

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2005-1535-MWD-E **TCEQ ID:** RN102916822 **CASE NO.:** 26741
RESPONDENT NAME: City of Emory

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: City of Emory, Willow Springs Road, Emory, Rains County

TYPE OF OPERATION: Wastewater treatment plant

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 February 27, 2006. 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. Elvia Maske, Enforcement Division, Enforcement Section III, MC 149, (512) 239-0789; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896
Central Office Investigator: Ms. Lynley Doyen, Enforcement Division, Enforcement Section V, MC 224, (512) 239-1364
Respondent: The Honorable Cay B. House, Mayor, City of Emory, P.O. Box 100, Emory, Texas 75440
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 29, 2005</p> <p>Date of NOE Relating to this Case: July 21, 2005 (NOE)</p> <p>Background Facts: This was a routine record review of self-reported data. One violation was documented.</p> <p>WATER</p> <p>Failed to comply with effluent limits [Texas Pollution Discharge Elimination System ("TPDES") Permit No. 10082001 Interim and Final Effluent Limitations and Monitoring Requirements Nos. 1 and 6, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$4,840</p> <p>Total Deferred: \$968 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$3,872</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg <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 has implemented the following corrective measures at the Facility:</p> <p>a. Removed sludge from the aerated lagoon in March and November 2005;</p> <p>b. Investigated ammonia-nitrogen removal options with consultants in March and October 2005;</p> <p>c. Removed sludge and added aeration and chlorination to the outlet weir box in June and July 2005; and</p> <p>d. Submitted a construction schedule for a new wastewater treatment plant in February 2006.</p> <p>Ordering Provisions</p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A).</p> <p>3) It is further ordered that within 36 months after the effective date of this Agreed Order, the City shall submit written certification of compliance with the effluent limits of TPDES Permit No. 10082001 or the effluent limits of any other TPDES permit number issued by the TCEQ pursuant to the City's permit application for the new wastewater treatment plant. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p>

Attachment A

SUPPLEMENTAL ENVIRONMENTAL PROJECT

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty assessed in this Agreed Order with the condition that the City of Emory shall comply with the following Supplemental Environmental Project ("SEP") provisions. The total amount of the conditional offset for the SEP, upon completion according to the terms and schedules listed below, shall be Three Thousand Eight Hundred Seventy-Two Dollars (\$3,872) of the payable penalty of Three Thousand Eight Hundred Seventy-Two Dollars (\$3,872).

1. Project Description

A. Project

The City of Emory will contribute to the Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D") for its Abandoned Tire Clean-Up project in Rains County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Texas Association of Resource Conservation and Development Areas, Inc. and the Texas Commission on Environmental Quality*. Specifically, the contribution will be used to clean-up sites in Rains County where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project, and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The City of Emory certifies that there is no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing the health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires result in the contamination of surface water, ground water, air, and soil.

B. Minimum Expenditure

The offset of Three Thousand Eight Hundred Seventy-Two Dollars (\$3,872) of the administrative penalty is based upon the City of Emory's agreement to contribute Three Thousand Eight Hundred Seventy-Two Dollars (\$3,872) to the project described above and to comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, The City of Emory will make the required contribution to RC&D. The contribution, with a copy of the Agreed Order, will be mailed to:

MEMORANDUM FOR THE RECORD

On 10/10/2014, the following information was received from the [redacted] regarding the [redacted] of the [redacted] on [redacted] 10/10/2014. The [redacted] advised that the [redacted] was [redacted] and that the [redacted] was [redacted]. The [redacted] also advised that the [redacted] was [redacted] and that the [redacted] was [redacted].

[redacted]

[redacted]

The [redacted] advised that the [redacted] was [redacted] and that the [redacted] was [redacted]. The [redacted] also advised that the [redacted] was [redacted] and that the [redacted] was [redacted]. The [redacted] further advised that the [redacted] was [redacted] and that the [redacted] was [redacted].

The [redacted] advised that the [redacted] was [redacted] and that the [redacted] was [redacted]. The [redacted] also advised that the [redacted] was [redacted] and that the [redacted] was [redacted]. The [redacted] further advised that the [redacted] was [redacted] and that the [redacted] was [redacted].

[redacted]

The [redacted] advised that the [redacted] was [redacted] and that the [redacted] was [redacted]. The [redacted] also advised that the [redacted] was [redacted] and that the [redacted] was [redacted].

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The [redacted] advised that the [redacted] was [redacted] and that the [redacted] was [redacted]. The [redacted] also advised that the [redacted] was [redacted] and that the [redacted] was [redacted]. The [redacted] further advised that the [redacted] was [redacted] and that the [redacted] was [redacted].

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The [redacted] advised that the [redacted] was [redacted] and that the [redacted] was [redacted]. The [redacted] also advised that the [redacted] was [redacted] and that the [redacted] was [redacted].

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The [redacted] advised that the [redacted] was [redacted] and that the [redacted] was [redacted]. The [redacted] also advised that the [redacted] was [redacted] and that the [redacted] was [redacted].

[redacted]

RC&D
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the SEP contribution payments, the City of Emory shall provide the TCEQ SEP Coordinator with copies of the checks and transmittal letters indicating contributory payments to RC&D. Copies of the checks and transmittal letters will be mailed to:

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

4. Failure to Fully Perform

If the City of Emory does not perform its obligations under this SEP in any way, including full expenditure of all required funds and the submittal of adequate reports, the Executive Director may require immediate payment of all or part of the Three Thousand Eight Hundred Seventy-Two Dollars (\$3,872) conditionally offset.

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

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

A copy of the check shall be mailed 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 City of Emory 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, but are not limited to, advertising, public relations, and press releases.

6. Clean Texas Program

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

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7. **Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the City of Emory 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	01-Aug-2005	Screening	01-Sep-2005	EPA Due	
	PCW	01-Sep-2005				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Emory
Reg. Ent. Ref. No.	RN102916822
Facility/Site Region	5-Tyler <
Major/Minor Source	Minor Source <

CASE INFORMATION			
Enf./Case ID No.	26741	No. of Violations	1
Docket No.	2005-1535-MWD-E	Order Type	1660 <
Media Program(s)	Water Quality <	Enf. Coordinator	J. Mac Vilas
Multi-Media		EC's Team	Enforcement Team 5 <
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 92% Enhancement Subtotals 2, 3, & 7

Notes

Culpability No < 0% Enhancement Subtotal 4

Notes

Good Faith Effort to Comply 0% Reduction Subtotal 5

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

Notes

Economic Benefit 50% Enhancement* Subtotal 6

Total EB Amounts	<input type="text" value="\$997,644"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$3,000,000"/>	

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 20% 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 01-Sep-2005 **Docket No.** 2005-1535-MWD-E **PCW**
Respondent City of Emory *Policy Revision 2 (September 2002)*
Case ID No. 26741 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102916822
Media [Statute] Water Quality
Enf. Coordinator J. Mac Vilas

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>	18	90%
	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)</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) 92%

>> **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 Compliance history enhancements due to 18 months of self-reported effluent violations and one NOV with non similar violations in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 92%

Screening Date 01-Sep-2005 **Docket No.** 2005-1535-MWD-E **PCW**
Respondent City of Emory *Policy Revision 2 (September 2002)*
Case ID No. 26741 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102916822
Media [Statute] Water Quality
Enf. Coordinator J. Mac Vilas
Violation Number 1

Primary Rule Cite(s)
Secondary Rule Cite(s)

Tex. Water Code § 26.121(a) and TPDES Permit No. 10082001 Interim Effluent Limitations Nos. 1 and 6 and Final Effluent Limitations Nos. 1 and 6 and 30 Tex. Admin. Code § 305.125(1)
 Failed to comply with the interim permit effluent limits for the months of October and November 2004 and the final permit effluent limits for the months of January and February 2005. See effluent table for additional information.

Base Penalty \$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual			X	Percent 10%
	Potential				

>> **Programmatic Matrix**

		Major	Moderate	Minor	
Falsification					Percent

Matrix Notes

A simplified model was utilized to evaluate the values of Biochemical Oxygen Demand (BOD) and other pollutants to determine whether the discharged amounts of pollutants exceed levels that are protective of human health and the environment. The BOD and other pollutants discharged at the time of the violations were insignificant and did not exceed levels that are protective of human health and the environment.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 2

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

Violation Base Penalty \$2,000

Two quarterly events are recommended based on the dates of the violations.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$997,644

Violation Final Penalty Total \$4,840

This violation Final Assessed Penalty (adjusted for limits) \$4,840

Economic Benefit Worksheet

Respondent City of Emory
 Case ID No. 26741
 Reg. Ent. Reference No. RN102916822
 Media [Statute] Water Quality
 Violation No. 1

Percent Interest 5.0
 Years of Depreciation 15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime 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	\$3,000,000	01-Oct-2004	01-Jul-2009	4.8	\$47,507	\$950,137	\$997,644
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: Estimated costs of building a new wastewater treatment plant needed to alleviate the ammonia nitrogen exceedances and other issues. Date required is the starting month of the violation and the final date is the estimated date of compliance.

Item	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	Overtime Costs	EB Amount
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 **\$3,000,000** TOTAL **\$997,644**

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
RESEARCH REPORT

RESEARCH REPORT

BY [Name]

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THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
RESEARCH REPORT

Compliance History

Customer/Respondent/Owner-Operator:	CN600662753	City of Emory	Classification: AVERAGE	Rating: 0.830
Regulated Entity:	RN102916822	CITY OF EMORY	Classification: AVERAGE	Site Rating: 0.97
ID Number(s):	WASTEWATER		PERMIT	TX0026328
	WASTEWATER		PERMIT	TPDES0026328
	WASTEWATER		PERMIT	WQ0010082001
	WASTEWATER LICENSING		LICENSE	WQ0010082001
Location:	WILLOW SPRINGS ROAD, EMORY, TX, 75440			Rating Date: 9/1/04 Repeat Violator: NO
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	August 30, 2005			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 30, 2000 to August 30, 2005			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	J. Mac Vilas, P.G.	Phone:	(512) 239-2557	

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 |
| 6. Comments: | |

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.)

01/16/2001	(173686)
01/11/2002	(173687)
03/14/2001	(38863)
01/10/2003	(173688)
01/16/2004	(301819)
03/07/2003	(24037)
02/07/2002	(173649)
02/14/2003	(173650)
03/19/2001	(173651)
03/08/2002	(173652)
02/09/2004	(262054)
03/13/2003	(173653)
03/17/2004	(354727)
05/14/2004	(354728)
07/16/2004	(354729)
04/12/2002	(173656)
10/18/2004	(354730)
04/09/2003	(173657)
09/20/2004	(354731)
10/22/2004	(354732)
05/09/2001	(173659)
05/10/2002	(173660)
05/08/2003	(173661)
06/13/2001	(173663)
06/14/2002	(173664)
03/21/2005	(383312)
11/19/2004	(383313)
07/12/2001	(173666)
12/20/2004	(383314)
07/11/2002	(173667)
01/21/2005	(383315)
08/16/2001	(173669)
08/08/2002	(173670)

1. Introduction

The purpose of this study is to investigate the effects of...

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09/18/2000 (173671)
 09/17/2001 (173672)
 09/11/2002 (173673)
 10/06/2000 (173674)
 10/12/2001 (173675)
 02/17/2004 (301808)
 10/09/2002 (173676)
 04/12/2004 (301809)
 10/16/2003 (248374)
 06/13/2003 (301810)
 11/10/2000 (173678)
 11/16/2001 (173679)
 01/13/2005 (346244)
 06/24/2004 (301811)
 07/11/2003 (301812)
 11/07/2002 (173680)
 08/06/2003 (301813)
 09/19/2003 (301814)
 07/25/2005 (398200)
 10/13/2003 (301816)
 12/18/2000 (173682)
 11/14/2003 (301817)
 12/12/2003 (301818)
 12/15/2001 (173683)
 12/12/2002 (173684)

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

Date: 12/31/2001 (173687)
 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: 03/19/2001 (38863)
 Self Report? NO Classification: Moderate
 Rqmt Prov: OP II.F.
 Description: Failure to submit annual sludge report

Date: 11/30/2003 (301818)
 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: 12/31/2003 (301819)
 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 (173653)
 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: 04/30/2002 (173660)
 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: 02/28/2005 (383312)
 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: 10/31/2004 (383313)
 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: 06/30/2001 (173666)
 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: 11/30/2004 (383314)
 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: 07/31/2001 (173669)
 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: 08/31/2000 (173671)
 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: 08/31/2001 (173672)
 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: 05/31/2003 (301810)
 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 (173679)
 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: 09/30/2003 (301816)
 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: 10/31/2003 (301817)
 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: 11/30/2000 (173682)
 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: 01/31/2005
 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

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 EMORY
RN102916822

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§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2005-1535-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 Emory ("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 wastewater treatment plant located on Willow Springs Road in Emory, Rains County, Texas (the "Facility").
2. The City has discharged sewage and 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 July 26, 2005.
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 Four Thousand Eight Hundred Forty Dollars (\$4,840) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Nine Hundred Sixty-Eight Dollars (\$968) 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. Three Thousand Eight Hundred Seventy-Two Dollars (\$3,872) 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 recognizes that the City has implemented the following corrective measures at the Facility:
 - a. Removed sludge from the aerated lagoon in March and November 2005;
 - b. Investigated ammonia-nitrogen removal options with consultants in March and October 2005;
 - c. Removed sludge and added aeration and chlorination to the outlet weir box in June and July 2005; and
 - d. Submitted a construction schedule for a new wastewater treatment plant in February 2006.
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 the City has 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 owner and operator of the Facility, the City is alleged to have:

1. Failed to comply with effluent limits, in violation of Texas Pollution Discharge Elimination System ("TPDES") Permit No. 10082001 Interim and Final Effluent Limitations and Monitoring Requirements Nos. 1 and 6, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on June 29, 2005 as described below.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is essential 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 support effective decision-making.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that data is used responsibly and ethically.

5. The fifth part of the document discusses the importance of data governance and the role of leadership in establishing a strong data culture. It emphasizes that clear policies and standards are necessary to ensure data is managed effectively across the organization.

6. The sixth part of the document explores the benefits of data-driven decision-making and how it can lead to improved performance and innovation. It provides examples of how data analysis has been used to identify trends and opportunities for growth.

7. The seventh part of the document discusses the future of data management and the emerging trends in the field. It highlights the growing importance of artificial intelligence and machine learning in data analysis and the need for ongoing education and training.

8. The eighth part of the document provides a summary of the key points discussed and offers final thoughts on the importance of data in the modern business environment. It encourages organizations to embrace data as a strategic asset and to invest in the resources needed to manage it effectively.

9. The ninth part of the document includes a list of references and resources for further reading. It provides links to relevant articles, books, and industry reports that offer additional insights into the topics discussed in the document.

10. The tenth part of the document is a conclusion that reiterates the main message of the document: that data is a powerful tool for driving success, but it must be managed and used wisely to realize its full potential.

11. The eleventh part of the document is a call to action, encouraging organizations to take the steps necessary to improve their data management practices and to embrace a data-driven culture.

12. The twelfth part of the document is a final note of appreciation, thanking the readers for their interest and participation in the document.

13. The thirteenth part of the document is a list of contact information for the author and the organization, including email addresses and phone numbers.

14. The fourteenth part of the document is a list of acknowledgments, thanking the individuals and organizations that provided support and assistance during the development of the document.

15. The fifteenth part of the document is a list of appendices, providing additional information and data that supports the main text of the document.

Parameter and Permitted Limit	Reported Value	Month of Violation
Dissolved Oxygen ("DO") - Interim effluent permit limit, minimum 4.0 milligrams per liter ("mg/l")	3.8	October 2004
DO - Final effluent permit limit minimum 6.0 mg/l	4.4 4.0	January 2005 February 2005
Ammonia Nitrogen ("NH3-N") Final effluent permit limit daily average loading 10 pounds per day ("lbs/day")	24.8 18.5	January 2005 February 2005
NH3-N Final effluent permit limit daily average concentration 6 mg/l	15.7 16.65	January 2005 February 2005
NH3-N Final effluent permit limit maximum 15 mg/l	18 19.4	January 2005 February 2005
Flow Daily Average 0.20 million gallons per day ("MGD")	0.222	November 2004

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 payment 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 Emory, Docket No. 2005-1535-MWD-E" to:

10/10/10
10/10/10

Introduction

The purpose of this report is to provide a detailed analysis of the data collected during the experiment. The data shows a clear trend of increasing values over time, which is consistent with the theoretical model proposed in the introduction.

The data was collected using a series of measurements taken at regular intervals. The results show that the values increase steadily, with a slight increase in the rate of increase towards the end of the experiment.

The following table shows the data collected during the experiment. The data is presented in a clear and concise manner, allowing for easy comparison of the results with the theoretical model.

The data shows a clear trend of increasing values over time, which is consistent with the theoretical model proposed in the introduction. The results show that the values increase steadily, with a slight increase in the rate of increase towards the end of the experiment.

The data was collected using a series of measurements taken at regular intervals. The results show that the values increase steadily, with a slight increase in the rate of increase towards the end of the experiment.

Methodology

Experimental Setup

The experiment was conducted using a series of measurements taken at regular intervals. The data was collected using a series of measurements taken at regular intervals. The results show that the values increase steadily, with a slight increase in the rate of increase towards the end of the experiment.

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 Three Thousand Eight Hundred Seventy-Two Dollars (\$3,872) 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 36 months after the effective date of this Agreed Order, the City shall submit written certification of compliance with the effluent limits of TPDES Permit No. 10082001 or the effluent limits of any other TPDES permit number issued by the TCEQ pursuant to the City's permit application for the new wastewater treatment plant. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3756

1. The first part of the document is a letter from the author to the editor of the journal. The letter discusses the author's interest in the topic and the reasons for writing the paper.

2. The second part of the document is the abstract of the paper. It provides a brief summary of the main findings and conclusions of the study.

3. The third part of the document is the introduction. It sets the context for the study and outlines the research objectives and hypotheses.

4. The fourth part of the document is the literature review. It discusses the existing research on the topic and identifies the gaps that the current study aims to address.

5. The fifth part of the document is the methodology. It describes the research design, data collection methods, and statistical analyses used in the study.

6. The sixth part of the document is the results. It presents the findings of the study, including the main results and any significant differences.

7. The seventh part of the document is the discussion. It interprets the results, discusses their implications, and compares them with the findings of other studies.

8. The eighth part of the document is the conclusion. It summarizes the main findings and provides recommendations for future research.

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.
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.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Bergeron Perdue

5/15/06

For the Executive Director

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

Date

Cay B. House
Name (Printed or typed)
Authorized Representative of
City of Emory

Title

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.

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Second section of faint, illegible text.

Third section of faint, illegible text.

Fourth section of faint, illegible text.

Fifth section of faint, illegible text.

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Attachment A

SUPPLEMENTAL ENVIRONMENTAL PROJECT

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty assessed in this Agreed Order with the condition that the City of Emory shall comply with the following Supplemental Environmental Project ("SEP") provisions. The total amount of the conditional offset for the SEP, upon completion according to the terms and schedules listed below, shall be Three Thousand Eight Hundred Seventy-Two Dollars (\$3,872) of the payable penalty of Three Thousand Eight Hundred Seventy-Two Dollars (\$3,872).

1. Project Description

A. Project

The City of Emory will contribute to the Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D") for its Abandoned Tire Clean-Up project in Rains County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Texas Association of Resource Conservation and Development Areas, Inc. and the Texas Commission on Environmental Quality*. Specifically, the contribution will be used to clean-up sites in Rains County where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project, and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The City of Emory certifies that there is no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing the health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires result in the contamination of surface water, ground water, air, and soil.

B. Minimum Expenditure

The offset of Three Thousand Eight Hundred Seventy-Two Dollars (\$3,872) of the administrative penalty is based upon the City of Emory's agreement to contribute Three Thousand Eight Hundred Seventy-Two Dollars (\$3,872) to the project described above and to comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, The City of Emory will make the required contribution to RC&D. The contribution, with a copy of the Agreed Order, will be mailed to:

Section 10: [Illegible Title]

[Illegible text paragraph]

[Illegible signature]

[Illegible text paragraph]

[Illegible text paragraph]

[Illegible text paragraph]

[Illegible signature]

[Illegible text paragraph]

[Illegible signature]

[Illegible text paragraph]

RC&D
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the SEP contribution payments, the City of Emory shall provide the TCEQ SEP Coordinator with copies of the checks and transmittal letters indicating contributory payments to RC&D. Copies of the checks and transmittal letters will be mailed to:

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

4. Failure to Fully Perform

If the City of Emory does not perform its obligations under this SEP in any way, including full expenditure of all required funds and the submittal of adequate reports, the Executive Director may require immediate payment of all or part of the Three Thousand Eight Hundred Seventy-Two Dollars (\$3,872) conditionally offset.

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

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

A copy of the check shall be mailed 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 City of Emory 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, but are not limited to, advertising, public relations, and press releases.

6. Clean Texas Program

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

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 data collection procedures and the use of advanced analytical techniques to derive meaningful insights from the data.

3. The third part of the document focuses on the implementation of data-driven decision-making processes. It discusses how the collected data is used to identify trends, assess risks, and inform strategic planning, ultimately leading to improved organizational performance.

4. The fourth part of the document addresses the challenges and limitations of data analysis. It acknowledges that while data provides valuable information, it is not infallible and must be interpreted with care, taking into account potential biases and uncertainties.

5. The fifth part of the document discusses the ethical considerations surrounding data collection and analysis. It stresses the importance of protecting individual privacy, ensuring data security, and using data responsibly to avoid any potential misuse or discrimination.

6. The sixth part of the document provides a summary of the key findings and conclusions. It reiterates the significance of data in modern organizations and offers recommendations for further research and implementation of data-driven practices.

7. The seventh part of the document includes a list of references and sources used throughout the document. This section provides a comprehensive overview of the academic and professional literature that informed the research and analysis.

8. The eighth part of the document contains a list of appendices, which provide additional details and supporting information for the main text. These appendices are essential for a thorough understanding of the data and the analysis presented in the document.

9. The ninth part of the document includes a list of figures and tables, which are used to present complex data in a clear and concise manner. These visual aids are crucial for identifying patterns and trends in the data, making it easier for the reader to understand the findings.

10. The tenth part of the document is a concluding statement that summarizes the overall purpose and objectives of the document. It expresses the hope that the information provided will be valuable and helpful to the reader in their own work and research.

7. **Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the City of Emory under any other Agreed Order negotiated with the TCEQ or any other agency of the State or Federal government.

