penalty Total $2,289

This violation Final Assessed Penalty (adjusted for limits) $2,289

Economic Benefit Worksheet

Respondent HP Gibbs, LP
Case ID No. 65927
Reg. Ent. Reference No. RN109635649
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				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							
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)	$25	20-Jul-2023	22-Apr-2024	0.76	$1	$25	$26
Notes for AVOIDED costs	Estimated cost to re-submit DMR with corrected information, including all parameters and samples. The Date Required is the date the June DMR was due, and the Final Date is the date of permit transfer.						

Approx. Cost of Compliance $25

TOTAL $26

Screening Date	23-Apr-2024	**Docket No.** 2024-0716-MWD-E	**PCW**
Respondent	HP Gibbs, LP		*Policy Revision 5 (January 28, 2021)*
Case ID No.	65927		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN109635649		
Media	Water Quality		
Enf. Coordinator	Bethany Batchelor		

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (9)(A) and TPDES Permit No. WQ0015551001, 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 a noncompliance notification for the exceedances during the monthly monitoring periods of June 2021, December 2022, and January, March, September, and June 2023.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10.0%

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

Adjustment $22,500

$2,500

Violation Events

Number of Violation Events: 6 — 1003 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $15,000

Six single events are 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 $15,000

Economic Benefit (EB) for this violation

Estimated EB Amount $160

Statutory Limit Test

Violation Final Penalty Total $25,623

This violation Final Assessed Penalty (adjusted for limits) $25,623

Economic Benefit Worksheet

Respondent HP Gibbs, LP
Case ID No. 65927
Reg. Ent. Reference No. RN109635649
Media Water Quality
Violation No. 11

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)				0.00	$0	n/a	$0
Notes for DELAYED costs							
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	$156	5-Oct-2023	22-Apr-2024	0.55	$4	$156	$160
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	Estimated cost to report in writing an effluent violation which deviates from the permitted effluent limitations by more than 40% to the TCEQ Dallas/Fort Worth Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance ($25 x 6 notices). The Date Required is the date the last noncompliance notification was due, and the Final Date is the date of permit transfer.						

Approx. Cost of Compliance $156

TOTAL $160

Screening Date	23-Apr-2024	**Docket No.** 2024-0716-MWD-E	**PCW**
Respondent	HP Gibbs, LP		*Policy Revision 5 (January 28, 2021)*
Case ID No.	65927		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN109635649		
Media	Water Quality		
Enf. Coordinator	Bethany Batchelor		

Violation Number 12

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES No. WQ0015551001, Interim I and II Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 4 — 152 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $15,000

Four quarterly events are recommended for the quarters containing the months of February, May, August, and December 2022, and January 2023.

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 $15,000

Economic Benefit (EB) for this violation

Estimated EB Amount $13,326

Statutory Limit Test

Violation Final Penalty Total $25,623

This violation Final Assessed Penalty (adjusted for limits) $25,623

Economic Benefit Worksheet

Respondent HP Gibbs, LP
Case ID No. 65927
Reg. Ent. Reference No. RN109635649
Media Water Quality
Violation No. 12

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)				0.00	$0	n/a	$0
Notes for DELAYED costs							
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)	$12,000	28-Feb-2022	22-Apr-2024	2.15	$1,326	$12,000	$13,326
Notes for AVOIDED costs	Estimated cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the facility and achieve compliance with the permitted effluent limitations and requirements. The Date Required is the end date of the first month of noncompliance, and the Final Date is the estimated date of permit transfer.						
Approx. Cost of Compliance	$12,000				TOTAL	$13,326	

HP Gibbs, LP TPDES Permit No. WQ0015551001 Docket No. 2023-0776-MWD-E Case No. 64174							
Effluent Violation Table							
Monitoring Period	Flow Daily Avg. 0.125 MGD	Ammonia Nitrogen Daily Avg. Conc Limit = 3 mg/L	Ammonia Nitrogen Single Grab Conc. Limit = 15 mg/L	Ammonia Nitrogen Daily Avg. Loading Limit = 3.1 lbs/day	Total Suspended Solids Daily Avg. Conc. Limit = 15 mg/L	Total Suspended Solids Single Grab Conc. Limit = 60 mg/L	Total Suspended Solids Daily Avg. Loading Limit = 16 lbs/day
February 2022	c	c	c	c	44.95	164	31.41
May 2022	c	4.72	23.2	5.3	c	c	c
August 2022	0.171	c	c	c	c	c	c
December 2022	c	7.67	c	c	17.75	c	c
January 2023	c	8.49	24.5	c	c	c	c

Avg. = Average mg/L = milligrams per liter lbs/day = pounds per day

c = compliant MGD = million gallons per day Conc. = Concentration

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

Compliance History Report

Compliance History Report for CN605303593, RN109635649, Rating Year 2025 which includes Compliance History (CH) components from September 1, 2020, through August 31, 2025.

Customer, Respondent, or Owner/Operator: CN605303593, HP Gibbs, LP **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN109635649, NORTHLAKE WWTP **Classification:** HIGH **Rating:** 0.00

Complexity Points: 5 **Repeat Violator:** NO

CH Group: 14 - Other

Location: LOCATED ONE MILE WEST AND 0.5 MILE SOUTH OF THE INTERSECTION OF CR 335 AND CR 338 DENTON, TX, DENTON COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

WASTEWATER PERMIT WQ0015551001

WASTEWATER EPA ID TX0137553

WASTEWATER AUTHORIZATION R15551001

Compliance History Period: September 01, 2020 to August 31, 2025 **Rating Year:** 2025 **Rating Date:** 09/01/2025

Date Compliance History Report Prepared: February 19, 2026

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 19, 2021 to February 19, 2026

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Enforcement Division **Phone:** (713) 767-3586

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	March 25, 2021	(1748795)
Item 2	May 19, 2021	(1743647)
Item 3	June 17, 2021	(1748799)
Item 4	June 24, 2021	(1754082)
Item 5	June 25, 2021	(1748796)
Item 6	August 03, 2021	(1754085)
Item 7	August 18, 2021	(1759427)
Item 8	October 14, 2021	(1780025)
Item 9	November 15, 2021	(1786079)
Item 10	December 20, 2021	(1793070)

Item 11	January 17, 2022	(1800890)
Item 12	April 19, 2022	(1822394)
Item 13	May 18, 2022	(1831236)
Item 14	July 20, 2022	(1844679)
Item 15	August 11, 2022	(1851205)
Item 16	October 11, 2022	(1864971)
Item 17	November 15, 2022	(1871861)
Item 18	December 15, 2022	(1877742)
Item 19	May 09, 2023	(1914868)
Item 20	November 10, 2023	(1954065)
Item 21	October 20, 2025	(2113200)

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: 02/28/2025 (2067671)
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: 03/31/2025 (2074488)
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: 04/30/2025 (2080855)
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: 05/31/2025 (2087982)
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: 06/30/2025 (2095069)
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: 07/31/2025 (2101647)
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: 08/31/2025 (2113199)
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: 10/31/2025 (2120275)
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

Compliance History Report for CN605303593, RN109635649, Rating Year 2025 which includes Compliance History (CH) components from February 19, 2021, through February 19, 2026.

9 Date: 11/30/2025 (2127165)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:
N/A

I. Participation in a voluntary pollution reduction program:
N/A

J. Early compliance:
N/A

Sites Outside of Texas:
N/A

Component Appendices

Appendix A
All NOVs Issued During Component Period 2/19/2021 and 2/19/2026

1 Date: 04/30/2020 (1748797)

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: 08/31/2020 (1748802)

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: 01/31/2021 (1748794)

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: 06/14/2021 (1744863)

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

For Informational Purposes Only

30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

5 Date: 06/30/2021 (1754084)

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: 08/31/2021 (1768851)

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: 01/31/2022 (1808712)

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: 02/28/2022 (1815820)

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

9 Date: 05/31/2022 (1837513)

Self Report? YES Classification: Moderate

Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

10 Date: 08/31/2022 (1858636)

Self Report? YES Classification: Moderate

Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

For Informational Purposes Only

Description: Failure to meet the limit for one or more permit parameter

11 Date: 12/31/2022 (1884549)

Self Report? YES Classification: Moderate

Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

12 Date: 01/31/2023 (1892346)

Self Report? YES Classification: Moderate

Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

13 Date: 02/28/2023 (1900940)

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

14 Date: 03/31/2023 (1907731)

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

15 Date: 05/31/2023 (1921498)

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

16 Date: 06/30/2023 (1928471)

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

17 Date: 07/31/2023 (1935394)

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

18 Date: 08/31/2023 (1941639)

Self Report? YES Classification: Moderate

Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

For Informational Purposes Only

Description: Failure to meet the limit for one or more permit parameter

19 Date: 09/30/2023 (1948394)

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

20 Date: 11/30/2023 (1963871)

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

21 Date: 12/15/2023 (1937169)

Self Report? NO Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
TX0137553 PERMIT
WQ0015551001 PERMIT

Description: Failure to prevent an unauthorized discharge of pollutants into or adjacent to waters in the state.

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
TX0137553 PERMIT
WQ0015551001 PERMIT

Description: Failure to properly operate and maintain the treatment units.

Self Report? NO Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.039(b)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(9)
30 TAC Chapter 327 327.32(b)
TX0137553 PERMIT
WQ0015551001 PERMIT

Description: Failure to notify the TCEQ of an unauthorized discharge of wastewater at the WWTP.

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 217, SubChapter E 217.123(d)
TX0137553 PERMIT
WQ0015551001 PERMIT

Description: Failure to properly disposed of bar screen screenings.

22 Date: 12/31/2023 (1970435)

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

23 Date: 01/31/2024 (1979516)

Self Report? YES Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

For Informational Purposes Only

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

24 Date: 02/29/2024 (1986074)

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

25 Date: 03/31/2024 (1992617)

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

26 Date: 4/30/2024 (1999053)

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

27 Date: 05/31/2024 (2006019)

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

28 Date: 06/30/2024 (2013578)

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

29 Date: 07/31/2024 (2019390)

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

30 Date: 08/31/2024 (2026182)

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

31* Date: 09/30/2024 (2032287)

Self Report? YES Classification: Moderate

Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)

For Informational Purposes Only

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

32* Date: 10/31/2024 (2038593)

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

33* Date: 11/30/2024 (2045053)

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

34 Date: 12/31/2024 (2051551)

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

35* Date: 01/31/2025 (2059089)

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

36* Date: 02/28/2025 (2067671)

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

37* Date: 03/31/2025 (2074488)

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

38* Date: 04/30/2025 (2080855)

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

39* Date: 05/31/2025 (2087982)

Self Report? YES Classification: Moderate

Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)

For Informational Purposes Only

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

40* Date: 06/30/2025 (2095069)

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

41* Date: 07/31/2025 (2101647)

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

42 Date: 8/31/2025 (2113199)

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

43 Date: 10/31/2025 (2120275)

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

44 Date: 11/30/2025 (2127165)

Self Report? YES Classification: Moderate

Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

* NOVs applicable for the Compliance History rating period 9/1/2020 to 8/31/2025

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Appendix B
All Investigations Conducted During Component Period February 19, 2021 and February 19, 2026

Item 1	February 22, 2021**	(1748794)
Item 2*	March 25, 2021**	(1748795)
Item 3*	May 19, 2021**	(1743647)
Item 4	June 14, 2021**	(1744863)
Item 5*	June 17, 2021**	(1748799)
Item 6	June 24, 2021**	(1748797)
Item 7*	June 25, 2021**	(1748796)
Item 8	July 16, 2021**	(1754084)
Item 9*	August 03, 2021**	(1754085)
Item 10*	August 18, 2021**	(1759427)
Item 11	September 13, 2021**	(1768851)
Item 12*	October 14, 2021**	(1780025)
Item 13*	November 15, 2021**	(1786079)
Item 14*	December 20, 2021**	(1793070)
Item 15*	January 17, 2022**	(1800890)
Item 16	February 16, 2022**	(1808712)
Item 17	March 17, 2022**	(1815820)
Item 18*	April 19, 2022**	(1822394)
Item 19*	May 18, 2022**	(1831236)
Item 20	June 20, 2022**	(1837513)
Item 21*	July 20, 2022**	(1844679)
Item 22*	August 11, 2022**	(1851205)
Item 23	September 19, 2022**	(1858636)
Item 24*	October 11, 2022**	(1864971)
Item 25*	November 15, 2022**	(1871861)
Item 26*	December 15, 2022**	(1877742)
Item 27	January 16, 2023**	(1884549)
Item 28	February 14, 2023**	(1892346)
Item 29	March 13, 2023**	(1900940)
Item 30	April 10, 2023**	(1907731)
Item 31*	May 09, 2023**	(1914868)
Item 32	June 01, 2023**	(1896297)
Item 33	June 09, 2023**	(1921498)
Item 34	June 19, 2023**	(1909420)
Item 35	July 11, 2023**	(1928471)
Item 36	August 09, 2023**	(1935394)
Item 37	September 15, 2023**	(1941639)
Item 38	October 13, 2023**	(1948394)
Item 39*	November 10, 2023**	(1954065)
Item 40	December 12, 2023**	(1963871)
Item 41	January 08, 2024**	(1970435)
Item 42	February 14, 2024**	(1979516)
Item 43	March 19, 2024**	(1986074)
Item 44	April 15, 2024**	(1965129)

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Item 45	April 18, 2024**	(1992617)
Item 46	May 20, 2024**	(1999053)
Item 47	June 19, 2024**	(2006019)
Item 48	July 17, 2024**	(2013578)
Item 49	August 19, 2024**	(2019390)
Item 50	September 20, 2024**	(2026182)
Item 51	October 18, 2024**	(2032287)
Item 52	November 20, 2024**	(2038593)
Item 53	December 18, 2024**	(2045053)
Item 54	January 20, 2025**	(2051551)
Item 55	February 20, 2025**	(2059089)
Item 56	March 20, 2025**	(2067671)
Item 57	April 18, 2025**	(2074488)
Item 58	May 20, 2025**	(2080855)
Item 59	June 19, 2025**	(2087982)
Item 60	July 17, 2025**	(2095069)
Item 61	August 19, 2025**	(2101647)
Item 62	September 19, 2025	(2113199)
Item 63*	October 20, 2025	(2113200)
Item 64	November 18, 2025	(2120275)
Item 65	December 18, 2025	(2127165)

* No violations documented during this investigation
**Investigation applicable for the Compliance History Rating period between 09/01/2020 and 08/31/2025.

For Informational Purposes Only

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	**§**	**BEFORE THE**
ENFORCEMENT ACTION	**§**	
CONCERNING	**§**	**TEXAS COMMISSION ON**
HP GIBBS, LP	**§**	
RN109635649	**§**	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2024-0716-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding HP Gibbs, LP (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 owned a wastewater treatment facility located approximately one mile west and approximately 0.5 mile south of the intersection of County Road 335 and County Road 338 in Northlake, Denton 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 $132,167 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid $105,734 of the penalty and $26,433 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

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 conducted the following activities:

   a. By April 22, 2024, transferred Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015551001 to Northlake Municipal Management District No. 1.

   b. Implemented the following corrective measures at the Facility:

      i. By March 22, 2024, provided documentation that the flow meters were calibrated;

      ii. By March 28, 2024, tested the fire hydrant meter reduced-pressure backflow assembly ("RPBA"), and1

      iii. By April 1, 2024, provided documentation that the required hazard signs had been posted on each fence.

II. ALLEGATIONS

During a record review conducted on April 25, 2023, and an investigation at the Facility conducted on February 27, 2024, an investigator documented that the Respondent:

1. Failed to test the RPBA annually, in violation of 30 TEX. ADMIN. CODE § 217.330(b). Specifically, the fire hydrant RPBA had not been tested annually.

2. 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. WQ0015551001, Operational Requirements No. 1. Specifically, the chlorine contact basin of the South plant contained surface accumulation of sludge, the chlorine contact basin of the North plant and aeration basins of both plants contained foaming, and the clarifier weirs in the South plant were unleveled.

3. Failed to submit a complete 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. WQ0015551001, Sludge Provisions, Section IV(C). Specifically, the 2021, 2022, and 2023 ASRs indicated that the regulated entity disposed of sludge at a "municipal landfill". However, the 2021 and 2023 ASRs indicated that sludge was disposed of at the "Village

Creek WRF", which is a wastewater treatment facility rather than a landfill. Additionally, the 2022 ASR did not have the required information as listed on the permit (owner and location of receiving facility, and dates of disposal).

4. Failed to maintain complete sludge records, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 312.145(a) and TPDES Permit No. WQ0015551001, Sludge Provisions, Section IV(B)(2). Specifically, sludge haul manifests requested during the investigation and submitted on March 13, 2024, did not contain all the required information. The manifests were missing the Facility's permit number and were using different names for the Facility (Pecan Creek and Pecan Plaza were used instead of Northlake). They also did not have the final copy that has signatures for all three parties.

5. Failed to have hazard signs on the outward facing of the fence stating "DANGER - NO TRESSPASSING" in English and Spanish, in violation of 30 TEX. ADMIN. CODE § 217.328(b). Specifically, the Facility only had a hazard sign at the main gate and did not have signage on two other fences and the outside gate.

6. Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (4), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0015551001, Permit Conditions No. 2.g. Specifically, residual sludge and foam accumulation were documented in the receiving stream. Additionally, solids were observed flowing over the plant's weirs into the receiving stream.

7. 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 217.33(a) and TPDES Permit No. WQ0015551001, Monitoring and Reporting Requirements No. 5. Specifically, the flow meters at both plants were not calibrated in 2023. Additionally, the flow measurement accuracy check performed during the investigation revealed that the staff gauge for the South plant measured 5.04 head inches and the flow meter measured 0.219 million gallons per day ("MGD") which is an 18.57% error. Also, the staff gauge for the North plant measured 3.84 head inches and the flow meter measured 0.105 MGD, which is a 12.19% error.

8. Failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0015551001, Interim II Effluent Limits and Monitoring Requirements Nos. 1, 2, and 6. Specifically, the grab sample collected during the investigation at the South plant revealed the Respondent exceeded the permitted effluent limitations for dissolved oxygen ("DO") minimum of 5 milligrams per liter ("mg/L") with a result of 3.77 mg/L, for total residual chlorine ("TCR") minimum of 1.0 mg/L with a result of 0.6 mg/L, and for total suspended solids limit of 60 mg/L with a result of 272 mg/L.

9. Failed to maintain monitoring and reporting records at the Facility, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(C) and 319.7(a) and (c), and TPDES Permit No. WQ0015551001, Monitoring and Reporting Requirements No. 3(c). Specifically, the investigator reviewed the operator bench sheets and found deficiencies: date of analysis was missing for pH and DO, and individual sheets did not indicate which plant they were for. Additionally, DO, pH, and TCR analysis methods were not specified.

10. Failed to accurately report monitoring activities, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0015551001, Monitoring and Reporting Requirements No. 1. Specifically, the carbonaceous biochemical oxygen demand (5-day) ("CBOD") and ammonia nitrogen ("NH3-N") loading results for the sample collected June 27, 2023, were not included in the DMR for June 2023. Additionally, the pH and DO results obtained by the contract laboratory were not included in the DMR submission.

11. Failed 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. WQ0015551001, Monitoring and Reporting Requirements No. 7(c). Specifically, did not provide a noncompliance notification for the exceedances during the monthly monitoring periods of June 2021, December 2022, and January, March, September, and June 2023.

12. The Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0015551001, Interim I and II Effluent Limitations and Monitoring Requirements No. 1 as shown in the effluent violation table below:

Effluent Violation Table

Monitoring Period	Flow Daily Avg. 0.125 MGD	Ammonia Nitrogen Daily Avg. Conc Limit = 3 mg/L	Ammonia Nitrogen Single Grab Conc. Limit = 15 mg/L	Ammonia Nitrogen Daily Avg. Loading Limit = 3.1 lbs/day	Total Suspended Solids Daily Avg. Conc. Limit = 15 mg/L	Total Suspended Solids Single Grab Conc. Limit = 60 mg/L	Total Suspended Solids Daily Avg. Loading Limit = 16 lbs/day
February 2022	c	c	c	c	44.95	164	31.41
May 2022	c	4.72	23.2	5.3	c	c	c
August 2022	0.171	c	c	c	c	c	c
December 2022	c	7.67	c	c	17.75	c	c
January 2023	c	8.49	24.5	c	c	c	c

Avg. = Average mg/L = milligrams per liter lbs/day = pounds per day c = compliant
MGD = million gallons per day Conc. = Concentration

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: HP Gibbs, LP, Docket No. 2024-0716-MWD-E" to:

   Financial Administration Division, Revenue Operations Section
   Attention: Cashier's Office, MC 214
   Texas Commission on Environmental Quality
   12100 Park 35 Circle
   Austin, TX 78753

2. All relief not expressly granted in this Order is denied.

3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent.

4. 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.

5. 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.

6. 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.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date
Krista Mello-Jurack	07/08/2026
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	4.15.2026 Date
Kim Comiskey	V.P.
Name (Printed or typed) Authorized Representative of HP Gibbs, LP	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.