

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-1751-WQ-E TCEQ ID: RN103026043 CASE NO.: 34866**  
**RESPONDENT NAME: CITY OF LAREDO**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATION(S) OCCURRED:** Intersection of West Bustamante Street and East San Francisco Avenue, Laredo, Webb County

**TYPE OF OPERATION:** Wastewater collection system

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** A complaint was received August 24, 2007, alleging that the City of Laredo Water Utility Department was discharging raw sewage from a pump into adjacent Zacate Creek. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** The complainant has not indicated a desire to protest this action or speak at Agenda. No one other than the ED and the Respondent expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on May 18, 2009. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Kari L. Gilbreth, Litigation Division, MC 175, (512) 239-1320  
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019  
**SEP Coordinator:** Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223  
**TCEQ Enforcement Coordinator:** Ms. Pam Campbell, Waste Enforcement Section, MC 169, (512) 239-4493  
**TCEQ Regional Contact:** Ms. Rose Luna-Pirtle, Laredo Regional Office, MC R-16, (956) 753-4052  
**Respondent:** Mr. Carlos R. Villarreal, City Manager, City of Laredo, P.O. Box 579, Laredo, Texas 78042-0579  
**Respondent's Attorney:** Ms. Elizabeth Guerrero Christ, Denton, Navarro, Rocha & Bernal, 2517 North Main Avenue, San Antonio, Texas 78212

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> August 24, 2007</p> <p><b>Date of Investigation Relating to this Case:</b> August 24, 2007</p> <p><b>Date of NOE Relating to this Case:</b> October 5, 2007</p> <p><b>Background Facts:</b> The EDPRP was filed June 26, 2008. The Respondent filed an answer and the case was referred to SOAH. The Respondent signed an Agreed Order March 18, 2009.</p> <p><b>Current Compliance Status:</b> The Respondent has not yet submitted documentation certifying compliance.</p> <p><b>WQ:</b></p> <ol style="list-style-type: none"> <li>Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state [TEX. WATER CODE § 26.121(a)(1) and TPDES Permit No. WQ0010681002, Permit Conditions No. 2.g.].</li> <li>Failed to submit noncompliance notification for the unauthorized discharge that occurred on August 24, 2007, within 24 hours of becoming aware of the unauthorized discharge [30 TEX. ADMIN. CODE § 305.125(9)(A) and TPDES Permit No. WQ0010681002, Monitoring and Reporting Requirements No. 7.b.].</li> </ol>	<p><b>Total Assessed:</b> \$12,933</p> <p><b>Total Deferred:</b> \$12,933  <input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input checked="" type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Due to General Revenue:</b> \$0</p> <p>The administrative penalty shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Order Justification:</b> Three or more NOV's for the same violation within the past five years.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent submitted the noncompliance notification of the unauthorized discharge on August 27, 2007.</p> <p><b>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>Implement and complete a Supplemental Environmental Project ("SEP") (See SEP Attachment A – Webb County - Water or Wastewater Assistance).</li> <li>Within 30 days, update operational guidance and conduct employee training regarding reporting requirements, including procedures to ensure that noncompliance notification and written reports for all unauthorized discharges.</li> <li>Within 45 days, submit written certification demonstrating compliance with Ordering Provision No. 2.</li> </ol>

Attachment A

Docket Number: 2007-1751-WQ-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** City of Laredo

**Penalty Amount:** Twelve thousand nine hundred thirty-three dollars (\$12,933)

**SEP Offset Amount:** Twelve thousand nine hundred thirty-three dollars (\$12,933)

**Type of SEP:** Pre-approved SEP

**Third-Party Recipient:** Texas Association of Resource Conservation & Development Areas, Inc. ("RC&D") *Water or Wastewater Assistance*

**Location of SEP:** Webb County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset 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

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** for the *Water or Wastewater Assistance project* in Webb County. Specifically, SEP monies will pay for the labor and disposal costs associated with assistance to low-income residents with shallow, improperly designed, or contaminated drinking water wells or failing wastewater systems, or plugging of abandoned wells. The projects will be administered in accordance with federal, state, and local environmental laws and regulations.

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

The wastewater portion of this SEP will provide a discernible environmental benefit by preventing the release of sewage into the environment. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as in lawns or streets, or waters used for recreation.
- Shellfish harvested from areas contaminated by raw sewage.
- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

The drinking water portion of this project will protect water sources for drinking, recreation and wildlife from contamination from the failing treatment systems, and protect public health from contaminated drinking water supplies.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Offset 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, Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the Agreed Order with the contribution to:

Texas Association of Resource Conservation  
and Development Areas, Inc. (RC&D)  
1716 Briarcrest Drive Suite 510  
Bryan, Texas 77802-2700

**3. Records and Reporting**

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

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

City of Laredo  
Agreed Order - Attachment A  
Docket No. 2007-1751-WQ-E

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

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

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 a SEP for 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 September 19, 2007

TCEQ

DATES	Assigned	8-Oct-2007	Screening	25-Oct-2007	EPA Due	
	PCW	24-Feb-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	City of Laredo		
Reg. Ent. Ref. No.	RN103026043		
Facility/Site Region	16-Laredo	Major/Minor Source	Minor

<b>CASE INFORMATION</b>				
Enf./Case ID No.	34866	No. of Violations	2	
Docket No.	2007-1751-WQ-E	Order Type	Findings	
Media Program(s)	Water Quality	Enf. Coordinator	Pamela Campbell	
Multi-Media		EC's Team	Enforcement Team 1	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

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

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

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

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

Notes

**Culpability**   Enhancement **Subtotal 4**

Notes

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

Before NOV      NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/> X	(mark with x)

Notes

**Total EB Amounts**  **Subtotal 6**   
 Approx. Cost of Compliance  **\*Capped at the Total EB \$ Amount**

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes

**PAYABLE PENALTY**

Screening Date 25-Oct-2007

Docket No. 2007-1751-WQ-E

PCW

Respondent City of Laredo

Policy Revision 2 (September 2002)

Case ID No. 34866

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN103026043

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	30	150%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	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 judgments 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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 190%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent has two 1660 orders, eight NOVs for the same violations, and 22 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 190%

Screening Date 25-Oct-2007

Docket No. 2007-1751-WQ-E

PCW

Respondent City of Laredo

Policy Revision 2 (September 2002)

Case ID No. 34866

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN103026043

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number

1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1) and TPDES Permit No. WQ0010681002 Permit Conditions No. 2.g.

Violation Description

Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state. Specifically, the City pumped approximately 98,000 gallons of untreated wastewater, using a Godwin CD150M centrifugal pump, from a manhole located at the intersection of West Bustamante Street and East San Francisco Avenue into Zacate Creek, as documented during the August 24, 2007 investigation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Failed to submit noncompliance notification for the unauthorized disc

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	x
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

One daily event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$14,667

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

**Respondent** City of Laredo  
**Case ID No.** 34866  
**Reg. Ent. Reference No.** RN103026043  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$2,000	24-Aug-2007	25-Aug-2007	0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$500	24-Aug-2007	25-Aug-2007	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

This is the estimated cost to pump the wastewater from one manhole to the next, and to clean and disinfect the affected area. The date required is the date of the unauthorized discharge and the final date is the date that the affected area was cleaned and disinfected.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$0

Screening Date 25-Oct-2007

Docket No. 2007-1751-WQ-E

PCW

Respondent City of Laredo

Policy Revision 2 (September 2002)

Case ID No. 34866

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN103026043

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(9)(A) and TPDES Permit No. WQ0010681002 Monitoring and Reporting Requirements No. 7.b.

Violation Description Failed to submit noncompliance notification for the unauthorized discharge that occurred on August 24, 2007, within 24 hours of becoming aware of the unauthorized discharge. Specifically, noncompliance notification of the unauthorized discharge was submitted to the TCEQ Laredo Regional Office on August 27, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes

100% of this rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$100

Violation Final Penalty Total \$2,933

This violation Final Assessed Penalty (adjusted for limits) \$2,933

## Economic Benefit Worksheet

**Respondent** City of Laredo  
**Case ID No.** 34866  
**Reg. Ent. Reference No.** RN103026043  
**Media** Water Quality  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				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]	\$100	26-Aug-2007	27-Aug-2007	0.0	\$0	\$100	\$100
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

This is the estimated cost to prepare noncompliance notification and submit it to the TCEQ Laredo Regional Office within 24 hours of becoming aware of the unauthorized discharge.

Approx. Cost of Compliance

\$100

**TOTAL**

\$100

## Compliance History

Customer/Respondent/Owner-Operator:	CN600131908	City of Laredo	Classification: AVERAGE	Rating: 2.09
Regulated Entity:	RN103026043	CITY OF LAREDO ZACATE CREEK WWTP	Classification: AVERAGE	Site Rating: 2.14
ID Number(s):	WASTEWATER	PERMIT		WQ0010681002
	WASTEWATER	PERMIT		TPDES0025461
	WASTEWATER	PERMIT		TX0025461
	STORMWATER	EPA ID		TXR05N289
	STORMWATER	PERMIT		TXR05N289
	STORMWATER	EPA ID		TXR05H985
	STORMWATER	PERMIT		TXR051638
	WASTEWATER LICENSING	LICENSE		WQ0010681002
Location:	INTERSECTION OF BUSTAMANTE AND AND E. SAN FRANCISCO AVENUE, LAREDO, WEBB COUNTY		Rating Date: 9/1/2007	Repeat Violator: NO
TCEQ Region:	REGION 16 - LAREDO			
Date Compliance History Prepared:	October 15, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	October 15, 2002 to October 15, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Pamela Campbell	Phone:	512 239-4493	

### Site Compliance History Components

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

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- Effective Date: 03/03/2005      ADMINORDER 2003-1285-MWD-E
- |                 |  |
|-----------------|--|
| Classification: | Minor  |
| Citation:       | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)   |
| Rqmt Prov:      | Effluent Limits & Monitoring Req PERMIT  |
| Description:    | Failure to meet permitted effluent limits (TPDES Permit No. 10681-002) in the first months of 2003, including noncompliance with the daily average concentration limit for Five-Day Biochemical Oxygen |
- Effective Date: 05/11/2007      ADMINORDER 2005-1996-MLM-E
- |                 |  |
|-----------------|--|
| Classification: | Moderate   |
| Citation:       | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                   |
| Rqmt Prov:      | Effluent Limits PERMIT   |
| Description:    | Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data. |
- 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 10/23/2002 (172221)
  - 2 11/18/2002 (172225)
  - 3 12/27/2002 (172229)
  - 4 01/24/2003 (172233)
  - 5 02/12/2003 (172192)
  - 6 03/17/2003 (172195)
  - 7 03/31/2003 (29107)
  - 8 04/15/2003 (29106)
  - 9 04/15/2003 (172200)
  - 10 05/20/2003 (172204)
  - 11 05/28/2003 (61152)
  - 12 06/20/2003 (172208)
  - 13 07/17/2003 (172212)
  - 14 08/20/2003 (301245)
  - 15 09/23/2003 (301247)
  - 16 10/15/2003 (252195)
  - 17 10/31/2003 (301249)
  - 18 11/14/2003 (254405)
  - 19 11/24/2003 (301250)
  - 20 12/29/2003 (301251)
  - 21 01/23/2004 (301252)

22 02/23/2004 (301237)  
 23 03/29/2004 (301234)  
 24 04/21/2004 (301238)  
 25 04/23/2004 (269629)  
 26 06/14/2004 (301240)  
 27 06/29/2004 (272722)  
 28 07/19/2004 (354461)  
 29 07/21/2004 (301243)  
 30 07/27/2004 (284696)  
 31 08/30/2004 (354462)  
 32 09/01/2004 (291801)  
 33 09/21/2004 (354463)  
 34 10/29/2004 (354464)  
 35 11/23/2004 (354465)  
 36 12/20/2004 (383170)  
 37 01/18/2005 (383171)  
 38 02/15/2005 (383168)  
 39 03/08/2005 (373333)  
 40 03/21/2005 (383169)  
 41 04/11/2005 (372789)  
 42 04/14/2005 (421015)  
 43 05/24/2005 (393518)  
 44 06/03/2005 (421016)  
 45 06/20/2005 (421017)  
 46 07/21/2005 (441975)  
 47 08/22/2005 (441976)  
 48 09/23/2005 (441977)  
 49 11/04/2005 (435803)  
 50 11/07/2005 (470763)  
 51 12/02/2005 (470764)  
 52 01/12/2006 (470765)  
 53 01/27/2006 (470766)  
 54 02/06/2006 (454505)  
 55 02/28/2006 (470761)  
 56 03/20/2006 (459350)  
 57 03/28/2006 (470762)  
 58 05/02/2006 (499705)  
 59 06/23/2006 (499706)  
 60 06/30/2006 (499707)  
 61 07/27/2006 (521782)  
 62 08/31/2006 (521783)  
 63 08/31/2006 (521784)  
 64 11/20/2006 (518301)  
 65 11/21/2006 (546415)  
 66 12/29/2006 (553687)  
 67 01/03/2007 (546416)  
 68 01/22/2007 (546414)  
 69 01/22/2007 (578524)  
 70 02/27/2007 (578519)  
 71 04/02/2007 (578520)  
 72 04/25/2007 (578521)  
 73 05/25/2007 (578522)  
 74 06/25/2007 (578523)  
 75 08/29/2007 (574142)

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

1. Date: 01/31/2003 (172192)  
 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
2. Date: 02/28/2003 (172195)  
 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
3. Date: 3/31/2003 (172200)  
 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
4. Date: 04/14/2003 (29106)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 317 317.3[G]  
 Description: Failure to install a telemetered audiovisual alarm on a lift station.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)

- Description: Failure to prevent unauthorized discharges from wastewater collection system.
5. Date: 04/30/2003 (172204)  
 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
  6. Date: 05/28/2003 (61152)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 317 317.3[G]  
 Description: Failure to install a telemetered audiovisual alarm on a lift station.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)  
 Description: Failure to prevent unauthorized discharges from wastewater collection system.
  7. Date: 10/31/2003 (301250)  
 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
  8. Date: 11/30/2003 (301251)  
 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
  9. Date: 04/23/2004 (269629)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)  
 Rqmt Prov: PERMIT Permit Conditions 2g  
 Description: Failure to prevent unauthorized discharges from the wastewater collection system.
  10. Date: 04/30/2004 (301240)  
 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
  11. Date: 05/31/2004 (354461)  
 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
  12. Date: 06/29/2004 (272722)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)  
 Rqmt Prov: PERMIT Permit Conditions 2g  
 Description: Failure to prevent unauthorized discharges from the wastewater collection system.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT Eff Lim and Mon Req 1  
 Description: Failure to prevent exceedences for a Region-documented self-reported effluent violation for TSS noted during an on-site investigation.
  13. Date: 06/30/2004 (301243)  
 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
  14. Date: 12/31/2004 (383171)  
 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
  15. Date: 03/31/2005 (421015)  
 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
  16. Date: 04/12/2005 (372789)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)[G]  
 Rqmt Prov: PERMIT Monitoring & Reporting Requirements 7a

	Description:	Failure to notify the TCEQ Regional Office within 24 hours of becoming aware of a sanitary sewer overflow.
	Self Report?	NO
	Citation:	Classification: Moderate 30 TAC Chapter 305, SubChapter F 305.125(5)
	Rqmt Prov:	PERMIT Permit Conditions 2g
	Description:	Failure to prevent additional unauthorized discharges from the sewer collection system.
17.	Date: 4/30/2005	(421016)
	Self Report?	YES
	Citation:	Classification: Moderate 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
18.	Date: 05/31/2005	(421017)
	Self Report?	YES
	Citation:	Classification: Moderate 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
19.	Date: 07/31/2005	(441976)
	Self Report?	YES
	Citation:	Classification: Moderate 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
20.	Date: 08/31/2005	(441977)
	Self Report?	YES
	Citation:	Classification: Moderate 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
21.	Date: 09/30/2005	(470763)
	Self Report?	YES
	Citation:	Classification: Moderate 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
22.	Date: 10/31/2005	(470764)
	Self Report?	YES
	Citation:	Classification: Moderate 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
23.	Date: 11/30/2005	(470765)
	Self Report?	YES
	Citation:	Classification: Moderate 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
24.	Date: 12/31/2005	(470766)
	Self Report?	YES
	Citation:	Classification: Moderate 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
25.	Date: 01/31/2006	(470761)
	Self Report?	YES
	Citation:	Classification: Moderate 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
26.	Date: 02/28/2006	(470762)
	Self Report?	YES
	Citation:	Classification: Moderate 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
27.	Date: 9/29/2006	(531922)
	Self Report?	NO
	Citation:	Classification: Moderate 2D TWC Chapter 26, SubChapter A 26.121[G] 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(4) 30 TAC Chapter 305, SubChapter F 305.125(5)
	Rqmt Prov:	PERMIT Operational Requirements 1
	PERMIT	Permit Conditions 2g
	Description:	Failure to prevent the unauthorized discharge of wastewater from the collection system.

28. Date: 09/29/2006 (513646) Classification: Moderate  
 Self Report? NO  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)  
 Rqmt Prov: PERMIT Monitoring & Reporting Requirements 7a  
 Description: Failure to notify the Executive Director of sanitary sewer overflows (SSO) within 24 hours of becoming aware of the event.
29. Date: 12/29/2006 (553687) Classification: Moderate  
 Self Report? NO  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
30. Date: 02/28/2007 (578520) Classification: Moderate  
 Self Report? YES  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

- F. Environmental audits.  
 N/A
- G. Type of environmental management systems (EMSs).  
 N/A
- H. Voluntary on-site compliance assessment dates.  
 N/A
- I. Participation in a voluntary pollution reduction program.  
 N/A
- J. Early compliance.  
 N/A
- Sites Outside of Texas  
 N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF LAREDO;  
RN103026043

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2007-1751-WQ-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Laredo ("The City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and the City, represented by Elizabeth Guerrero Christ of the law firm of Denton, Navarro, Rocha & Bernal, presented this agreement to the Commission.

The City understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

The Commission makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. The City owns and operates a wastewater collection system with a manhole located at the intersection of West Bustamante Street and East San Francisco Avenue in Laredo, Webb County, Texas ("the Facility").
2. The Facility has discharged waste into or adjacent to any water in the state or has committed

another act that has caused or will cause pollution of any water in the state under the Texas Water Code.

3. During an investigation conducted on August 24, 2007, a TCEQ Laredo Regional Office investigator documented that the City:
  - a. Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state. Specifically, the City pumped approximately 98,000 gallons of untreated wastewater, using a Godwin CD150M centrifugal pump, from a manhole located at the intersection of West Bustamante Street and East San Francisco Avenue into Zacate Creek.
  - b. Failed to submit noncompliance notification for the unauthorized discharge that occurred on August 24, 2007, within 24 hours of becoming aware of the unauthorized discharge. Specifically, noncompliance notification of the unauthorized discharge was submitted to the TCEQ Laredo Regional Office on August 27, 2007.
4. The City received notice of the violations on or about October 10, 2007.
5. The Executive Director recognizes that the City submitted noncompliance notification of the unauthorized discharge to TCEQ on August 27, 2007.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, the City is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., the City 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)(1) and TPDES Permit No. WQ0010681002, Permit Conditions No. 2.g.
3. As evidenced by Finding of Fact No. 3.b., the City failed to submit noncompliance notification for the unauthorized discharge that occurred on August 24, 2007, within 24 hours of becoming aware of the unauthorized discharge, in violation of 30 TEX. ADMIN. CODE § 305.125(9)(A) and TPDES Permit No. WQ0010681002, Monitoring and Reporting Requirements No. 7.b.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas

Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

5. An administrative penalty in the amount of twelve thousand nine hundred thirty-three dollars (\$12,933.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Pursuant to TEX. WATER CODE § 7.067, twelve thousand nine hundred thirty-three dollars (\$12,933.00) of the administrative penalty shall be conditionally offset by the City's completion of a Supplemental Environmental Project (SEP) as 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.

### ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The City is assessed an administrative penalty in the amount of twelve thousand nine hundred thirty-three dollars (\$12,933.00) as set forth in Conclusion of Law No. 5 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: City of Laredo; Docket No. 2007-1751-WQ-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 Conclusion of Law No. 5, twelve thousand nine hundred thirty-three dollars (\$12,933.00) of the assessed administrative penalty shall be offset with the condition that the City implement and complete the SEP pursuant to the terms of the SEP as 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 City shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Agreed Order, the City shall update operational guidance and conduct employee training regarding reporting requirements, including procedures to ensure noncompliance notification and written reports for all unauthorized discharges.
  - b. Within 45 days after the effective date of this Agreed Order, the City shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a., above.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is 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 City shall submit copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

with a copy to:

Ms. Rose Luna-Pirtle, Water Section Manager  
Texas Commission on Environmental Quality  
Laredo Regional Office  
707 East Calton Rd., Ste. 304  
Laredo, Texas 78041-3887

4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of this 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 has 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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. 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.
10. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, 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 City of Laredo  
TCEQ Docket No. 2007-1751-WQ-E  
Page 7

### SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

*[Handwritten Signature]*

For the Executive Director

4/14/2009

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Laredo. I represent that I am authorized to agree to the attached Agreed Order on behalf of the City of Laredo, and do agree to the specified terms and conditions. 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 in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on the City of Laredo's compliance history;
- Greater scrutiny of any permit applications submitted by the City of Laredo;
- 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 the City of Laredo;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

*[Handwritten Signature]*  
\_\_\_\_\_  
Signature

3/18/09  
\_\_\_\_\_  
Date

*[Handwritten Initials]* Carlos R. Villarreal  
\_\_\_\_\_  
Name (printed or typed)  
Authorized Representative  
The City of Laredo

\_\_\_\_\_  
City Manager  
\_\_\_\_\_  
Title

Attachment A  
Docket Number: 2007-1751-WQ-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** City of Laredo

**Penalty Amount:** Twelve thousand nine hundred thirty-three dollars (\$12,933)

**SEP Offset Amount:** Twelve thousand nine hundred thirty-three dollars (\$12,933)

**Type of SEP:** Pre-approved SEP

**Third-Party Recipient:** Texas Association of Resource Conservation & Development Areas, Inc. ("RC&D") *Water or Wastewater Assistance*

**Location of SEP:** Webb County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset 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

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** for the *Water or Wastewater Assistance project* in Webb County. Specifically, SEP monies will pay for the labor and disposal costs associated with assistance to low-income residents with shallow, improperly designed, or contaminated drinking water wells or failing wastewater systems, or plugging of abandoned wells. The projects will be administered in accordance with federal, state, and local environmental laws and regulations.

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

The wastewater portion of this SEP will provide a discernible environmental benefit by preventing the release of sewage into the environment. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as in lawns or streets, or waters used for recreation.
- Shellfish harvested from areas contaminated by raw sewage.
- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

The drinking water portion of this project will protect water sources for drinking, recreation and wildlife from contamination from the failing treatment systems, and protect public health from contaminated drinking water supplies.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Offset 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, Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the Agreed Order with the contribution to:

Texas Association of Resource Conservation  
and Development Areas, Inc. (RC&D)  
1716 Briarcrest Drive Suite 510  
Bryan, Texas 77802-2700

**3. Records and Reporting**

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

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

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

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.