EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0399-MWD-E **TCEQ ID:** RN101610079 **CASE NO.:** 35596

RESPONDENT NAME: City of Corpus Christi

ORDER TYPE:		
_X_ 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
_X_ WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Allison Wastewater Treatment Facilities, located at 3 Allison Lane in the northwest portion of the City of Corpus Christi approximately one mile north of Interstate Highway 37 with a collection system in Nueces County

TYPE OF OPERATION: Wastewater treatment collection system

SMALL BUSINESS: ___ **Yes** _X_ **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 August 18, 2008. No comments were received.

CONTACTS AND MAILING LIST:

SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Ms. Lanae Foard, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2554; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. O. R. Martinez, Assistant City Manager for Mr. George K. Noe, City Manager, City of Corpus Christi, P.O. Box 9277, Corpus Christi, Texas 78469
The Honorable Henry Garrett, Mayor, City of Corpus Christi, P.O. Box 9277, Corpus Christi, Texas 78469
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint X Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** December 18, 2007 **Date of NOE Relating to this Case:** February 21, 2008 (NOE) **Background Facts:** This was a routine investigation. **WATER** Failure to prevent the unauthorized discharge of wastewater into or adjacent to water in the state. Specifically, nineteen unauthorized discharges of wastewater were reported from November 2006 through December 2007 [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010401006, Permit Conditions No. 2.g., and TEX. WATER CODE § 26.121(a)].	**Total Assessed:** $18,180 **Total Deferred:** $3,636 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $14,544 **Total Paid (Due) to General Revenue:** $0 **Site Compliance History Classification** __ **High** X **Average** __ **Poor** **Person Compliance History Classification** __ **High** X **Average** __ **Poor** **Major Source:** __ Yes X No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** 1) The Executive Director recognizes that the City has implemented the corrective measures in the System. **Ordering Provisions:** 2) The Order will require the Respondent to implement and complete an Supplemental Environmental Project (SEP) (See SEP Attachment A).

Additional ID No(s).: WQ0010401006

Attachment A
Docket Number: 2008-0399-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**City of Corpus Christi**
Payable Penalty Amount:	**Fourteen Thousand Five Hundred Forty-Four Dollars ($14,544)**
SEP Amount:	**Fourteen Thousand Five Hundred Forty-Four Dollars ($14,544)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Coastal Bend Bays and Estuaries Program, Inc.**
Location of SEP:	**Nueces County**

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used for the Colonial Waterbird Rookery Island Enhancement Project. Shamrock and Causeway Islands are important rookery islands with heavy bird usage that are experiencing significant loss of wetland and rookery habitat due to dredging activities and erosion from waves and ships. SEP monies will be used to pay for the labor and material costs associated with preventing erosion in the unprotected areas of the islands and restoring parts of the islands that have suffered from erosion. The project will protect critical bird habitat and also enhance the wetlands.

The Respondent 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 will provide a discernible environmental benefit by enhancing the colonial waterbird habitat on Causeway and Shamrock Islands in Nueces County. The project will result in: stabilization of the islands, protection of the birds, reduction of erosion, creation of wetland habitat and bird nesting habitat, creation of submerged aquatic vegetation, and maintenance of the Corpus Christi Bay system.

C. Minimum Expenditure

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

2. Performance Schedule

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

Coastal Bend Bays and Estuaries Program, Inc.
Attn: Ray Allen, Executive Director
1305 North Shoreline Drive, Suite 205
Corpus Christi, Texas 78401

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision February 29, 2008*

TCEQ

DATES					
Assigned	3-Mar-2008				
PCW	24-Mar-2008	Screening	24-Mar-2008	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	City of Corpus Christi		
Reg. Ent. Ref. No.	RN101610079		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	35596	No. of Violations	1
Docket No.	2008-0399-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Andrew Hunt
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$19,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **47%** Enhancement — *Subtotals 2, 3, & 7* **$8,930**

Notes: An enhancement is recommended due to three same or similar NOVs, one unrelated NOV, and six self-reported effluent violations.

Culpability — No — **0%** Enhancement — *Subtotal 4* **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — **25%** Reduction — *Subtotal 5* **$4,750**

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

Notes: The Respondent achieved compliance on December 18, 2007.

0% Enhancement* — *Subtotal 6* **$0**

**Capped at the Total EB $ Amount*

Total EB Amounts	$763
Approx. Cost of Compliance	$10,000

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$23,180**

OTHER FACTORS AS JUSTICE MAY REQUIRE — **-22%** — *Adjustment* **-$5,000**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction to adjust for discharges of no more than ten gallons each.

Final Penalty Amount **$18,180**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$18,180**

DEFERRAL — **20%** Reduction — *Adjustment* **-$3,636**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$14,544**

Screening Date 24-Mar-2008 **Docket No.** 2008-0399-MWD-E **PCW**

Respondent City of Corpus Christi *Policy Revision 2 (September 2002)*

Case ID No. 35596 *PCW Revision February 29, 2008*

Reg. Ent. Reference No. RN101610079

Media [Statute] Water Quality

Enf. Coordinator Andrew Hunt

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 (*number of NOVs meeting criteria*)	9	45%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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 (*number of judgements or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 (*number of audits for which notices were submitted*)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 47%

>> 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

An enhancement is recommended due to three same or similar NOVs, one unrelated NOV, and six self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 47%

Screening Date 24-Mar-2008 **Docket No.** 2008-0399-MWD-E **PCW**

Respondent City of Corpus Christi *Policy Revision 2 (September 2002)*

Case ID No. 35596 *PCW Revision February 29, 2008*

Reg. Ent. Reference No. RN101610079

Media [Statute] Water Quality

Enf. Coordinator Andrew Hunt

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010401006, Permit Conditions No. 2.g.

Violation Description Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, as documented during an investigation conducted on December 18, 2007. Specifically, nineteen unauthorized discharges of wastewater were reported from November 2006 through December 2007, as shown in the attached table.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 19 | 24 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $19,000

Nineteen single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $763

Statutory Limit Test

Violation Final Penalty Total $18,180

This violation Final Assessed Penalty (adjusted for limits) $18,180

Economic Benefit Worksheet

Respondent City of Corpus Christi
Case ID No. 35596
Reg. Ent. Reference No. RN101610079
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$10,000	15-Nov-2006	18-Dec-2007	1.1	$36	$727	$763
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	Estimated costs to locate and remove blockages and repair lines to prevent unauthorized discharges. The date required is the date of the first discharge. The final date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $10,000

TOTAL: $763

VIOLATION NO. 1 UNAUTHORIZED DISCHARGE TABLE City of Corpus Christi RN101610079 Docket No. 2008-0399-MWD-E			
Date	**Location(s)**	**Amount Discharged (gallons)**	**Description**
11/15/2006	3206 Richmond St.	150	A grease blockage in the main line caused a manhole to overflow.
2/27/2007 & 3/1/2007	Intersection of Leopard St. and Western Dr.	6,400	A blockage in the main line caused a manhole to overflow into the surrounding area and storm water ditch.
3/23/2007 & 3/24/2007	10515 Stonewall Blvd. and 3214 Richmond St.	250	Manholes were reported overflowing into a storm water inlet due to grease blockages in the collection system.
3/29/2007	Intersection of Richmond St. and Atlanta St.	250	A televising contractor temporarily plugged the sewer main causing an overflow into a storm water inlet.
5/31/2007	12400 Up River Rd.	300	Debris blockage in the sanitary sewer line caused a manhole to overflow into the storm water ditch.
6/30/2007	4514 Sharpsburg Rd.	100	A grease blockage in the Sharpsburg lift station fouled pump controls causing a surcharge in the system and an overflow at a manhole into an adjacent storm water ditch.
7/2/2007-7/5/2007	12900 Hearn Rd.; 12400 Up River Rd.; 8800-9000 block of Caroline Rd.; 8800-9000 block of McNorton Rd.; and Clarkwood Rd.	12,000	Ten inches of rainfall from 7/2/2007-7/5/2007 caused manholes to overflow at all locations.
7/26/2007	4434 Sharpsburg Rd. and intersection of Carbon Plant and Ferry Rd.	unknown	3.75 inches of heavy rainfall on 7/26/2007 caused manholes to overflow at both locations.
8/26/2007	10655 Heizer Dr.	50	A blockage in the main line caused a manhole to overflow into the surrounding area and storm water catch basin.
11/26/2007	2909 McKinzie Rd.	30	A blockage in the City service line caused an overflow from a broken City clean-out into a storm water catch basin.
11/28/2007	9545 Paula Dr.	10	A blockage in the City service line caused an overflow from a City clean-out into the surrounding area.
12/3/2007	11610 Flagstone Creek Dr.	100	A blockage in the main line caused a manhole to overflow into the surrounding area.
12/4/2007	4114 Prairie Dog Fork Dr.	5	A blockage in the City service line caused an overflow from a City clean-out into the surrounding area.
12/5/2007	13725 Northwest Blvd.	100	A blockage in the main line caused a manhole to overflow into the surrounding area.
12/7/2007	14110 River Rock Dr.	4	A blockage in the City service line caused an overflow from a private and City clean-out into the surrounding area.
12/11/2007	13725 Northwest Blvd.	20	A blockage in the main line caused a manhole to overflow into the surrounding area.
12/12/2007	4317 Calallen Dr.	5	A break in the City service line caused a City clean-out to overflow into the surrounding area.
12/15/2007	3908 Castle Valley Dr.	10	A break in the City service line caused a City clean-out to overflow into the easement and surrounding area.
12/18/2007	11641 Leopard St.	100	A blockage in the main line caused a manhole to overflow into the surrounding area.

CITY OF CORPUS CHRISTI	DOCKET NO. 2008-0399-MWD-E	CORRECTIVE ACTION TABLE
Date	**Location(s)**	**Description of Corrective Action**
11/15/2006	3206 Richmond St.	City crews removed blockage, vacuumed the affected site area, and disinfected the area using calcium hypochlorite
2/27/2007 & 3/1/2007	Intersection of Leopard St. and Western Dr.	City crews removed the blockage, made repairs to the main, vacuumed the affected sites, and disinfected using calcium hypochlorite
3/23/2007 & 3/24/2007	10515 Stonewall Blvd. and 3214 Richmond St.	City crews removed the grease blockage, vacuumed the affected area and grease, and disinfected the sites using calcium hypochlorite
3/29/2007	Intersection of Richmond St. and Atlanta St.	City crews removed the plug from the sewer line, vacuumed the discharge, and disinfected the affected area with hypochlorite
5/31/2007	12400 Up River Rd.	City crews removed the debris blockage, vacuumed the discharge, and disinfected the affected areas with hypochlorite
6/30/2007	4514 Sharpsburg Rd.	A wastewater electrician restored the pump controls at the Sharpsburg Road lift station and City crews vaccuumed and disinfected the discharge area with hypochlorite
7/2/2007- 7/5/2007	12900 Hearn Rd.; 12400 Up River Rd.; 8800-9000 block of Caroline Rd.; 8800-9000 block of McNorton Rd.; and Clarkwood Rd.	The overflows were released into storm water drainage facilities and then into the Nueces River and Oso Creek. With torrential rainfall and flooding, it was not feasible to contain the individual discharges, but each area was inspected, cleaned, and disinfected using calcium hypochlorite.
7/26/2007	4434 Sharpsburg Rd. and intersection of Carbon Plant and Ferry Rd.	With the torrential rainfall, it was not feasible to contain the discharges, but following the event the area was inspected
8/26/2007	10655 Heizer Dr.	A wastewater crew cleared the blockage in the main line, vacuumed the discharge, and disinfected the site with hypochlorite
11/26/2007	2909 McKinzie Rd.	City crews cleared the blockage in the service line, repaired a broken City clean-out, and vacuumed and disinfected the catch basin with hypochlorite
11/28/2007	9545 Paula Dr.	City crews cleared the blockage in the service line, vacuumed the discharge, and disinfected the surrounding area with hypochlorite
12/3/2007	11610 Flagstone Creek Dr.	City crews cleared the blockage in the main line, vacuumed the discharge, and disinfected the affected area with hypochlorite
12/4/2007	4114 Prairie Dog Fork Dr.	City crews cleared the blockage in the service line and disinfected the surrounding area with hypochlorite
12/5/2007	13725 Northwest Blvd.	City crews cleared the blockage in the main line, vacuumed the discharge, and disinfected the surrounding area with hypochlorite
12/7/2007	14110 River Rock Dr.	City crews cleared the blockage in the service line and disinfected the surrounding area with hypochlorite
12/11/2007	13725 Northwest Blvd.	City crews cleared the blockage in the main line, vacuumed the discharge, and disinfected the surrounding area with hypochlorite
12/12/2007- 12/14/2007	4317 Calallen Dr.	On 12/12/2007 City crews cleared the blockage in the service line, vacuumed and disinfected the area, and on 12/14/2007, repaired the City clean-out
12/15/2007- 12/19/2007	3908 Castle Valley Dr.	City crews cleared the blockage in the service line, disinfected the surrounding area, and on 12/19/2007 crews repaired the service line
12/18/2007	11641 Leopard St.	City crews cleared the blockage in the main line, vacuumed the discharge, and disinfected the surrounding area with hypochlorite

Compliance History

Customer/Respondent/Owner-Operator:	CN600131858	City of Corpus Christi	Classification: AVERAGE	Rating: 1.81
Regulated Entity:	RN101610079	ALLISON WASTEWATER TREATMENT FACILITIES	Classification: AVERAGE	Site Rating: 0.71

ID Number(s):	WASTEWATER	PERMIT	WQ0010401006
	WASTEWATER	PERMIT	TPDES0047082
	WASTEWATER	PERMIT	TX0047082
	WASTEWATER LICENSING	LICENSE	WQ0010401006

Location: Located at 3 Allison Lane in the northwest portion of the City of Corpus Christi approximately one mile north of Interstate Highway 37 with a collection system in Nueces County, Texas

Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: March 04, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 04, 2003 to March 04, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Andrew Hunt Phone: 512-239-1203

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. if Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

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

N/A

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	03/21/2003	(182009)
2	04/21/2003	(182014)
3	05/21/2003	(305408)
4	06/23/2003	(182021)
5	07/21/2003	(305412)
6	08/25/2003	(305415)
7	09/22/2003	(305417)
8	10/23/2003	(305419)
9	11/20/2003	(305420)
10	12/23/2003	(305421)
11	01/06/2004	(255720)
12	01/09/2004	(255718)
13	01/22/2004	(305422)
14	02/25/2004	(305403)
15	03/22/2004	(305405)
16	04/22/2004	(305406)
17	04/22/2004	(305413)
18	05/25/2004	(305409)

19 06/21/2004 (356142)
20 09/21/2004 (356144)
21 09/23/2004 (356143)
22 10/22/2004 (356145)
23 10/22/2004 (356146)
24 10/22/2004 (356148)
25 11/22/2004 (356147)
26 12/23/2004 (384115)
27 02/22/2005 (384114)
28 03/21/2005 (580511)
29 04/22/2005 (580514)
30 05/23/2005 (580517)
31 06/22/2005 (580521)
32 07/21/2005 (580524)
33 09/07/2005 (580527)
34 09/21/2005 (580529)
35 10/21/2005 (580531)
36 11/21/2005 (580533)
37 12/23/2005 (580535)
38 01/02/2006 (436486)
39 01/20/2006 (451514)
40 01/23/2006 (580537)
41 02/23/2006 (580509)
42 03/23/2006 (580512)
43 04/24/2006 (580515)
44 05/18/2006 (463118)
45 05/26/2006 (580518)
46 06/26/2006 (580522)
47 07/21/2006 (580525)
48 08/23/2006 (580528)
49 09/27/2006 (580530)
50 10/11/2006 (515165)
51 10/23/2006 (580532)
52 11/28/2006 (580534)
53 12/08/2006 (580538)
54 12/21/2006 (534748)
55 12/22/2006 (580536)
56 01/09/2007 (535770)
57 02/22/2007 (580510)
58 03/23/2007 (580513)
59 04/20/2007 (580516)
60 04/23/2007 (580520)
61 05/22/2007 (580519)
62 06/25/2007 (580523)
63 07/16/2007 (580526)
64 08/27/2007 (608042)
65 09/25/2007 (608043)
66 10/22/2007 (608044)
67 10/22/2007 (608045)
68 02/29/2008 (611762)

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

Date 07/31/2003 (305415)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date 09/30/2003 (305419)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date 05/31/2004 (356142)

Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date 06/30/2004 (305413)

Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date 10/31/2005 (580533)

Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date 01/02/2006 (436486)

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(d)
30 TAC Chapter 317 317.4(g)
Description: Failure to adequately maintain the all diffusers located in the aeration basins and east clarifier skimmer device.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet permit limitation for the months of May 2004 and June 2004.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)
TWC Chapter 26 26.121(a)(1)
TWC Chapter 26 26.121(a)(2)
TWC Chapter 26 26.121(a)(3)
TWC Chapter 26 26.121(b)
TWC Chapter 26 26.121(c)
TWC Chapter 26 26.121(d)
TWC Chapter 26 26.121(e)
Description: Failure to prevent the unauthorized discharge of wastewater from the collection system which are due to blockages, electrical problems, sewer line breaks, and other causes.

Self Report? NO Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
Description: Failure to prevent the unauthorized discharge of wastewater from the collection system which are due to I/I.
Date 01/06/2006 (451514)

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.124
Rqmt Prov: PERMIT Permit Provision III.A.5.h.
Description: Failure to conduct Quarterly Visual Monitoring.
Date 03/31/2006 (580515)

Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date 05/31/2006 (464080)

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT TPDES 10401-006
Description: Failure to maintain chlorine residual of at least 1.0 mg/L after a detention time of at least 20 minutes.
Date 10/11/2006 (515165)

Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT Permit Conditions 2.g. (page 7)		
Description:	Failure to ensure that there is no unauthorized discharge of wastewater or any other waste.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT Permit Conditions 2.d.		
Description:	Failure to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has the reasonable likelihood of adversely affecting human health or the environment.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(9)		
Rqmt Prov:	PERMIT Monitoring and Reporting 7.b.i. (page 5)		
Description:	Failure to report unauthorized discharges, as defined in Permit Conditions 2.g., to the TCEQ Corpus Christi Region Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided to the Region Office and the Manager of the Enforcement Section III (MC149).		

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
CITY OF CORPUS CHRISTI	§	
RN101610079	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2008-0399-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 Corpus Christi ("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 collection system in Nueces County, Texas (the "System").

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 February 26, 2008.

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 Eighteen Thousand One Hundred Eighty Dollars ($18,180) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Three Thousand Six Hundred Thirty-Six Dollars ($3,636) 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. Fourteen Thousand Five Hundred Forty-Four Dollars ($14,544) 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 corrective measures in the System as shown in the following table:

CORRECTIVE ACTION TABLE		
Date	**Location(s)**	**Description of Corrective Action**
11/15/2006	3206 Richmond St.	City crews removed grease blockage, vacuumed, and disinfected the affected area using calcium hypochlorite.
3/1/2007	Intersection of Leopard St. and Western Dr.	City crews removed the blockage, made repairs to the main, vacuumed, and disinfected the affected areas using calcium hypochlorite.
3/24/2007	10515 Stonewall Blvd. and 3214 Richmond St.	City crews removed the grease blockage, vacuumed, and disinfected the affected areas using calcium hypochlorite.
3/29/2007	Intersection of Richmond St. and Atlanta St.	City crews removed the plug from the sewer line, vacuumed the discharge, and disinfected the affected area with hypochlorite.
5/31/2007	12400 Up River Rd.	City crews removed the debris blockage, vacuumed the discharge, and disinfected the affected areas with hypochlorite.
6/30/2007	4514 Sharpsburg Rd.	A wastewater electrician restored the pump controls at the Sharpsburg Road lift station and City crews vacuumed and disinfected the discharge area with hypochlorite.
7/5/2007	12900 Hearn Rd.; 12400 Up River Rd.; 8800-9000 block of Caroline Rd.; 8800-9000 block of McNorton Rd.; and Clarkwood Rd.	The overflows were released into storm water drainage facilities and then into the Nueces River and Oso Creek. With torrential rainfall and flooding, it was not feasible to contain the individual discharges, but each area was inspected, cleaned, and disinfected using calcium hypochlorite.
7/26/2007	4434 Sharpsburg Rd. and intersection of Carbon Plant and Ferry Rd.	With torrential rainfall and flooding, it was not feasible to contain the individual discharges, but each area following the discharge was inspected.
8/26/2007	10655 Heizer Dr.	Inspected, cleaned, and disinfected using calcium hypochlorite. Vacuumed the discharge, and disinfected the site with hypochlorite.
11/26/2007	2909 McKinzie Rd.	City crews cleared the blockage in the service line, repaired a broken City clean-out, and vacuumed and disinfected the catch basin with hypochlorite.
11/28/2007	9545 Paula Dr.	City crews cleared the blockage in the service line, vacuumed the discharge, and disinfected the surrounding area with hypochlorite.

12/3/2007	11610 Flagstone Creek Dr.	City crews cleared the blockage in the main line, vacuumed the discharge, and disinfected the affected area with hypochlorite.
12/4/2007	4114 Prairie Dog Fork Dr.	City crews cleared the blockage in the service line and disinfected the surrounding area with hypochlorite.
12/5/2007	13725 Northwest Blvd.	City crews cleared the blockage in the main line, vacuumed the discharge, and disinfected the surrounding area with hypochlorite.
12/7/2007	14110 River Rock Dr.	City crews cleared the blockage in the service line and disinfected the surrounding area with hypochlorite.
12/11/2007	13725 Northwest Blvd.	City crews cleared the blockage in the main line, vacuumed the discharge, and disinfected the surrounding area with hypochlorite.
12/14/2007	4317 Calallen Dr.	On 12/12/2007 City crews cleared the blockage in the service line, vacuumed and disinfected the area, and on 12/14/2007, repaired the City clean-out.
12/19/2007	3908 Castle Valley Dr.	City crews cleared the blockage in the service line, disinfected the surrounding area, and on 12/19/2007 crews repaired the service line.
12/18/2007	11641 Leopard St.	City crews cleared the blockage in the main line, vacuumed the discharge, and disinfected the surrounding area with hypochlorite.

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 System, the City is alleged to have failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010401006, Permit Conditions No. 2.g, as documented during an investigation conducted on December 18, 2007. Specifically, nineteen discharges of wastewater were reported from November 2006 through December 2007, and are shown in the following table:

UNAUTHORIZED DISCHARGE TABLE			
Date	**Location(s)**	**Amount Discharged (gallons)**	**Description**
11/15/2006	3206 Richmond St.	150	A grease blockage in the main line caused a manhole to overflow.
2/27/2007 & 3/1/2007	Intersection of Leopard St. and Western Dr.	6,400	A blockage in the main line caused a manhole to overflow into the surrounding area and storm water ditch.
3/23/2007 & 3/24/2007	10515 Stonewall Blvd. and 3214 Richmond St.	250	Manholes were reported overflowing into a storm water inlet due to grease blockages in the collection system.
3/29/2007	Intersection of Richmond St. and Atlanta St.	250	A televising contractor temporarily plugged the sewer main causing an overflow into a storm water inlet.
5/31/2007	12400 Up River Rd.	300	Debris blockage in the sanitary sewer line caused a manhole to overflow into the storm water ditch.
6/30/2007	4514 Sharpsburg Rd.	100	A grease blockage in the Sharpsburg lift station fouled pump controls causing a surcharge in the system and an overflow at a manhole into an adjacent storm water ditch.
7/2/2007-7/5/2007	12900 Hearn Rd.; 12400 Up River Rd.; 8800-9000 block of Caroline Rd.; 8800-9000 block of McNorton Rd.; and Clarkwood Rd.	12,000	Ten inches of rainfall from 7/2/2007-7/5/2007 caused manholes to overflow at all locations.
7/26/2007	4434 Sharpsburg Rd. and intersection of Carbon Plant and Ferry Rd.	unknown	3.75 inches of heavy rainfall on 7/26/2007 caused manholes to overflow at both locations.
8/26/2007	10655 Heizer Dr.	50	A blockage in the main line caused a manhole to overflow into the surrounding area and storm water catch basin.
11/26/2007	2909 McKinzie Rd.	30	A blockage in the City service line caused an overflow from a broken City clean-out into a storm water catch basin.
11/28/2007	9545 Paula Dr.	10	A blockage in the City service line caused an overflow from a City clean-out into the surrounding area.
12/3/2007	11610 Flagstone Creek Dr.	100	A blockage in the main line caused a manhole to overflow into the surrounding area.
12/4/2007	4114 Prairie Dog Fork Dr.	5	A blockage in the City service line caused an overflow from a City clean-out into the surrounding area.
12/5/2007	13725 Northwest Blvd.	100	A blockage in the main line caused a manhole to overflow into the surrounding area.
12/7/2007	14110 River Rock Dr.	4	A blockage in the City service line caused an overflow from a private and City clean-out into the surrounding area.
12/11/2007	13725 Northwest Blvd.	20	A blockage in the main line caused a manhole to overflow into the surrounding area.
12/12/2007	4317 Calallen Dr.	5	A break in the City service line caused a City clean-out to overflow into the surrounding area.
12/15/2007	3908 Castle Valley Dr.	10	A break in the City service line caused a City clean-out to overflow into the easement and surrounding area.
12/18/2007	11641 Leopard St.	100	A blockage in the main line caused a manhole to overflow into the surrounding area.

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 Corpus Christi, Docket No. 2008-0399-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, Fourteen Thousand Five Hundred Forty-Four Dollars ($14,544) 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. 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 System operations referenced in this Agreed Order.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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

John Sullin
For the Executive Director

8/29/2008
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 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

OR Marty for
Signature

6-5-08
Date

George K. Noe
Name (Printed or typed)
Authorized Representative of
City of Corpus Christi

City Manager
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.

Attachment A
Docket Number: 2008-0399-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**City of Corpus Christi**
Payable Penalty Amount:	**Fourteen Thousand Five Hundred Forty-Four Dollars ($14,544)**
SEP Amount:	**Fourteen Thousand Five Hundred Forty-Four Dollars ($14,544)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Coastal Bend Bays and Estuaries Program, Inc.**
Location of SEP:	**Nueces County**

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used for the Colonial Waterbird Rookery Island Enhancement Project. Shamrock and Causeway Islands are important rookery islands with heavy bird usage that are experiencing significant loss of wetland and rookery habitat due to dredging activities and erosion from waves and ships. SEP monies will be used to pay for the labor and material costs associated with preventing erosion in the unprotected areas of the islands and restoring parts of the islands that have suffered from erosion. The project will protect critical bird habitat and also enhance the wetlands.

The Respondent 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 will provide a discernible environmental benefit by enhancing the colonial waterbird habitat on Causeway and Shamrock Islands in Nueces County. The project will result in: stabilization of the islands, protection of the birds, reduction of erosion, creation of wetland habitat and bird nesting habitat, creation of submerged aquatic vegetation, and maintenance of the Corpus Christi Bay system.

C. Minimum Expenditure

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

2. Performance Schedule

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

Coastal Bend Bays and Estuaries Program, Inc.
Attn: Ray Allen, Executive Director
1305 North Shoreline Drive, Suite 205
Corpus Christi, Texas 78401

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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