

**Executive Summary – Enforcement Matter – Case No. 66460**

**City of Glenn Heights**

**RN105481188**

**Docket No. 2024-1213-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 Glenn Heights MS4, located in an area within Glenn Heights that is located within the Dallas-Fort Worth-Arlington urbanized area and in Ellis County, Glenn Heights, Ellis and Dallas Counties

**Type of Operation:**

Small municipal separate storm sewer system (“MS4”)

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 23, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$24,750

**Amount Deferred for Expedited Settlement:** \$4,950

**Total Paid to General Revenue:** \$19,800

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

Payment Plan: N/A

**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 11, 2024

**Date(s) of NOE(s):** July 19, 2024

**Executive Summary – Enforcement Matter – Case No. 66460**  
**City of Glenn Heights**  
**RN105481188**  
**Docket No. 2024-1213-WQ-E**

***Violation Information***

1. Failed to submit a concise annual report to the Executive Director within 90 days of the end of each reporting year. Specifically, the Respondent did not submit four annual reports for the years of 2019 through 2022 [30 TEX. ADMIN. CODE § 281.25(a)(4) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR040038 Part IV, Section B.2].

2. Failed to maintain an up-to-date MS4 map on-site and available for review by the TCEQ. Specifically, the Respondent was unable to provide an up-to-date MS4 map upon request [30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR040038 Part III, Section B.2(c)(1)].

3. Failed to post the Stormwater Management Plan ("SWMP") on the permittee's website 30 days after the approval date, and the annual reports or a summary of the annual report 30 days after the due date. Specifically, the SWMP and the annual reports or report summary for the years of 2019 through 2022 were not available on the Respondent's public website [30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR040038 Part III, Section B.1(a)(3)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. By August 7, 2024, submitted the 2023 Annual Report to the Executive Director;
- b. By August 13, 2024, provided to the TCEQ a copy of an up-to-date MS4 map;
- c. By September 6, 2024, posted the 2023 MS4 annual report on the Respondent's public website; and
- d. By September 23, 2024, posted the SWMP on the Respondent's public website.

**Technical Requirements:**

N/A

**Executive Summary – Enforcement Matter – Case No. 66460**

**City of Glenn Heights**

**RN105481188**

**Docket No. 2024-1213-WQ-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Megan Crinklaw, Enforcement Division, Enforcement Team 1, MC 128, (512) 239-1129; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** The Honorable Sonja A. Brown, Mayor, City of Glenn Heights, 1938 South Hampton Road, Glenn Heights, Texas 75154

Clifford W. Blackwell, City Manager, City of Glenn Heights, 1938 South Hampton Road, Glenn Heights, Texas 75154

**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>	22-Jul-2024	<b>Screening</b>	23-Jul-2024	<b>EPA Due</b>	
	<b>PCW</b>	7-Mar-2025				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Glenn Heights
<b>Reg. Ent. Ref. No.</b>	RN105481188
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	66460	<b>No. of Violations</b>	3
<b>Docket No.</b>	2024-1213-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>	Nancy M. Sims
		<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>	\$25,000
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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<b>Notes</b>	No adjustment for Compliance History.
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<b>Culpability</b>	No	<b>0.0%</b>	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$250
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1,229
Estimated Cost of Compliance	\$6,388

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$24,750
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
<b>Final Penalty Amount</b>	\$24,750

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$24,750
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<b>DEFERRAL</b>	<b>20.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	-\$4,950
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.
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<b>PAYABLE PENALTY</b>	\$19,800
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<b>Screening Date</b>	23-Jul-2024	<b>Docket No.</b>	2024-1213-WQ-E	<b>PCW</b>
<b>Respondent</b>	City of Glenn Heights			
<b>Case ID No.</b>	66460			
<b>Reg. Ent. Reference No.</b>	RN105481188			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Nancy M. Sims			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

## Compliance History Worksheet

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

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

**Adjustment Percentage (Subtotal 2)** 0%

### >> Repeat Violator (Subtotal 3)

No

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

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

Satisfactory Performer

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

### >> Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

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

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 0%

<b>Screening Date</b> 23-Jul-2024 <b>Respondent</b> City of Glenn Heights <b>Case ID No.</b> 66460 <b>Reg. Ent. Reference No.</b> RN105481188 <b>Media</b> Water Quality <b>Enf. Coordinator</b> Nancy M. Sims <b>Violation Number</b> 1	<b>Docket No.</b> 2024-1213-WQ-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 281.25(a)(4) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR040038 Part IV, Section B.2
<b>Violation Description</b>	Failed to submit a concise annual report to the executive director within 90 days of the end of each reporting year. Specifically, the Respondent did not submit four annual reports for the years of 2019 through 2022.

  

<b>Base Penalty</b>	\$25,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
	Potential				

  

**>> Programmatic Matrix**

<b>Matrix Notes</b>		Falsification	Major	Moderate	Minor	
			X			<b>Percent</b> 10.0%
		100% of the rule requirements were not met.				

  

<b>Adjustment</b>	\$22,500
<b>Total</b>	\$2,500

  

**Violation Events**

Number of Violation Events	4	12	Number of violation days
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	daily					<b>Violation Base Penalty</b> \$10,000
	weekly					
	monthly					
	quarterly					
	semiannual					
	annual					
	single event	X				

  

Four single events are recommended, one for each missing report.	
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**Good Faith Efforts to Comply**

	0.0%	<b>Reduction</b> \$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.	

  

<b>Violation Subtotal</b>	\$10,000
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	<b>Statutory Limit Test</b>
\$1,183	<b>Violation Final Penalty Total</b> \$10,000
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$10,000	

# Economic Benefit Worksheet

**Respondent** City of Glenn Heights  
**Case ID No.** 66460  
**Reg. Ent. Reference No.** RN105481188  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-Mar-2024	7-Aug-2024	0.36	\$4	n/a	\$4

### Notes for DELAYED costs

Estimated Other cost to prepare and submit a concise annual report to the executive director within 90 days of the end of each reporting year. The Date Required is the date the documents were required to be submitted, 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	\$1,106	31-Mar-2023	23-Jul-2024	1.32	\$73	\$1,106	\$1,179
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Estimated avoided accrued costs (\$250 per report) and interest of prior periods plus the item cost of the current period to prepare and submit the 2019, 2020, 2021, and 2022 annual reports to the Executive Director. The Date Required is the date the annual report was due for 2022, and the Final Date is the screening date.

### Approx. Cost of Compliance

\$1,356

### TOTAL

\$1,183

<b>Screening Date</b>	23-Jul-2024	<b>Docket No.</b>	2024-1213-WQ-E	<b>PCW</b>
<b>Respondent</b>	City of Glenn Heights	Policy Revision 5 (January 28, 2021)		
<b>Case ID No.</b>	66460	PCW Revision February 11, 2021		
<b>Reg. Ent. Reference No.</b>	RN105481188			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Nancy M. Sims			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 281.25(a)(4) and TPDES General Permit No. TXR040038 Part III, Section B.2(c)(1)			
<b>Violation Description</b>	Failed to maintain an up-to-date Municipal Separate Storm Sewer System ("MS4") map on-site and available for review by the TCEQ. Specifically, the Respondent was unable to provide an up-to-date MS4 map upon request.			
<b>Base Penalty</b>			\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual			
Potential				
<b>Percent</b>			0.0%	
>> Programmatic Matrix				
Matrix Notes	<b>Falsification</b>	Major	Moderate	Minor
		X		
	<b>Percent</b> 10.0%			
100% of the rule requirements were not met.				
<b>Adjustment</b>			\$22,500	
			\$2,500	
Violation Events				
Number of Violation Events		1	12	Number of violation days
	daily			
	weekly			
	monthly	X		
	quarterly			
	semiannual			
	annual			
	single event			
Violation Base Penalty \$2,500				
One monthly event is recommended from the July 11, 2024 investigation date to the July 23, 2024 screening date.				
Good Faith Efforts to Comply		10.0%	Reduction \$250	
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer		
	Extraordinary			
	Ordinary		X	
	N/A			
	Notes	The Respondent achieved compliance on August 13, 2024.		
<b>Violation Subtotal</b>			\$2,250	
Economic Benefit (EB) for this violation				
Statutory Limit Test				
<b>Estimated EB Amount</b>		\$23	<b>Violation Final Penalty Total</b> \$2,250	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$2,250	



# Economic Benefit Worksheet

**Respondent** City of Glenn Heights  
**Case ID No.** 66460  
**Reg. Ent. Reference No.** RN105481188  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	11-Jul-2024	13-Aug-2024	0.09	\$23	n/a	\$23

Notes for DELAYED costs

Estimate Other cost to maintain an up-to-date MS4 map on-site. The Date Required is the date of the investigation, and the Final Date is the date of compliance.

## Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$23

<b>Screening Date</b> 23-Jul-2024 <b>Respondent</b> City of Glenn Heights <b>Case ID No.</b> 66460 <b>Reg. Ent. Reference No.</b> RN105481188 <b>Media</b> Water Quality <b>Enf. Coordinator</b> Nancy M. Sims	<b>Docket No.</b> 2024-1213-WQ-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	3	<b>Rule Cite(s)</b>	
		30 Tex. Admin. Code § 281.25(a)(4) and TPDES General Permit No. TXR040038 Part III, Section B.1(a)(3)	
<b>Violation Description</b>		Failed to post the Storm Water Management Plan ("SWMP") on the permittee's website 30 days after the approval date, and the annual reports or a summary of the annual report 30 days after the due date. Specifically, the SWMP and the annual reports or report summary for the years of 2019 through 2022 were not available on the Respondent's public website.	

  

<b>Base Penalty</b>	\$25,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="10.0%"/>
<b>Matrix Notes</b>	100% of the rule requirements were not met.				

  

<b>Adjustment</b>	\$22,500
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	\$2,500
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**Violation Events**

Number of Violation Events	5		1462	Number of violation days
	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="text" value="X"/>		

  

Five single events are recommended, one for each missing plan or report.	
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**Good Faith Efforts to Comply**

	0.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="X"/>	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.	

  

<b>Violation Subtotal</b>	\$12,500
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$23
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**Statutory Limit Test**

<b>Violation Final Penalty Total</b>	\$12,500
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$12,500
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# Economic Benefit Worksheet

**Respondent** City of Glenn Heights  
**Case ID No.** 66460  
**Reg. Ent. Reference No.** RN105481188  
**Media** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				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)	\$10	6-Jan-2024	23-Sep-2024	0.72	\$0	n/a	\$0

### Notes for DELAYED costs

Estimated Other cost to post the SWMP and the 2023 MS4 annual report on the city website (\$5 per report). The Date Required is the date the documents were required to be posted on the website, 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)	\$22	31-Mar-2023	23-Jul-2024	1.32	\$1	\$22	\$23

### Notes for AVOIDED costs

Estimated avoided costs (\$5 per report) and interest of prior periods plus the item cost of the current period to post the 2019, 2020, 2021, and 2022 annual reports on the city website. The Date Required is the date the annual report was required to be posted for 2022, and the Final Date is the screening date.

### Approx. Cost of Compliance

\$32

### TOTAL

\$23



# Compliance History Report

Compliance History Report for CN600491906, RN105481188, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

**Customer, Respondent, or Owner/Operator:** CN600491906, City of Glenn Heights **Classification:** SATISFACTORY **Rating:** 2.00

**Regulated Entity:** RN105481188, CITY OF GLENN HEIGHTS MS4 **Classification:** SATISFACTORY **Rating:** 2.40

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

**CH Group:** 14 - Other

**Location:** area within the city limits of City of Glenn Heights that is located within the Dallas-Fort Worth-Arlington urbanized area and in Dallas County and Ellis County, Texas

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**  
**STORMWATER PERMIT** TXR040038

**Compliance History Period:** September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

**Date Compliance History Report Prepared:** January 22, 2025

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 22, 2020 to January 22, 2025

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

**Name:** Nancy M. Sims **Phone:** (512) 239-5053

## 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.):**

N/A

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

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

N/A

### **F. Environmental audits:**

N/A

### **G. Type of environmental management systems (EMSs):**

N/A

### **H. Voluntary on-site compliance assessment dates:**

N/A

### **I. Participation in a voluntary pollution reduction program:**

N/A

### **J. Early compliance:**

N/A

### **Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF GLENN HEIGHTS  
RN105481188

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

## AGREED ORDER DOCKET NO. 2024-1213-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 Glenn Heights (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 small municipal separate storm sewer system ("MS4") located in the area within the city limits of City of Glenn Heights that is located within the Dallas-Fort Worth-Arlington urbanized area and in Dallas County and Ellis 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 \$24,750 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$19,800 of the penalty and \$4,950 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 implemented the following corrective measures at the Facility:
  - a. By August 7, 2024, submitted the 2023 Annual Report to the executive director;
  - b. By August 13, 2024, provided to the TCEQ a copy of an up-to-date MS4 map;
  - c. By September 6, 2024, posted the 2023 MS4 annual report on the Respondent's public website; and
  - d. By September 23, 2024, posted the Stormwater Management Plan ("SWMP") on the Respondent's public website.

## II. ALLEGATIONS

During a record review for the Facility conducted on July 11, 2024, an investigator documented that the Respondent:

1. Failed to submit a concise annual report to the executive director within 90 days of the end of each reporting year, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR040038 Part IV, Section B.2. Specifically, the Respondent did not submit four annual reports for the years of 2019 through 2022.
2. Failed to maintain an up-to-date MS4 map on-site and available for review by the TCEQ, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR040038 Part III, Section B.2(c)(1). Specifically, the Respondent was unable to provide an up-to-date MS4 map upon request.
3. Failed to post the SWMP on the permittee's website 30 days after the approval date, and the annual reports or a summary of the annual report 30 days after the due date, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR040038 Part III, Section B.1(a)(3). Specifically, the SWMP and the annual reports or report summary for the years of 2019 through 2022 were not available on the Respondent's public website.

### 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 Glenn Heights, Docket No. 2024-1213-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. 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. 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.
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.
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

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For the Commission

-----  
Date

*Krista Mello-Jurack*

07/16/2025

-----  
For the Executive Director

-----  
Date

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

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

*Clifford Blackwell*  
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Signature

4/9/25  
-----  
Date

Clifford W. Blackwell  
-----  
Name (Printed or typed)  
Authorized Representative of  
City of Glenn Heights

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.