

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1738-MWD-E **TCEQ ID:** RN101703288 **CASE NO.:** 31279

RESPONDENT NAME: City of Buda and Guadalupe-Blanco River Authority

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of Buda and Guadalupe-Blanco River Authority Wastewater Treatment Plant, approximately 1,900 feet north of the northernmost intersection of Loop 4 and the Missouri Pacific Railroad on the east bank of Onion Creek, Hays County</p> <p>TYPE OF OPERATION: Wastewater treatment plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 26, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Pamela Campbell, Enforcement Division, Enforcement Section I, MC 169, (512) 239-4993; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondents: The Honorable John Trube, Mayor, City of Buda, P.O. Box 1218, Buda, Texas 78610 Mr. Darel Ball, Division Manager, Guadalupe-Blanco River Authority, 933 East Court Street, Seguin, Texas 78155 Mr. Robert Camareno, City Administrator, City of Buda, P.O. Box 1218, Buda, Texas 78610 Mr. Fred M. Blumberg, Deputy General Manager, Guadalupe-Blanco River Authority, 933 East Court Street, Seguin, Texas 78155 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

TEXAS
 COMMISSION
 ON ENVIRONMENTAL
 QUALITY
 2007 NOV 13 AM 8:47
 CHIEF CLERK'S OFFICE

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 1, 2006</p> <p>Date of NOE Relating to this Case: August 30, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. One violation was documented.</p> <p>WATER</p> <p>Failed to prevent the unauthorized discharge of untreated wastewater. Specifically, unauthorized discharges occurred on September 27, 2005 (approximately 1,500 gallons from a lift station); February 9, 2006 (approximately 1,000 gallons from the plant headworks); and February 20, 2006 (approximately 1,000 gallons when the raw wastewater lift station pump blew a fuse) [30 TEX. ADMIN. CODE § 305.125(1), (4), (5), Texas Pollutant Discharge Elimination System Permit No. WQ0011060001 Permit Conditions No. 2(g), and TEX. WATER CODE § 26.121(a)(1)].</p>	<p>Total Assessed: \$3,630</p> <p>Total Deferred: \$726 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$2,904</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>CN601720741, CN600739866, and CN601180565</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the City of Buda and Guadalupe-Blanco River Authority have implemented the following corrective measures at the Facility:</p> <p>a. On September 27, 2005, pumped creek bed, replaced and repaired the pump, disinfected the area surrounding the unauthorized discharge, and pumped sewage back into the Facility;</p> <p>b. On or about February 9, 2006, removed solids from the Facility headworks, cleaned the bar screen, and disinfected the affected area; and</p> <p>c. On or about February 20, 2006, replaced the blown fuse, recovered the spilled wastewater, and disinfected the affected area.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondents to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Attachment A

Docket Number: 2006-1738-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondents:	City of Buda and Guadalupe-Blanco River Authority
Payable Penalty Amount:	Two Thousand Nine Hundred Four Dollars (\$2,904)
SEP Amount:	Two Thousand Nine Hundred Four Dollars (\$2,904)
Type of SEP:	Pre-approved
Third-Party Recipient:	The Hill Country Conservancy-Wentzel Tract Project
Location of SEP:	Hays County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondents to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondents will contribute to The Hill Country Conservancy for the Wentzel Tract project. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between The Hill Country Conservancy and the Texas Commission on Environmental Quality*. SEP monies will be used to help divert water into an 18-acre abandoned quarry. The quarry will then capture and hold the water, so that the water can be absorbed into the Edwards Aquifer that runs beneath the quarry. It is estimated that the quarry could divert up to 275 acre-feet of additional storm water runoff into the Edwards Aquifer.

The Respondents certify that there are no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by allowing for additional water to be absorbed into the recharge zone of the Edwards Aquifer.

C. Minimum Expenditure

The Respondents shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondents must contribute the SEP Amount to the Third-Party Recipient. The Respondents shall mail the contribution, with a copy of the Agreed Order, to:

George Cofer, Executive Director
The Hill Country Conservancy
3306 Gentry Drive
Austin, Texas 78746-5507

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondents shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondents shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondents do not perform their obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondents shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

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

6. Clean Texas Program

The Respondents shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondents may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondents under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	05-Sep-2006	Screening	25-Sep-2006	EPA Due	
	PCW	08-Nov-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Buda and Guadalupe-Blanco River Authority
Reg. Ent. Ref. No.	RN101703288
Facility/Site Region	11-Austin
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	31279	No. of Violations	1
Docket No.	2006-1738-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Pamela Campbell
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Reduction **Subtotal 5**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with a small x)

Notes

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	<input type="text" value="\$56"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$2,000"/>	

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 25-Sep-2006 **Docket No.** 2006-1738-MWD-E **PCW**
Respondent City of Buda and Guadalupe-Blanco River Authority *Policy Revision 2 (September 2002)*
Case ID No. 31279 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN101703288
Media [Statute] Water Quality
Enf. Coordinator Pamela Campbell

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	3	15%
	Other written NOVs	3	6%
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	1	25%
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 judgements 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)</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%
<i>Please Enter Yes or No</i>			
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) 46%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes The Respondents received a Findings Order, one NOV for the same violations, three NOVs for unrelated violations, and have 2 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 46%

Screening Date 25-Sep-2006 **Docket No.** 2006-1738-MWD-E **PCW**
Respondent City of Buda and Guadalupe-Blanco River Authority *Policy Revision 2 (September 2002)*
Case ID No. 31279 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN101703288
Media [Statute] Water Quality
Enf. Coordinator Pamela Campbell
Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), (4), (5), TPDES Permit No. WQ0011060001 Permit Conditions No. 2(g), and Tex. Water Code § 26.121(a)(1)
Secondary Rule Cite(s)
Violation Description Failure to prevent the unauthorized discharge of wastewater. Specifically, unauthorized discharges occurred on September 27, 2005 (approximately 1,500 gallons from a lift station); February 9, 2006 (approximately 1,000 gallons from the plant headworks); and February 20, 2006 (approximately 1,000 gallons when the raw wastewater lift station pump blew a fuse). These violations were documented during the August 1, 2006 investigation.

Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

		Harm			
		Major	Moderate	Minor	
OR	Actual			X	Percent 10%
	Potential				

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification				Percent

Matrix Notes Human health and the environment has been exposed to insignificant amounts of pollutants as a result of this violation.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 3

<i>mark only one use a small x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$3,000

Three single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$56

Violation Final Penalty Total \$3,630

This violation Final Assessed Penalty (adjusted for limits) \$3,630

Economic Benefit Worksheet

Respondent City of Buda and Guadalupe-Blanco River Authority
 Case ID No. 31279
 Reg. Ent. Reference No. RN101703288
 Media [Statute] Water Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$2,000	27-Sep-2005	20-Feb-2006	0.4	\$3	\$53	\$56
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

These are the estimated costs to repair the lift station pump, replace the fuse in the raw wastewater lift station, unclog the bar screen, disinfect the affected areas, and dispose of any solids associated with the unauthorized discharges. The date required is the date the first unauthorized discharge occurred and the final date is the date that the last unauthorized discharge was remediated.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$2,000**

TOTAL \$56

Compliance History

Customer/Respondent/Owner-Operator: CN601180565 Guadalupe-Blanco River Authority Classification: AVERAGE Rating: 1.94
 Regulated Entity: RN101703288 CITY OF BUDA WWTP Classification: AVERAGE Site Rating: 10.24

ID Number(s): AIR QUALITY NON PERMITTED ACCOUNT NUMBER HK0127V
 WASTEWATER PERMIT WQ0011060001
 WASTEWATER PERMIT WQ0011060001
 WASTEWATER PERMIT TPDES0057436
 WASTEWATER PERMIT TX0057436
 WASTEWATER LICENSING LICENSE WQ0011060001

Location: APPROX 1900 FT N OF NORTHERNMOST INTX OF LOOP 4 & MISSOURI PACIFIC RR ON E BANK OF ONION CREEK IN HAYS COUNTY. Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 11 - AUSTIN

Date Compliance History Prepared: October 17, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 02, 2001 to October 02, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Pamela Campbell Phone: 512 239-4493

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- N/A Effective Date: 07/13/2002 ADMINORDER 2001-0645-MWD-E
 Classification: Moderate
- Citation: TWC Chapter 26 26.121
 Rqmt Prov: ELMR1 & 4 PERMIT
 Nos. 2a,b,d PERMIT
- Description: Failed to meet its permitted effluent limits and to prevent the discharge of sludge and floating solids into the receiving stream.
 Classification: Moderate
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: OR 1 PERMIT
 PC 2 a,b,d PERMIT
- Description: Failed to properly operate and maintain the Facility.
 Classification: Moderate
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: 2a, 2b PERMIT
 Mon Req 7 PERMIT
- Description: Failed to properly notify, by telephone or letter, the TNRCC Regional Office or the Enforcement Division of effluent violations that deviated from the permitted effluent limits by more than 40 percent.
 Classification: Moderate
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: Mon Req 1 PERMIT
 PC 2a, 2b PERMIT
- Description: Failed to timely and accurately submit Discharge Monitoring Reports for the months of

July, Sept, Oct 99, Jan 00, March 2001.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PC 2a, 2b PERMIT

Sludge P IIF PERMIT

Description: Failure to submit a sludge report for the fiscal year ending 8/31/00.

Classification: Moderate

Citation: 2C TWC Chapter 20, SubChapter A 26.176[G]

30 TAC Chapter 315, SubChapter A 315.1

40 CFR Chapter 403, SubChapter N, PT 403 403.5(c)(2)

Rqmt Prov: CI&P Reqs PERMIT

Description: Failed to establish and enforce pretreatment ordinances that adequately prevent interference with treatment and the pass-through of pollutants.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Op. Req. 4 PERMIT

Description: Failed to control odors from the sludge drying beds,

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Op. Req. 4 PERMIT

Description: Failure to clear algae buildup on the clarification weirs.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Op. Req. 4 PERMIT

Description: Failed to control foam on the aeration basins.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failed to maintain the raw sewage retention pond, remove old sludge, and re-certify the clay liner.

Classification: Moderate

Citation: TWC Chapter 26 26.121

Rqmt Prov: Not specified PERMIT

Description: Failed to prevent the exceedance of effluent quality limitations.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	11/21/2001	(189228)
2	11/26/2001	(189225)
3	12/21/2001	(189231)
4	01/22/2002	(189234)
5	02/20/2002	(189201)
6	03/20/2002	(189203)
7	04/08/2002	(352)
8	04/19/2002	(189207)
9	05/21/2002	(189211)
10	06/20/2002	(189214)
11	07/17/2002	(189217)
12	07/22/2002	(1382)

13 08/20/2002 (189220)
 14 08/26/2002 (4974)
 15 09/16/2002 (189223)
 16 10/16/2002 (189226)
 17 11/18/2002 (189229)
 18 12/18/2002 (189232)
 19 01/09/2003 (280848)
 20 01/15/2003 (189235)
 21 02/18/2003 (308700)
 22 03/20/2003 (308702)
 23 03/31/2003 (29873)
 24 04/16/2003 (189208)
 25 05/20/2003 (308705)
 26 06/20/2003 (308706)
 27 07/18/2003 (308707)
 28 09/02/2003 (308708)
 29 09/18/2003 (308709)
 30 10/20/2003 (308710)
 31 11/20/2003 (308711)
 32 12/18/2003 (308712)
 33 01/20/2004 (308713)
 34 02/23/2004 (308701)
 35 03/18/2004 (308703)
 36 04/28/2004 (308704)
 37 05/20/2004 (357389)
 38 06/21/2004 (357390)
 39 07/20/2004 (357391)
 40 09/02/2004 (357392)
 41 09/20/2004 (357393)
 42 11/18/2004 (357395)
 43 12/20/2004 (384802)
 44 01/10/2005 (357394)
 45 01/20/2005 (384803)
 46 02/22/2005 (384801)
 47 03/21/2005 (422782)
 48 04/20/2005 (422783)
 49 05/19/2005 (422784)
 50 05/23/2005 (376187)
 51 06/20/2005 (422785)
 52 07/20/2005 (443687)
 53 08/23/2005 (443688)
 54 09/19/2005 (443689)
 55 10/20/2005 (473745)
 56 11/21/2005 (473746)
 57 12/15/2005 (440342)
 58 12/20/2005 (473747)
 59 01/19/2006 (473748)
 60 02/21/2006 (473742)
 61 03/21/2006 (473743)
 62 04/19/2006 (473744)
 63 05/17/2006 (501775)
 64 06/16/2006 (501776)
 65 07/17/2006 (501777)
 66 08/16/2006 (524047)
 67 08/26/2006 (487887)

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

Date 11/30/2001 (189231)

Self Report? YES

Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

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

Date 04/07/2002 (412)

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 111, SubChapter B 111.201
Description: Unauthorized outdoor burning.
Date 08/30/2002 (4974)

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(1)(B)
Description: SYSTEMS SERVING IN EXCESS OF 1,000 CONNECTIONS MUST EMPLOY AT LEAST TWO CLASS C CERTIFIED OPERATORS. THE SYSTEM HAS ONE CERTIFIED OPERATOR WITH A CLASS C CERTIFICATE. THE SECOND OPERATOR HAD A CLASS D CERTIFICATE THAT HAD EXPIRED. THE OPERATOR FAILED THE CLASS C CERTIFICATE TEST.

Self Report? NO Classification Major
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
Description: SYSTEM HAS NOT PROCURED ALL SANITARY EASEMENTS, OR AN APPROVED EXCEPTION FOR WELLS #1, #2 AND #3. THE SYSTEM IS TAKING 3 RAW WATER SAMPLES, ONE FROM EACH WELL.
Date 05/15/2003 (29346)

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to maintain a temperature log for the refrigerator used for storing effluent samples.
Date 06/30/2003 (308707)

Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date 11/04/2005 (341751)

Self Report? NO Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
Rqmt Prov: PERMIT Permit Condition, Page 7, No. 2(g)
Description: Failure to prevent unauthorized discharges of wastewater or any other waste into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of Permit No.: WQ0011060-001.

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

Compliance History

Customer/Respondent/Owner-Operator:	CN600739866	City of Buda	Classification: AVERAGE	Rating: 14.06
Regulated Entity:	RN101703288	CITY OF BUDA WWTP	Classification: AVERAGE	Site Rating: 10.24
ID Number(s):	AIR QUALITY NON PERMITTED	ACCOUNT NUMBER	HK0127V	
	WASTEWATER	PERMIT	WQ0011060001	
	WASTEWATER	PERMIT	WQ0011060001	
	WASTEWATER	PERMIT	TPDES0057436	
	WASTEWATER	PERMIT	TX0057436	
	WASTEWATER LICENSING	LICENSE	WQ0011060001	
Location:	APPROX 1900 FT N OF NORTHERNMOST INTX OF LOOP 4 & MISSOURI PACIFIC RR ON E BANK OF ONION CREEK IN HAYS COUNTY.	Rating Date: September 01 06	Repeat Violator: NO	
TCEQ Region:	REGION 11 - AUSTIN			
Date Compliance History Prepared:	October 17, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	October 02, 2001 to October 02, 2006			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	<u>Pamela Campbell</u>	Phone:	<u>512 239-4493</u>	

Site Compliance History Components

- | | |
|--|------------|
| 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 of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

Effective Date: 07/13/2002

ADMINORDER 2001-0645-MWD-E

Classification: Moderate

Citation: TWC Chapter 26 26.121

Rqmt Prov: ELMR1 & 4 PERMIT
Nos. 2a,b,d PERMIT

Description: Failed to meet its permitted effluent limits and to prevent the discharge of sludge and floating solids into the receiving stream.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: OR 1 PERMIT
PC 2 a,b,d PERMIT

Description: Failed to properly operate and maintain the Facility.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: 2a, 2b PERMIT
Mon Req 7 PERMIT

Description: Failed to properly notify, by telephone or letter, the TNRCC Regional Office or the Enforcement Division of effluent violations that deviated from the permitted effluent limits by more than 40 percent.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Mon Req 1 PERMIT
PC 2a, 2b PERMIT

Description: Failed to timely and accurately submit Discharge Monitoring Reports for the months of

July, Sept, Oct 99, Jan 00, March 2001.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PC 2a, 2b PERMIT
Sludge P IIF PERMIT

Description: Failure to submit a sludge report for the fiscal year ending 8/31/00.

Classification: Moderate

Citation: 2C TWC Chapter 20, SubChapter A 26.176[G]
30 TAC Chapter 315, SubChapter A 315.1

40 CFR Chapter 403, SubChapter N, PT 403 403.5(c)(2)

Rqmt Prov: CI&P Reqs PERMIT

Description: Failed to establish and enforce pretreatment ordinances that adequately prevent interference with treatment and the pass-through of pollutants.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Op. Req. 4 PERMIT

Description: Failed to control odors from the sludge drying beds,

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Op. Req. 4 PERMIT

Description: Failure to clear algae buildup on the clarification weirs.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Op. Req. 4 PERMIT

Description: Failed to control foam on the aeration basins.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failed to maintain the raw sewage retention pond, remove old sludge, and re-certify the clay liner.

Classification: Moderate

Citation: TWC Chapter 26 26.121

Rqmt Prov: Not specified PERMIT

Description: Failed to prevent the exceedance of effluent quality limitations.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	11/21/2001	(189228)
2	11/26/2001	(189225)
3	12/21/2001	(189231)
4	01/22/2002	(189234)
5	02/20/2002	(189201)
6	03/20/2002	(189203)
7	04/08/2002	(352)
8	04/19/2002	(189207)
9	05/21/2002	(189211)
10	06/20/2002	(189214)
11	07/17/2002	(189217)
12	07/22/2002	(1382)

13 08/20/2002 (189220)
 14 08/26/2002 (4974)
 15 09/16/2002 (189223)
 16 10/16/2002 (189226)
 17 11/18/2002 (189229)
 18 12/18/2002 (189232)
 19 01/09/2003 (280848)
 20 01/15/2003 (189235)
 21 02/18/2003 (308700)
 22 03/20/2003 (308702)
 23 03/31/2003 (29873)
 24 04/16/2003 (189208)
 25 05/20/2003 (308705)
 26 06/20/2003 (308706)
 27 07/18/2003 (308707)
 28 09/02/2003 (308708)
 29 09/18/2003 (308709)
 30 10/20/2003 (308710)
 31 11/20/2003 (308711)
 32 12/18/2003 (308712)
 33 01/20/2004 (308713)
 34 02/23/2004 (308701)
 35 03/18/2004 (308703)
 36 04/28/2004 (308704)
 37 05/20/2004 (357389)
 38 06/21/2004 (357390)
 39 07/20/2004 (357391)
 40 09/02/2004 (357392)
 41 09/20/2004 (357393)
 42 11/18/2004 (357395)
 43 12/20/2004 (384802)
 44 01/10/2005 (357394)
 45 01/20/2005 (384803)
 46 02/22/2005 (384801)
 47 03/21/2005 (422782)
 48 04/20/2005 (422783)
 49 05/19/2005 (422784)
 50 05/23/2005 (376187)
 51 06/20/2005 (422785)
 52 07/20/2005 (443687)
 53 08/23/2005 (443688)
 54 09/19/2005 (443689)
 55 10/20/2005 (473745)
 56 11/21/2005 (473746)
 57 12/15/2005 (440342)
 58 12/20/2005 (473747)
 59 01/19/2006 (473748)
 60 02/21/2006 (473742)
 61 03/21/2006 (473743)
 62 04/19/2006 (473744)
 63 05/17/2006 (501775)
 64 06/16/2006 (501776)
 65 07/17/2006 (501777)
 66 08/16/2006 (524047)
 67 08/26/2006 (487887)

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

Date 11/30/2001 (189231)

Self Report? YES

Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

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

Date 04/07/2002 (412)

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 111, SubChapter B 111.201
 Description: Unauthorized outdoor burning.
 Date 08/30/2002 (4974)

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(1)(B)
 Description: SYSTEMS SERVING IN EXCESS OF 1,000 CONNECTIONS MUST EMPLOY AT LEAST TWO CLASS C CERTIFIED OPERATORS. THE SYSTEM HAS ONE CERTIFIED OPERATOR WITH A CLASS C CERTIFICATE. THE SECOND OPERATOR HAD A CLASS D CERTIFICATE THAT HAD EXPIRED. THE OPERATOR FAILED THE CLASS C CERTIFICATE TEST.
 Classification Major

Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
 Description: SYSTEM HAS NOT PROCURED ALL SANITARY EASEMENTS, OR AN APPROVED EXCEPTION FOR WELLS #1, #2 AND #3. THE SYSTEM IS TAKING 3 RAW WATER SAMPLES, ONE FROM EACH WELL.
 Date 05/15/2003 (29346)

Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to maintain a temperature log for the refrigerator used for storing effluent samples.
 Date 06/30/2003 (308707)

Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date 11/04/2005 (341751)

Self Report? NO Classification Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 Rqmt Prov: PERMIT Permit Condition, Page 7, No. 2(g)
 Description: Failure to prevent unauthorized discharges of wastewater or any other waste into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of Permit No.: WQ0011060-001.

- 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 BUDA AND GUADALUPE-
BLANCO RIVER AUTHORITY
RN101703288**

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

AGREED ORDER DOCKET NO. 2006-1738-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Buda and Guadalupe-Blanco River Authority ("Buda and GBRA") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Buda and GBRA appear before the Commission and together stipulate that:

1. Buda and GBRA own and operate a wastewater treatment plant located approximately 1,900 feet north of the northernmost intersection of Loop 4 and the Missouri Pacific Railroad on the east bank of Onion Creek in Hays County, Texas (the "Facility").
2. Buda and GBRA have discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Buda and GBRA agree that the Commission has jurisdiction to enter this Agreed Order, and that Buda and GBRA are subject to the Commission's jurisdiction.
4. Buda and GBRA received notice of the violations alleged in Section II ("Allegations") on or about September 4, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Buda and GBRA of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Thousand Six Hundred Thirty Dollars (\$3,630) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Seven Hundred Twenty-Six Dollars (\$726) is deferred contingent upon Buda and GBRA's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Buda and GBRA fail to timely

and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Buda and GBRA to pay all or part of the deferred penalty. Two Thousand Nine Hundred Four Dollars (\$2,904) shall be conditionally offset by Buda and GBRA's completion of a Supplemental Environmental Project

7. 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.
8. The Executive Director of the TCEQ and Buda and GBRA have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Buda and GBRA have implemented the following corrective measures at the Facility:
 - a. On September 27, 2005, pumped creek bed, replaced and repaired the pump, disinfected the area surrounding the unauthorized discharge, and pumped sewage back to the Facility;
 - b. On or about February 9, 2006, removed solids from the Facility headworks, cleaned the bar screen, and disinfected the affected area; and
 - c. On or about February 20, 2006, replaced the blown fuse, recovered the spilled wastewater, and disinfected the affected area.
10. 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 Buda and GBRA have not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owners and operators of the Facility, Buda and GBRA are alleged to have failed to prevent the unauthorized discharge of untreated wastewater, in violation of 30 TEX. ADMIN. CODE § 305.125(1), (4), (5), Texas Pollutant Discharge Elimination System Permit No. WQ0011060001 Permit Conditions No. 2(g), and TEX. WATER CODE § 26.121(a)(1), as documented during an investigation conducted on August 1, 2006. Specifically, unauthorized discharges occurred on September 27, 2005 (approximately 1,500 gallons from a lift station); February 9, 2006 (approximately 1,000 gallons from the plant headworks); and February 20, 2006 (approximately 1,000 gallons when the raw wastewater lift station pump blew a fuse).

III. DENIALS

Buda and GBRA generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Buda and GBRA pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Buda and GBRA's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Buda and Guadalupe-Blanco River Authority, Docket No. 2006-1738-MWD-E" to:

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

2. Buda and GBRA shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Two Thousand Nine Hundred Four Dollars (\$2,904) of the assessed administrative penalty shall be offset with the condition that Buda and GBRA implement the SEP defined in Attachment A, incorporated herein by reference. Buda and GBRA's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. Buda and GBRA are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
4. The provisions of this Agreed Order shall apply to and be binding upon Buda and GBRA. Buda and GBRA are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If Buda and GBRA fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Buda and GBRA's failure to comply is not a violation of this Agreed Order. Buda and GBRA shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Buda and GBRA shall notify the Executive Director within seven days after Buda and GBRA becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Buda and GBRA shall be made in writing to the Executive Director. Extensions are not effective until Buda and GBRA received written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against Buda and GBRA in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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 agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Buda and GBRA, or three days after the date on which the Commission mails notice of the Order to Buda and GBRA, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

10/27/2007

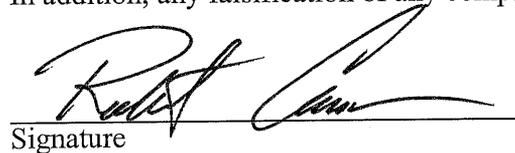
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

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

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



Signature

12-27-06

Date

Robert Camarero

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

City Administrator

Title



Signature

1/08/07

Date

FRED M. BLUMBERG

Name (Printed or typed)
Authorized Representative of
Guadalupe-Blanco River Authority

DEP. GEN. MGR.

Title

Attachment A
Docket Number: 2006-1738-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondents:	City of Buda and Guadalupe-Blanco River Authority
Payable Penalty Amount:	Two Thousand Nine Hundred Four Dollars (\$2,904)
SEP Amount:	Two Thousand Nine Hundred Four Dollars (\$2,904)
Type of SEP:	Pre-approved
Third-Party Recipient:	The Hill Country Conservancy-Wentzel Tract Project
Location of SEP:	Hays County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondents to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondents will contribute to The Hill Country Conservancy for the Wentzel Tract project. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between The Hill Country Conservancy and the Texas Commission on Environmental Quality*. SEP monies will be used to help divert water into an 18-acre abandoned quarry. The quarry will then capture and hold the water, so that the water can be absorbed into the Edwards Aquifer that runs beneath the quarry. It is estimated that the quarry could divert up to 275 acre-feet of additional storm water runoff into the Edwards Aquifer.

The Respondents certify that there are no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by allowing for additional water to be absorbed into the recharge zone of the Edwards Aquifer.

C. Minimum Expenditure

The Respondents shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondents must contribute the SEP Amount to the Third-Party Recipient. The Respondents shall mail the contribution, with a copy of the Agreed Order, to:

George Cofer, Executive Director
The Hill Country Conservancy
3306 Gentry Drive
Austin, Texas 78746-5507

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondents shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondents shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondents do not perform their obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to “Texas Commission on Environmental Quality” and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondents shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

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

6. Clean Texas Program

The Respondents shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondents may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondents under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.