

**Executive Summary - Enforcement Matter - Case No. 66554
Brownsville Navigation District
RN102077674
Docket No. 2025-0193-MWD-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Northside WWTF, located approximately 3.9 miles east of the intersection of Farm-to-Market Road 511 and State Highway 48, Brownsville, Cameron 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: March 27, 2026

Comments Received: No

Penalty Information

Total Penalty Assessed: \$16,250

Amount Deferred for Expedited Settlement: \$3,250

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$13,000

Name of SEP: Sludge Removal (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 30, 2024

Date(s) of NOE(s): July 23, 2024

Executive Summary – Enforcement Matter – Case No. 66554
Brownsville Navigation District
RN102077674
Docket No. 2025-0193-MWD-E

Violation Information

1. Failed to comply with permitted effluent limitations for biochemical oxygen demand (5-day) and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010332001, Effluent Limitations and Monitoring Requirements No. 1].

2. Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze *Escherichia coli* for the quarterly monitoring period ending March 31, 2024 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0010332001, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

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

2. The Order will also require the Respondent to:

a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that all samples are collected and analyzed in accordance with permit requirements;

b. Within 45 days, submit written certification of compliance with a.; and

c. Within 130 days, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0010332001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Executive Summary - Enforcement Matter - Case No. 66554
Brownsville Navigation District
RN102077674
Docket No. 2025-0193-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Samantha Smith, Enforcement Division, Enforcement Team 7, MC 219, (512) 239-2099; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

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

Respondent: William Dietrich, Port Director and Chief Executive Officer, Brownsville Navigation District, 1000 Foust Road, Brownsville, Texas 78521

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	5-Aug-2024			
	PCW	16-Apr-2025	Screening	7-Aug-2024	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	Brownsville Navigation District				
Reg. Ent. Ref. No.	RN102077674				
Facility/Site Region	15-Harlingen	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	66554	No. of Violations	2		
Docket No.	2025-0193-MWD-E	Order Type	1660		
Media Program(s)	Water Quality	Government/Non-Profit	Yes		
Multi-Media		Enf. Coordinator	Madison Stringer		
		EC's Team	Enforcement Team 7		
Admin. Penalty \$ Limit	Minimum	\$0	Maximum	\$25,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$12,500
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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	30.0%	Adjustment	Subtotals 2, 3, & 7	\$3,750
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Notes	Enhancement for six 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	\$2,066	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$15,350	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$16,250
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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	\$16,250
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$16,250
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DEFERRAL	20.0%	Reduction	Adjustment	-\$3,250
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$13,000
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Screening Date 7-Aug-2024

Docket No. 2025-0193-MWD-E

PCW

Respondent Brownsville Navigation District

Policy Revision 5 (January 28, 2021)

Case ID No. 66554

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102077674

Media Water Quality

Enf. Coordinator Madison Stringer

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>)	6	30%
	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) 30%

>> 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 six months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date 7-Aug-2024 **Docket No.** 2025-0193-MWD-E **PCW**
Respondent Brownsville Navigation District *Policy Revision 5 (January 28, 2021)*
Case ID No. 66554 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102077674
Media Water Quality
Enf. Coordinator Madison Stringer

Violation Number 1
Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010332001, 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			Percent
		Major	Moderate	Minor	
	Actual			x	15.0%
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes
 A simplified model was used to evaluate biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids 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 3 152 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$11,250

Three quarterly events are recommended for the quarters containing the months of May and November 2023, and January, February, and March 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 \$11,250

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$1,944 **Violation Final Penalty Total** \$14,625

This violation Final Assessed Penalty (adjusted for limits) \$14,625

Economic Benefit Worksheet

Respondent Brownsville Navigation District
Case ID No. 66554
Reg. Ent. Reference No. RN102077674
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)	\$15,000	31-May-2023	1-Jan-2026	2.59	\$1,944	n/a	\$1,944

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to 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 estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,000

TOTAL

\$1,944

Screening Date 7-Aug-2024
Respondent Brownsville Navigation District
Case ID No. 66554
Reg. Ent. Reference No. RN102077674
Media Water Quality
Enf. Coordinator Madison Stringer

Docket No. 2025-0193-MWD-E

PCW

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

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0010332001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze Escherichia coli for the quarter ending in March 31, 2024.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="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

Violation Events

Number of Violation Events 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"/>

Violation Base Penalty

One single event is recommended for one missed quarterly monitoring period.

Good Faith Efforts to Comply

Reduction

	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"/>	<input type="text"/>

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Brownsville Navigation District
Case ID No. 66554
Reg. Ent. Reference No. RN102077674
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	\$250	30-May-2024	6-Jan-2026	1.61	\$20	n/a	\$20
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 cost to update the Facility's operational guidance and conduct employee training to ensure effluent samples are collected and analyzed in accordance with permit requirements. The Date Required is the record review date, and the Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$100	31-Mar-2024	7-Aug-2024	0.35	\$2	\$100	\$102
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to collect and analyze effluent samples (\$100 for each missed quarterly monitoring period plus accrued interest). The Date Required is the initial date of noncompliance, and the Final Date is the screening date.

Approx. Cost of Compliance \$350

TOTAL \$122

Brownsville Navigation District

TPDES Permit No. WQ0010332001

Case No. 66554

Docket No.: 2025-0193-MWD-E

Effluent Violation Table

	Biochemical Oxygen Demand (5-Day)	Total Suspended Solids	Total Suspended Solids
Monitoring Period	Daily Avg. Conc. Limit = 20 mg/L	Daily Avg. Conc. Limit = 20 mg/L	Daily Avg. Load. Limit = 16 lbs/day
May 2023	c	28.2	19.59
November 2023	c	21.52	c
January 2024	c	c	20.86
February 2024	23.75	31.18	19.56
March 2024	c	25.4	c

Avg. = average Conc. = concentration c = compliant Load. = loading
mg/L = milligrams per liter lbs/day = pounds per day



Compliance History Report

Compliance History Report for CN600520126, RN102077674, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN600520126, Brownsville Navigation District **Classification:** SATISFACTORY **Rating:** 1.40

Regulated Entity: RN102077674, NORTHSIDE WASTEWATER TREATMENT FACILITY **Classification:** SATISFACTORY **Rating:** 2.67

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: approximately 3.9 miles east of the intersection of Farm-to-Market Road 511 and State Highway 48, Brownsville, Cameron County, Texas

TCEQ Region: REGION 15 - HARLINGEN

ID Number(s):

WASTEWATER PERMIT WQ0010332001 **WASTEWATER EPA ID** TX0006564

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

Date Compliance History Report Prepared: April 16, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 16, 2020 to April 16, 2025

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

Name: Madison Stringer **Phone:** (512) 239-1126

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	April 17, 2020	(1653534)	Item 14	August 16, 2021	(1757186)
Item 2	May 20, 2020	(1660121)	Item 15	September 15, 2021	(1766266)
Item 3	July 17, 2020	(1673582)	Item 16	October 18, 2021	(1776729)
Item 4	September 14, 2020	(1680358)	Item 17	November 11, 2021	(1783638)
Item 5	October 14, 2020	(1693273)	Item 18	December 14, 2021	(1790664)
Item 6	November 19, 2020	(1712509)	Item 19	January 20, 2022	(1798458)
Item 7	December 14, 2020	(1712510)	Item 20	February 15, 2022	(1806332)
Item 8	January 12, 2021	(1712511)	Item 21	February 27, 2022	(1783287)
Item 9	February 12, 2021	(1725564)	Item 22	April 20, 2022	(1819970)
Item 10	March 15, 2021	(1725565)	Item 23	May 19, 2022	(1828809)
Item 11	April 12, 2021	(1725566)	Item 24	June 16, 2022	(1835101)
Item 12	June 16, 2021	(1740086)	Item 25	July 15, 2022	(1842306)
Item 13	July 13, 2021	(1751722)	Item 26	August 16, 2022	(1848439)

Item 27	September 14, 2022	(1856237)	Item 37	August 17, 2023	(1933055)
Item 28	October 20, 2022	(1862594)	Item 38	September 18, 2023	(1939192)
Item 29	November 17, 2022	(1869508)	Item 39	October 11, 2023	(1946042)
Item 30	December 19, 2022	(1875357)	Item 40	November 20, 2023	(1951734)
Item 31	January 20, 2023	(1882178)	Item 41	January 19, 2024	(1968091)
Item 32	February 17, 2023	(1889994)	Item 42	August 20, 2024	(2016815)
Item 33	March 10, 2023	(1898553)	Item 43	December 16, 2024	(2042387)
Item 34	April 28, 2023	(1905341)	Item 44	January 16, 2025	(2049214)
Item 35	May 19, 2023	(1912525)	Item 45	February 20, 2025	(2056783)
Item 36	July 11, 2023	(1926092)			

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: 04/30/2024 (1996707)
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: 05/31/2024 (2003658)
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: 06/30/2024 (2011211)
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: 08/31/2024 (2023832)
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: 09/30/2024 (2029956)
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: 10/31/2024 (2036276)
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 4/16/2020 and 4/16/2025

1	Date: 05/31/2020 (1666625)		
	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 (1686926)		
	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: 04/30/2021 (1740085)		
	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: 02/28/2022 (1813399)		
	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: 05/31/2023 (1919127)		
	Self Report? YES	Classification:	Moderate
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
6*	Date: 11/30/2023 (1961496)		
	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: 01/31/2024 (1977155)		
	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: 02/29/2024 (1983720)		
	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: 03/31/2024 (1990250)
 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: 04/30/2024 (1996707)
 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

11* Date: 05/31/2024 (2003658)
 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: 06/30/2024 (2011211)
 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: 08/31/2024 (2023832)
 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: 09/30/2024 (2029956)
 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: 10/31/2024 (2036276)
 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 9/1/2019 to 8/31/2024

Appendix B
All Investigations Conducted During Component Period April 16, 2020 and April 16, 2025

Item 1* April 17, 2020** (1653534) Item 2* May 20, 2020** (1660121)

Item 3	June 19, 2020**	(1666625)	Item 33*	November 17, 2022**	(1869508)
Item 4*	July 17, 2020**	(1673582)	Item 34*	December 19, 2022**	(1875357)
Item 5*	September 14, 2020**	(1680358)	Item 35*	January 20, 2023**	(1882178)
Item 6	September 18, 2020**	(1686926)	Item 36*	February 17, 2023**	(1889994)
Item 7*	October 14, 2020**	(1693273)	Item 37*	March 10, 2023**	(1898553)
Item 8*	November 19, 2020**	(1712509)	Item 38*	April 28, 2023**	(1905341)
Item 9*	December 14, 2020**	(1712510)	Item 39*	May 19, 2023**	(1912525)
Item 10*	January 12, 2021**	(1712511)	Item 40	June 16, 2023**	(1919127)
Item 11*	February 12, 2021**	(1725564)	Item 41*	July 11, 2023**	(1926092)
Item 12*	March 15, 2021**	(1725565)	Item 42*	August 17, 2023**	(1933055)
Item 13*	April 12, 2021**	(1725566)	Item 43*	September 18, 2023**	(1939192)
Item 14	May 19, 2021**	(1740085)	Item 44*	October 11, 2023**	(1946042)
Item 15*	June 16, 2021**	(1740086)	Item 45*	November 20, 2023**	(1951734)
Item 16*	July 13, 2021**	(1751722)	Item 46	December 20, 2023**	(1961496)
Item 17*	August 16, 2021**	(1757186)	Item 47*	January 19, 2024**	(1968091)
Item 18*	September 15, 2021**	(1766266)	Item 48	February 28, 2024**	(1977155)
Item 19*	October 18, 2021**	(1776729)	Item 49	March 20, 2024**	(1983720)
Item 20*	November 11, 2021**	(1783638)	Item 50	April 19, 2024**	(1990250)
Item 21*	December 14, 2021**	(1790664)	Item 51	May 20, 2024**	(1996707)
Item 22*	January 20, 2022**	(1798458)	Item 52	June 19, 2024**	(2003658)
Item 23*	February 15, 2022**	(1806332)	Item 53	July 19, 2024**	(2011211)
Item 24*	February 27, 2022**	(1783287)	Item 54	July 30, 2024**	(1989090)
Item 25	March 17, 2022**	(1813399)	Item 55*	August 20, 2024**	(2016815)
Item 26*	April 20, 2022**	(1819970)	Item 56	September 19, 2024	(2023832)
Item 27*	May 19, 2022**	(1828809)	Item 57	October 18, 2024	(2029956)
Item 28*	June 16, 2022**	(1835101)	Item 58	November 15, 2024	(2036276)
Item 29*	July 15, 2022**	(1842306)	Item 59*	December 16, 2024	(2042387)
Item 30*	August 16, 2022**	(1848439)	Item 60*	January 16, 2025	(2049214)
Item 31*	September 14, 2022**	(1856237)	Item 61*	February 20, 2025	(2056783)
Item 32*	October 20, 2022**	(1862594)			

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2019 and 08/31/2024.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BROWNSVILLE NAVIGATION
DISTRICT
RN102077674

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2025-0193-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 Brownsville Navigation District (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located approximately 3.9 miles east of the intersection of Farm-to-Market Road 511 and State Highway 48 in Brownsville, Cameron 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 \$16,250 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$3,250 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$13,000 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A",

incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During a record review for the Facility conducted on May 30, 2024, an investigator documented that the Respondent:

1. Failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010332001, Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below:

Effluent Violation Table			
	Biochemical Oxygen Demand (5-Day)	Total Suspended Solids	Total Suspended Solids
Monitoring Period	Daily Avg. Conc. Limit = 20 mg/L	Daily Avg. Conc. Limit = 20 mg/L	Daily Avg. Load. Limit = 16 lbs/day
May 2023	c	28.2	19.59
November 2023	c	21.52	c
January 2024	c	c	20.86
February 2024	23.75	31.18	19.56
March 2024	c	25.4	c

Avg. = average Conc. = concentration c = compliant Load. = loading
 mg/L = milligrams per liter lbs/day = pounds per day

2. Failed to collect and analyze effluent samples at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0010332001, Effluent Limitations and Monitoring Requirements No. 1. Specifically,

the Respondent did not collect and analyze *Escherichia coli* for the quarterly monitoring period ending March 31, 2024.

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: Brownsville Navigation District, Docket No. 2025-0193-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. The Respondent implemented and completed the SEP as set forth in Section I, Paragraph No. 4. The amount of \$13,000 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, update the Facility's operational guidance and conduct employee training to ensure that all samples are collected and analyzed in accordance with permit requirements.
 - b. Within 45 days after the effective date of this Order, submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.d.
 - c. Within 130 days after the effective date of this Order, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0010332001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, in accordance with Ordering Provision No. 2.d.
 - d. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the

permitted effluent limitations. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Harlingen Regional Office
Texas Commission on Environmental Quality
1804 West Jefferson Avenue
Harlingen, Texas 78550-5247

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this

Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Kristi Mello-Jurack

04/29/2026

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]

March 2, 2026

Signature

Date

William Dietrich

Port Director & CED

Name (Printed or typed)
Authorized Representative of
Brownsville Navigation District

Title

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

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

Attachment A

Docket Number: 2025-0193-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Brownsville Navigation District
Penalty Amount:	\$13,000
SEP Offset Amount:	\$13,000
Type of SEP:	Compliance
Project Name:	<i>Sludge Removal</i>
Location of SEP:	Cameron County

The Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order in exchange for Respondent’s performance of a Supplemental Environmental Project (“SEP”).

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility (the “Facility”) which are described in this Agreed Order.

1. Project Description

A. Project

Respondent hired a contractor to remove and properly dispose of sludge from the aeration basins at the Facility. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for sludge removal and disposal (the “Project”). Respondent hired qualified contractors to perform the Project. The SEP was performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent used the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Expenses. No portion of the SEP Offset Amount was spent on administrative costs, including operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent had no prior commitment to perform this Project and that the SEP was performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by preventing wastewater discharges being released into the environment during the collection process by removing excess sludge. Wastewater discharges can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. Additional risks include occurrences of low dissolved oxygen, fish kills, algal bloom, and bacterial contamination in waterways.

C. Expenses

Respondent spent at least the SEP Offset Amount to complete the project described in Section 1.A, above, and complied with all other provisions of this SEP. Respondent understood that it may have cost more than the SEP Offset Amount to complete the Project.

Expenses

Item	Total
Sludge Removal and Disposal	\$201,467.50
Total	\$201,467.50

2. Records

As of May 30, 2025, Respondent provided TCEQ the following documentation as proof of completion of the proposed SEP:

- A. An itemized list of expenditures and total cost of the Project;
- B. Copies of invoices or receipts corresponding to the itemized list in paragraph 2.A., above;
- C. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 2.A., above;
- D. A certified statement of SEP completion and document authentication;
- E. Manifest sufficient to show proof of proper disposal;
- F. A detailed map showing the specific location of the project site(s); and
- G. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project.

3. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff and shall allow immediate (i.e., within 24 hours) access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to the SEP Coordinator at the address provided below:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

Respondent may not seek recognition for this project in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with TCEQ or any other agency of the state or federal government.