

Executive Summary – Enforcement Matter – Case No. 66515

City of Missouri City

RN101528461

Docket No. 2024-1268-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Sienna Plantation WWTP, located approximately 0.18 mile east of the intersection of Sienna Ranch Road and Discovery Lane, Missouri City, Fort Bend County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 8, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$34,500

Total Paid to General Revenue: \$34,500

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

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: May 31, 2024

Date(s) of NOE(s): July 15, 2024

Executive Summary – Enforcement Matter – Case No. 66515
City of Missouri City
RN101528461
Docket No. 2024-1268-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for ammonia nitrogen, *Escherichia coli*, dissolved oxygen, total suspended solids, and carbonaceous biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014100001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By July 26, 2024, the Respondent canceled TPDES Permit No. WQ0014100001 and the Facility was shut down.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Taylor Williamson, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2097; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable Robin Elackatt, Mayor, City of Missouri City, 1522 Texas Parkway, Missouri City, Texas 77489

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	29-Jul-2024	Screening	29-Jul-2024	EPA Due	
	PCW	31-Jul-2024				

RESPONDENT/FACILITY INFORMATION					
Respondent	City of Missouri City				
Reg. Ent. Ref. No.	RN101528461				
Facility/Site Region	12-Houston	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	66515	No. of Violations	2		
Docket No.	2024-1268-MWD-E	Order Type	Findings		
Media Program(s)	Water Quality	Government/Non-Profit	Yes		
Multi-Media		Enf. Coordinator	Taylor Williamson		
		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	\$28,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20.0%	Adjustment	Subtotals 2, 3, & 7	\$5,750
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Notes	Enhancement for four months of self-reported effluent violations.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$15,549	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$15,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$34,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes				
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Final Penalty Amount	\$34,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$34,500
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.			
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PAYABLE PENALTY	\$34,500
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Screening Date	29-Jul-2024	Docket No.	2024-1268-MWD-E	PCW
Respondent	City of Missouri City	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	66515	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN101528461			
Media	Water Quality			
Enf. Coordinator	Taylor Williamson			

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>)	4	20%
	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) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 29-Jul-2024 Respondent City of Missouri City Case ID No. 66515 Reg. Ent. Reference No. RN101528461 Media Water Quality Enf. Coordinator Taylor Williamson	Docket No. 2024-1268-MWD-E	PCW <small>Policy Revision 5 (January 28, 2021)</small> <small>PCW Revision February 11, 2021</small>
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Violation Number	1
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014100001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6
Violation Description	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

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

OR	Release	Harm				
		Major	Moderate	Minor		
	Actual	x			Percent	50.0%
	Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	
					Percent

A simplified model was used to evaluate ammonia nitrogen and carbonaceous biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded protective levels. *Escherichia coli*, dissolved oxygen, and total suspended solids were also considered. Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment	\$12,500
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	\$12,500
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Violation Events

Number of Violation Events	2	62	Number of violation days
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	daily				
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				

Violation Base Penalty	\$25,000
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Two monthly events are recommended for the months of December 2023 and January 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.
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Violation Subtotal	\$25,000
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$15,549	Statutory Limit Test
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	\$30,000	Violation Final Penalty Total
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This violation Final Assessed Penalty (adjusted for limits)	\$30,000
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Economic Benefit Worksheet

Respondent City of Missouri City
Case ID No. 66515
Reg. Ent. Reference No. RN101528461
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)				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)	\$15,000	31-Oct-2023	26-Jul-2024	0.74	\$549	\$15,000	\$15,549

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. The Date required is the end date of the first month of noncompliance, and the Final Date is the permit cancellation date.

Approx. Cost of Compliance

\$15,000

TOTAL

\$15,549

Screening Date 29-Jul-2024 Respondent City of Missouri City Case ID No. 66515 Reg. Ent. Reference No. RN101528461 Media Water Quality Enf. Coordinator Taylor Williamson	Docket No. 2024-1268-MWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	
Rule Cite(s)		30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0014100001, 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
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>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes		Falsification	Major	Moderate	Minor	
						Percent 0.0%

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

Adjustment	\$21,250
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Adjustment	\$3,750
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Violation Events

Number of Violation Events	1	61	Number of violation days
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	daily					
	weekly					
	monthly					
	quarterly	x				
	semiannual					
	annual					
	single event					

Violation Base Penalty	\$3,750
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One quarterly event is recommended for the quarter containing the months of October and November 2023.

Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$3,750
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$0	Statutory Limit Test	
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Violation Final Penalty Total	\$4,500
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This violation Final Assessed Penalty (adjusted for limits)	\$4,500
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Economic Benefit Worksheet

Respondent City of Missouri City
Case ID No. 66515
Reg. Ent. Reference No. RN101528461
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit Worksheet for Violation No. 1.

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

\$0

TOTAL

\$0

City of Missouri City - Sienna Plantation WWTP TPDES Permit No. WQ0014100001 Case No. 66515 Docket No. 2024-1268-MWD-E
Effluent Violation Table

	Ammonia Nitrogen Daily Avg. Conc.	Ammonia Nitrogen Daily Max. Conc.	Ammonia Nitrogen Daily Avg. Loading	<i>Escherichia coli</i> Daily Max. Conc.
Monitoring Period	Limit = 2 mg/L	Limit = 10 mg/L	Limit = 15 lbs/day	Limit = 399 CFU/100 mL
October 2023	5.27	22.5	18.73	c
November 2023	12.09	27.6	c	c
December 2023	11.29	30.5	37.8	2,420
January 2024	21.06	29.5	78.39	2,420

	CBOD Daily Avg. Conc.	CBOD Daily Max. Conc.	CBOD Daily Avg. Loading	DO Monthly Minimum Conc.	TSS Daily Avg. Conc.	TSS Daily Max. Conc.
Monitoring Period	Limit = 10 mg/L	Limit = 25 mg/L	Limit = 75 lbs/day	Limit = 6.0 mg/L	Limit = 15 mg/L	Limit = 40 mg/L
December 2023	19.73	86.5	c	5.8	21.8	88
January 2024	28.7	51.5	106.1	c	21.4	c

Avg. = average Conc. = concentration Max. = maximum mg/L = milligrams per liter
CBOD = carbonaceous biochemical oxygen demand (5-day) DO = dissolved oxygen
TSS = total suspended solids lbs/day = pounds per day c = compliant
CFU/100 mL = colony forming units per 100 milliliters



Compliance History Report

Compliance History Report for CN601159528, RN101528461, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN601159528, City of Missouri City
Classification: SATISFACTORY
Rating: 0.60

Regulated Entity: RN101528461, SIENNA PLANTATION WWTP
Classification: HIGH
Rating: 0.00

Complexity Points: 5
Repeat Violator: NO

CH Group: 08 - Sewage Treatment Facilities

Location: approximately 0.18 mile east of the intersection of Sienna Ranch Road and Discovery Lane, Missouri City, Fort Bend County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):
WASTEWATER PERMIT WQ0014100001
WASTEWATER EPA ID TX0119199

Compliance History Period: September 01, 2018 to August 31, 2023
Rating Year: 2023
Rating Date: 09/01/2023

Date Compliance History Report Prepared: July 29, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 29, 2019 to July 29, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Taylor Williamson
Phone: (512) 239-2097

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	September 30, 2019	(1601253)	Item 15	December 18, 2020	(1717699)
Item 2	November 19, 2019	(1620839)	Item 16	January 15, 2021	(1717700)
Item 3	December 18, 2019	(1628168)	Item 17	February 20, 2021	(1730745)
Item 4	January 20, 2020	(1635798)	Item 18	March 19, 2021	(1730746)
Item 5	February 20, 2020	(1642413)	Item 19	April 20, 2021	(1730747)
Item 6	March 20, 2020	(1648923)	Item 20	May 21, 2021	(1742651)
Item 7	April 14, 2020	(1655279)	Item 21	June 16, 2021	(1742652)
Item 8	May 19, 2020	(1661835)	Item 22	July 15, 2021	(1753424)
Item 9	June 18, 2020	(1668374)	Item 23	August 19, 2021	(1758815)
Item 10	July 17, 2020	(1675319)	Item 24	September 17, 2021	(1768149)
Item 11	September 16, 2020	(1682100)	Item 25	October 20, 2021	(1778688)
Item 12	September 18, 2020	(1688664)	Item 26	November 17, 2021	(1785355)
Item 13	October 19, 2020	(1695030)	Item 27	December 18, 2021	(1792394)
Item 14	November 18, 2020	(1717698)	Item 28	January 18, 2022	(1800241)

Item 42	February 20, 2023	(1891685)
Item 43	March 20, 2023	(1900257)
Item 44	April 19, 2023	(1907057)
Item 45	May 18, 2023	(1914212)
Item 46	June 20, 2023	(1920819)
Item 47	July 19, 2023	(1927803)
Item 48	August 17, 2023	(1934746)
Item 49	September 20, 2023	(1940921)
Item 50	October 20, 2023	(1947720)
Item 51	March 20, 2024	(1985410)
Item 52	April 29, 2024	(1991952)
Item 53	May 20, 2024	(1998386)

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: 10/31/2023 (1953409) | | |
| | 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: 11/30/2023 (1963192) | | |
| | 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: 12/31/2023 (1969769) | | |
| | 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: 01/31/2024 (1978848) | | |
| | Self Report? YES | Classification: | Moderate |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF MISSOURI CITY
RN101528461

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

AGREED ORDER DOCKET NO. 2024-1268-MWD-E

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 Missouri City (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 presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located approximately 0.18 mile east of the intersection of Sienna Ranch Road and Discovery Lane in Missouri City, Fort Bend 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. During a record review for the Facility conducted on May 31, 2024, an investigator documented that the Respondent did not comply with permitted effluent limitations as shown in the effluent violation tables below.

Effluent Violation Tables				
	Ammonia Nitrogen Daily Avg. Conc.	Ammonia Nitrogen Daily Max. Conc.	Ammonia Nitrogen Daily Avg. Loading	<i>Escherichia coli</i> Daily Max. Conc.
Monitoring Period	Limit = 2 mg/L	Limit = 10 mg/L	Limit = 15 lbs/day	Limit = 399 CFU/100 mL
October 2023	5.27	22.5	18.73	c
November 2023	12.09	27.6	c	c
December 2023	11.29	30.5	37.8	2,420
January 2024	21.06	29.5	78.39	2,420

	CBOD Daily Avg. Conc.	CBOD Daily Max. Conc.	CBOD Daily Avg. Loading	DO Monthly Minimum Conc.	TSS Daily Avg. Conc.	TSS Daily Max. Conc.
Monitoring Period	Limit = 10 mg/L	Limit = 25 mg/L	Limit = 75 lbs/day	Limit = 6.0 mg/L	Limit = 15 mg/L	Limit = 40 mg/L
December 2023	19.73	86.5	c	5.8	21.8	88
January 2024	28.7	51.5	106.1	c	21.4	c

Avg. = average Conc. = concentration Max. = maximum mg/L = milligrams per liter
 CBOD = carbonaceous biochemical oxygen demand (5-day) DO = dissolved oxygen
 TSS = total suspended solids lbs/day = pounds per day c = compliant
 CFU/100 mL = colony forming units per 100 milliliters

3. The Executive Director recognizes that by July 26, 2024, the Respondent canceled Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014100001, and the Facility was shut down.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, 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. WQ0014100001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

4. An administrative penalty in the amount of \$34,500 is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$34,500 penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Missouri City, Docket No. 2024-1268-MWD-E" to:

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

2. 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. 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 in this Order.
6. 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.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

11/15/2024

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

9.3.2024

Date

Robin J. Elackatt

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

Mayor

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.