

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2004-0610-MWD-E    **TCEQ ID:** RN102336666    **CASE NO.:** 15048  
**RESPONDENT NAME:** City of Aubrey

**ORDER TYPE:**

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

**CASE TYPE:**

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input checked="" type="checkbox"/> WATER QUALITY		

**SITE WHERE VIOLATION(S) OCCURRED:** Aubrey Wastewater Treatment Plant, approximately 2,000 feet west of the intersection of U.S. Highway 377 and Farm-to-Market Road 428, Denton County

**TYPE OF OPERATION:** Domestic wastewater system

**SMALL BUSINESS:**     Yes     No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on January 15, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223

**TCEQ Enforcement Coordinator:** Ms. Heather Brister, Enforcement Division, Enforcement Section III, MC 149, (512) 239-1203; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

**Central Office Investigator:** Mr. Richard Williams, Enforcement Division, Enforcement Section 5, MC 224, (512) 239-3745

**Respondent:** The Honorable Tim J. Leslie, Mayor, City of Aubrey, 107 South Main Street, Aubrey, Texas 76227

**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b> <input type="checkbox"/> Complaint <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> April 5, 2004</p> <p><b>Date of NOE Relating to this Case:</b> April 6, 2004 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review. One violation was documented.</p> <p><b>WATER</b></p> <p>Failed to comply with the permitted limits at Outfall 001A [TPDES Permit No. WQ0013647001 Effluent Limitations and Monitoring Requirements, Nos. 2 and 6, TEX. WATER CODE § 26.121(a) and 30 TEX. ADMIN. CODE § 305.125(1)].</p>	<p><b>Total Assessed:</b> \$9,680</p> <p><b>Total Deferred:</b> \$1,936  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$7,744</p> <p><b>Total Paid (Due) to General Revenue:</b> \$0</p> <p><b>Site Compliance History Classification:</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A).</p> <p>2) The order will also require the Respondent to, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013647001.</p>

## Attachment A

### SUPPLEMENTAL ENVIRONMENTAL PROJECT

**Respondent:** City of Aubrey  
**Docket Number:** 2004-0610-MWD-E  
**Penalty Amount:** Seven Thousand Seven Hundred Forty-Four (\$7,744)  
**SEP Amount:** Seven Thousand Seven Hundred Forty-Four (\$7,744)  
**Type of SEP:** Custom  
**Location of SEP:** Denton County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the Respondent to perform 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 City of Aubrey shall connect approximately five substandard or failing septic systems of low-income homes located within the City of Aubrey. The project shall include purchasing and installing sewer system lateral lines, clean-outs, and other materials required to complete the work and make it fully operational. The City shall properly decommission and abandon the residents' old septic tanks. This project shall be done at no cost to the homeowners. The SEP shall be done in accordance with all federal, state and local environmental laws and regulations. The City of Aubrey shall use SEP monies only for the direct cost of implementing the project and no portion shall be spent on administrative costs.

The City of Aubrey certifies that there is 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 shall provide a discernible environmental benefit by diminishing the potential contamination of the environment by the overflow of untreated wastewater, eliminating possible contamination of the watershed resulting from discharges from failing septic systems, and protecting the quality of drinking water.

##### C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A.



**City of Aubrey**

AGREED ORDER Docket 2004-0610-MWD-E

**Attachment A**

Subject to previously stated restrictions on the use of SEP monies and to the extent it can be documented, the City of Aubrey shall receive credit for the overtime hours its employees are used and the FEMA schedule of rates for its equipment used in implementing the SEP. Equipment credits shall be based on the schedule of equipment rates published by the Federal Emergency Management Agency. The City of Aubrey shall not receive credit for volunteer labor or equipment. The City of Aubrey shall also not receive credit for gratuities and/or inducements for volunteers.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent shall begin implementation of this SEP. The project shall be completed within 120 days after the effective date of this order.

**3. Records and Reporting**

**A. Progress Reports**

Within 90 days after the effective date of this Agreed Order, Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above.

**B. Final Report**

Within 30 days after completion of the project, Respondent shall submit a report to the TCEQ which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. The total amount of costs incurred;
3. A statement of quantifiable environmental benefits;
4. Number of [details, if appropriate, or sub "Amount"];
5. Map showing specific location of [details, if appropriate];
6. Photographs of the project; and
7. Any additional information Respondent believes will demonstrate compliance with this Attachment A.

Copies of receipts, checks, invoices, and other documentation verifying appropriate expenditures and the completion of the project must be submitted with the final report.

**C. Address**

Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality

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P.O. Box 13087  
Austin, Texas 78711-3087

The Respondent agrees to provide additional information required by the SEP Coordinator and allow access to all financial records related to the receipt and expenditure of SEP monies and to allow a representative of the TCEQ, upon request, access to the site of any work being financed in whole or in part by SEP monies. All SEP reports and information shall be submitted to the following address:

TCEQ  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Additional Information and Access**

Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

**5. Failure to Fully Perform**

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the TCEQ staff may require immediate payment of all or part of the SEP Offset Amount.

With the payment, Respondent shall include the docket number of this Agreed Order and a note that it is for reimbursement of an SEP. The payment 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

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

**6. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent 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.



City of Aubrey

AGREED ORDER Docket 2004-0610-MWD-E

Attachment A

7. **Clean Texas Program**

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

8. **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 Respondent under any other orders negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02)

PCW Revision 2/10/2004

<b>DATES:</b>	
PCW 4-May-2004	Screening 28-Apr-2004
Priority Due 26-Aug-2004	EPA Due
<b>RESPONDENT INFORMATION</b>	
Respondent City of Aubrey	
Respondent/Site ID No(s) TPDES Permit No. WQ0013647001; Regulated Entity ID No. RN102336666	
Facility/Site Region 4 - Dallas/Fort Worth	Major/Minor Source Minor
<b>CASE INFORMATION</b>	
Enf./Case ID No(s) CCEDS Case ID No. 15048	No. Violations 1
Docket No. 2004-0610-MWD-E	Order Type 1660 with deferral
Case Priority 3	EC's Team Enforcement Team 5
Enf. Coordinator Brandon Smith	
Media Program(s) Water Quality	
Admin. Penalty \$ Limit	Minimum \$0 Maximum \$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY** (Sum of violation base penalties) **Subtotal 1** \$4,000

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** 172% Enhancement **Subtotals 2, 3 & 7** \$6,880

Notes: The Respondent received thirty-four self-reported NOV's for same or similar violations and one NOV for a dissimilar violation.

**Culpability** 0% Enhancement **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction **Subtotal 5** \$0

	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary			
Ordinary			
None of the above	X	(mark with small x)	+
Notes	The Respondent is not yet in compliance.		

**Economic Benefit** 0% Enhancement **Subtotal 6** \$0

\$1,395	Total EB Amounts	*Capped at the Total EB \$ Amount	=
\$700	Approx. Cost of Compliance		

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$10,880

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 11% Reduction **Adjustment** -\$1,200

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

Notes: Recommend reduction in penalty amount so that monthly self-reported violations do not overly impact the penalty amount.

**Final Penalty Amount** \$9,680

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$9,680

**DEFERRAL** Deferral 20% Reduction **Adjustment** \$1,936

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

Notes: No NOV's with the same or similar violations were issued in the last five years for this facility.

**PAYABLE PENALTY** \$7,744

THE UNIVERSITY OF CHICAGO

Department of Chemistry  
5780 South Ellis Avenue  
Chicago, Illinois 60637

Dear Professor [Name]:  
I am writing to you regarding the [topic] of your recent paper. I have read it with great interest and find it very informative. I am particularly impressed by the [specific detail].

I would like to discuss this further and perhaps collaborate on some of the [topic]. I am currently working on [topic] and I believe your insights would be very valuable. I would be happy to meet with you at your convenience.

I am sure that your expertise in this area would be a great asset. I look forward to hearing from you soon. Please let me know if you have any questions or if you would like to discuss this further.

Very truly yours,  
[Name]  
[Title]

Screening Date	28-Apr-2004	Docket Number	2004-0610-MWD-E	PCW
Respondent	City of Aubrey			Policy Revision 2 (09/02)
Case ID No.	CCEDS Case ID No. 15048			PCW Revision 2/10/2004
Respondent/Site ID No.	TPDES Permit No. WQ0013647001; Regulated Entity ID No. RN102336666			
Media [Statute]	Water Quality			
Enf. Coordinator	Brandon Smith			
Site Address	Approximately 2,000 feet west of the intersection of U.S. Highway 377 and Farm-to-Market Road 428 in Denton County, Texas			

**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> )	34	170%
	Other written NOVs	1	2%
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 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 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	<i>Please enter Yes or No</i>		
	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) **172%**

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

Select Yes/No Adjustment Percentage (Subtotal 3) **0%**

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

Select High, Average or Poor Adjustment Percentage (Subtotal 7) **0%**

**Compliance History Summary**

Compliance History Notes: The Respondent received thirty-four self-reported NOV's for same or similar violations and one NOV for a dissimilar violation.

**Total Adjustment Percentage (Subtotals 2, 3 & 7) 172%**

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<b>Screening Date</b>	28-Apr-04	<b>Docket Number</b>	2004-0610-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Aubrey	Policy Revision 2 (09/02)		
<b>Case ID No.</b>	CCEDS Case ID No. 15048	PCW Revision 2/10/2004		
<b>Respondent/Site ID No.</b>	TPDES Permit No. WQ0013647001; Regulated Entity ID No. RN102336666			
<b>Media (Statute)</b>	Water Quality			
<b>Enf. Coordinator</b>	Brandon Smith			
<b>Violation Number</b>	1			
<b>Primary Rule Cite</b>	Tex. Water Code § 26.121(a) and TPDES Permit No. WQ0013647001 Effluent Limitations and Monitoring Requirements Nos. 2 and 6.			
<b>Secondary Cite(s)</b>	30 Tex. Admin. Code § 305.125(1)			
<b>Violation Description</b>	Failure to comply with the permitted limits at Outfall 001A for the months of January 2003-November 2003. See Effluent Table for details.			
<b>Base Penalty</b>				\$10,000
<b>» Environmental, Property and Human Health Matrix</b>				
<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor
OR	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Percent</b>				10%
<b>» Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
OR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Percent</b>				<input type="text"/>
<b>Matrix Notes</b>	Pollutants discharged at the time of the violations were insignificant and did not exceed levels that are protective of human health and the environment.			
<b>Adjustment</b>				-\$9,000
<b>Base Penalty Subtotal</b>				\$1,000
<b>Violation Events</b>				
<b>Number of Violation Events</b>		4		
<i>mark only one; use small x</i>	daily	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
<b>Violation Base Penalty</b>				\$4,000
<b>Events Notes</b>	Four quarterly events are recommended based on the dates of the violations (January 2003-November 2003).			
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount (\$)</b>		\$1,395		<b>Violation Final Penalty total</b>
				\$9,680
<b>This Violation Final Assessed Penalty (adjusted for limits)</b>				\$9,680



### Economic Benefit Worksheet

Respondent City of Aubrey  
 ID Number(s) CCEDS Case ID No. 15048  
 Media [Statute] Water Quality  
 Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
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

**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	\$700	1-Jan-2003	24-Nov-2004	1.9	\$66	\$1,329	\$1,395
Supplies/equip				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

Estimated cost for additional oversight and sampling which might have reduced or alleviated the exceedances.

Approx Cost of Compliance

**TOTAL**



**City of Aubrey**  
**TPDES Permit No. WQ0013647001**  
**Regulated Entity ID No. RN102336666**  
**2004-0610-MWD-E**  
**CCEDS Case ID No. 15048**  
**Outfall 001A**

**EFFLUENT PARAMETER**

*Permit Limits and Reported Values*

	DO Monthly Min. Conc.	Chlorine Monthly Min. Conc.	Chlorine Monthly Max. Conc.
<i>Month/Year</i>	4 mg/L	1 mg/L	4 mg/L
December 2002	c	c	c
January 2003	3.56	c	c
February 2003	3.61	c	c
March 2003	3.70	c	4.2
April 2003	3.22	c	c
May 2003	3.23	c	c
June 2003	3.86	c	4.8
July 2003	3.51	c	4.4
August 2003	3.62	0.9	4.4
September 2003	3.73	0.7	c
October 2003	3.54	c	4.1
November 2003	c	c	4.3
December 2003	c	c	c

<u>Name</u>	<u>Abbreviation</u>
dissolved oxygen	DO
milligrams per liter	mg/L
compliant (no excursions)	c
maximum concentration	Max. Conc.
minimum	Min.

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# Compliance History

Customer/Respondent/Owner-Operator: CN600736912 City of Aubrey Classification: AVERAGE Rating: 0.610  
Regulated Entity: RN102336666 AUBREY WASTEWATER TREATMENT PLANT Classification: AVERAGE Site Rating: 1.84  
ID Number(s): WASTEWATER PERMIT TPDES0056588  
WASTEWATER PERMIT WQ0013647001  
Location: Approximately 2,000 ft. W of intersection of U.S. HW 377 and FM 428, Denton Co. Rating Date: 9/1/03 Repeat Violator: NO  
TCEQ Region: REGION 04 - DFW METROPLEX  
Date Compliance History Prepared: May 03, 2004  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: May 03, 1999 to May 03, 2004  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Brandon Smith Phone: (512) 239-4471

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
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
- 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 04/07/2004 (268165)  
2 02/14/2000 (188305)  
3 02/12/2001 (188306)  
4 02/15/2002 (188307)  
5 02/20/2003 (188308)  
6 03/09/2001 (188309)  
7 03/18/2002 (188310)  
8 05/30/2003 (188311)  
9 03/08/2000 (188312)  
10 04/12/2000 (188313)  
11 04/12/2001 (188314)  
12 04/11/2002 (188315)  
13 04/16/2003 (188316)  
14 05/08/2000 (188317)  
15 05/18/2001 (188318)  
16 05/16/2002 (188319)  
17 05/19/2003 (188320)  
18 06/09/2000 (188321)  
19 06/11/2001 (188322)  
20 06/10/2002 (188323)  
21 06/16/2003 (188324)  
22 07/10/2000 (188325)

23 07/12/2001 (188326)  
 24 07/15/2002 (188327)  
 25 07/17/2003 (188328)  
 26 08/10/2000 (188329)  
 27 08/31/2001 (188330)  
 28 08/12/2002 (188331)  
 29 06/27/2003 (11653)  
 30 09/11/2000 (188332)  
 31 09/14/2001 (188333)  
 32 09/16/2002 (188334)  
 33 10/13/2000 (188335)  
 34 10/09/2001 (188336)  
 35 10/15/2002 (188337)  
 36 11/01/1999 (188338)  
 37 11/09/2000 (188339)  
 38 11/19/2001 (188340)  
 39 11/18/2002 (188341)  
 40 11/08/1999 (188342)  
 41 12/12/2000 (188343)  
 42 12/14/2001 (188344)  
 43 12/17/2002 (188345)  
 44 12/15/1999 (188346)  
 45 01/18/2001 (188347)  
 46 01/14/2002 (188348)  
 47 03/28/2001 (144704)  
 48 01/15/2003 (188349)  
 49 01/10/2000 (188350)  
 50 04/05/2004 (268165)

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

Date: 01/31/2002 (188307)  
 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: 01/31/2003 (188308)  
 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: 02/28/2001 (188309)  
 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: 02/28/2002 (188310)  
 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: 02/28/2003 (188311)  
 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: 03/31/2001 (188314)  
 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: 03/31/2002 (188315)  
 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: 03/31/2003 (188316)  
 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: 04/30/2001 (188318)  
 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: 10/31/2001 (188340) Classification: Moderate  
 Self Report? YES  
 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: 10/31/2002 (188341) Classification: Moderate  
 Self Report? YES  
 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: 11/30/2000 (188343) Classification: Moderate  
 Self Report? YES  
 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: 11/30/2002 (188345) Classification: Moderate  
 Self Report? YES  
 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: 12/31/2000 (188347) Classification: Moderate  
 Self Report? YES  
 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: 03/28/2001 (144704) Classification: Moderate  
 Self Report? NO  
 Citation: 30 TAC Chapter 319, SubChapter A 319.6  
 30 TAC Chapter 319, SubChapter A 319.9[G]  
 Description: FAILURE TO COMPLY  
 Date: 07/31/2003 (268165) Classification: Moderate  
 Self Report? YES  
 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: 08/31/2003 (268165) Classification: Moderate  
 Self Report? YES  
 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: 09/30/2003 (268165) Classification: Moderate  
 Self Report? YES  
 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: 10/31/2003 (268165) Classification: Moderate  
 Self Report? YES  
 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: 11/30/2003 (268165) Classification: Moderate  
 Self Report? YES  
 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

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 AUBREY  
RN102336666

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§  
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§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2004-0610-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 Aubrey ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a domestic wastewater system approximately 2,000 feet west of the intersection of U.S. Highway 377 and Farm-to-Market Road 428 in Denton County, Texas (the "Facility").
2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about April 11, 2004.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Thousand Six Hundred Eighty Dollars (\$9,680) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). One Thousand Nine Hundred Thirty-Six Dollars (\$1,936) of the administrative penalty is deferred contingent upon the City'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 the City fails to timely and satisfactorily comply with all requirements of this Agreed



Order, the Executive Director may require the City to pay all or part of the deferred penalty. Seven Thousand Seven Hundred Forty-Four Dollars (\$7,744) shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP").

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 the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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 City has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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 owner and operator of the Facility, the City is alleged to have failed to comply with the permitted limits at Outfall 001A, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013647001 Effluent Limitations and Monitoring Requirements, Nos. 2 and 6, TEX. WATER CODE § 26.121(a) and 30 TEX. ADMIN. CODE § 305.125(1), as documented during a record review conducted on April 5, 2004 and reflected in the table below:

OUTFALL 001A				
Date	Parameter	Permitted Limit	Reported Value	% Excursion
01/03	DO Monthly Min. Conc.	4 mg/L	3.56 mg/L	11 %
02/03	DO Monthly Min. Conc.	4 mg/L	3.61 mg/L	10 %
03/03	DO Monthly Min. Conc.	4 mg/L	3.7 mg/L	8 %
	Chlorine Monthly Max. Conc.	4 mg/L	4.2 mg/L	5 %
04/03	DO Monthly Min. Conc.	4 mg/L	3.22 mg/L	20 %
05/03	DO Monthly Min. Conc.	4 mg/L	3.23 mg/L	19 %
06/03	DO Monthly Min. Conc.	4 mg/L	3.86 mg/L	3 %
	Chlorine Monthly Max. Conc.	4 mg/L	4.8 mg/L	20%



07/03	DO Monthly Min. Conc. Chlorine Monthly Max. Conc.	4 mg/L 4 mg/L	3.51 mg/L 4.4 mg/L	12 % 10 %
08/03	DO Monthly Min. Conc. Chlorine Monthly Max. Conc. Chlorine Monthly Min. Conc.	4 mg/L 4 mg/L 1 mg/L	3.62 mg/L 4.4 mg/L 0.9 mg/L	9 % 10 % 10 %
09/03	DO Monthly Min. Conc. Chlorine Monthly Min. Conc.	4 mg/L 1 mg/L	3.73 mg/L 0.7 mg/L	7 % 30 %
10/03	DO Monthly Min. Conc. Chlorine Monthly Max. Conc.	4 mg/L 4 mg/L	3.54 mg/L 4.1 mg/L	11 % 2 %
11/03	Chlorine Monthly Max. Conc.	4 mg/L	4.3 mg/L	7 %

**Abbreviation Name**

DO	dissolved oxygen
Min.	minimum
Conc.	concentration
mg/l	milligrams per liter
Max.	maximum

**III. DENIALS**

The City generally denies each allegation in Section II ("Allegations").

**IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and the City'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 Aubrey, Docket No. 2004-0610-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. The City shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Seven Thousand Seven Hundred Forty-Four Dollars (\$7,744) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City'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. It is further ordered that within 90 days after the effective date of this Agreed Order, the City shall submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013647001 to:

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

with a copy to:

Manager, Water Section  
Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2301 Gravel Dr.  
Fort Worth, Texas 76118-6951

4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is 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 the City 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, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City 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 the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives 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 the City 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.

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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 the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

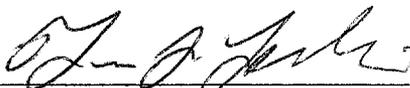


## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

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.

  
\_\_\_\_\_  
Signature

10-26-06  
\_\_\_\_\_  
Date

Tim J. Leslie  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Aubrey

MAYOR  
\_\_\_\_\_  
Title

  
\_\_\_\_\_  
~~Lydia Gonzalez-Gronau~~  
Deputy Director JF STEIB JR  
Office of ~~Legal Services~~ COMPLIANCE AND ENFORCEMENT  
Texas Commission on Environmental Quality

2/14/07  
\_\_\_\_\_  
Date

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

10-25-01

10/25/01

10/25/01

10/25/01

*[Handwritten signature]*

Department of Laboratory

**Attachment A**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Aubrey
<b>Docket Number:</b>	2004-0610-MWD-E
<b>Penalty Amount:</b>	Seven Thousand Seven Hundred Forty-Four (\$7,744)
<b>SEP Amount:</b>	Seven Thousand Seven Hundred Forty-Four (\$7,744)
<b>Type of SEP:</b>	Custom
<b>Location of SEP:</b>	Denton County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the Respondent to perform 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 City of Aubrey shall connect approximately five substandard or failing septic systems of low-income homes located within the City of Aubrey. The project shall include purchasing and installing sewer system lateral lines, clean-outs, and other materials required to complete the work and make it fully operational. The City shall properly decommission and abandon the residents' old septic tanks. This project shall be done at no cost to the homeowners. The SEP shall be done in accordance with all federal, state and local environmental laws and regulations. The City of Aubrey shall use SEP monies only for the direct cost of implementing the project and no portion shall be spent on administrative costs.

The City of Aubrey certifies that there is 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 shall provide a discernible environmental benefit by diminishing the potential contamination of the environment by the overflow of untreated wastewater, eliminating possible contamination of the watershed resulting from discharges from failing septic systems, and protecting the quality of drinking water.

**C. Minimum Expenditure**

Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to ensure the validity of the findings. The document also discusses the importance of data security and privacy in handling sensitive information.

3. The third part of the document provides a detailed overview of the data analysis techniques used. It includes a discussion on statistical methods, data visualization, and the use of software tools to facilitate the analysis process. The document also addresses the challenges associated with data analysis and offers strategies to overcome them.

4. The fourth part of the document presents the results of the analysis and discusses their implications. It includes a summary of the key findings and a comparison of the results with the initial objectives of the study. The document also provides recommendations for future research and practical applications.

5. The fifth part of the document concludes the report and summarizes the overall findings. It reiterates the importance of the research and the value of the data collected. The document also includes a final statement on the author's commitment to transparency and accuracy in the reporting process.

6. The sixth part of the document provides a list of references and sources used in the research. It includes a mix of academic journals, books, and online resources, ensuring that the information presented is well-supported and credible.

7. The seventh part of the document includes a glossary of terms and definitions used throughout the report. This helps to ensure that all readers have a clear understanding of the terminology and concepts discussed in the document.

8. The eighth part of the document provides a detailed appendix of data and supporting materials. This includes raw data, intermediate calculations, and any other relevant information that supports the findings and conclusions of the study.

9. The ninth part of the document includes a list of acknowledgments and a statement of funding. This recognizes the contributions of individuals and organizations that supported the research and provides transparency regarding the financial aspects of the study.

10. The tenth part of the document provides a final summary and a call to action. It encourages readers to take the findings of the study into account and to implement the recommended changes and practices to improve the organization's performance and transparency.

**City of Aubrey**

AGREED ORDER Docket 2004-0610-MWD-E

**Attachment A**

Subject to previously stated restrictions on the use of SEP monies and to the extent it can be documented, the City of Aubrey shall receive credit for the overtime hours its employees are used and the FEMA schedule of rates for its equipment used in implementing the SEP. Equipment credits shall be based on the schedule of equipment rates published by the Federal Emergency Management Agency. The City of Aubrey shall not receive credit for volunteer labor or equipment. The City of Aubrey shall also not receive credit for gratuities and/or inducements for volunteers.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent shall begin implementation of this SEP. The project shall be completed within 120 days after the effective date of this order.

**3. Records and Reporting**

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above.

B. Final Report

Within 30 days after completion of the project, Respondent shall submit a report to the TCEQ which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. The total amount of costs incurred;
3. A statement of quantifiable environmental benefits;
4. Number of [details, if appropriate, or sub "Amount"];]
5. Map showing specific location of [details, if appropriate];
6. Photographs of the project; and
7. Any additional information Respondent believes will demonstrate compliance with this Attachment A.

Copies of receipts, checks, invoices, and other documentation verifying appropriate expenditures and the completion of the project must be submitted with the final report.

C. Address

Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality

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P.O. Box 13087  
Austin, Texas 78711-3087

The Respondent agrees to provide additional information required by the SEP Coordinator and allow access to all financial records related to the receipt and expenditure of SEP monies and to allow a representative of the TCEQ, upon request, access to the site of any work being financed in whole or in part by SEP monies. All SEP reports and information shall be submitted to the following address:

TCEQ  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

4. **Additional Information and Access**

Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

5. **Failure to Fully Perform**

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the TCEQ staff may require immediate payment of all or part of the SEP Offset Amount.

With the payment, Respondent shall include the docket number of this Agreed Order and a note that it is for reimbursement of an SEP. The payment 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

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

6. **Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent 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.



City of Aubrey

AGREED ORDER Docket 2004-0610-MWD-E

Attachment A

**7. Clean Texas Program**

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

**8. 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 Respondent under any other orders negotiated with the TCEQ or any other agency of the state or federal government.

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