



AGENDA ITEM COMMENTARY

MEETING NAME:	City Council
MEETING DATE:	October 6, 2025
ITEM TITLE:	Executive Session – Consultation with attorney regarding TCEQ Proposed Agreed Order for NPDES violation
STAFF INITIATOR:	Randy Criswell, City Manager

BACKGROUND:

The TCEQ has placed us under enforcement for stormwater permit violations. Not for stormwater violations; for stormwater PERMIT violations. As such, they have provided the attached proposed Agreed Order establishing a fine of \$7500 with a \$1500 deferral. Please review the letter from me to TCEQ, and I think this will give you a good understanding of what has happened. We've been cited because we don't have a Permit; not because we haven't enforced the requirements of the Permit. It's a very frustrating situation and I'll share with everyone Monday.

Mike G will be with us to discuss this as well. For the record, I'd like to fight this to the death because it is completely and totally unjustified. However, I have to remember that our wastewater treatment plant is over capacity and therefore is a daily violation of our wastewater permit, but they're choosing to be patient and work with us because they know we're working to get out of the wastewater treatment business. If we fight this, they will most certainly come after us for our wastewater plant issues. For that reason, I will recommend we pay the \$6,000 and move on quietly.

EXHIBITS:

COUNCIL ACTION/STAFF RECOMMENDATION: