

Executive Summary – Enforcement Matter – Case No. 49241

City of Harker Heights

RN101920395

Docket No. 2014-1276-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Harker Heights WWTF, located approximately 3,000 feet northwest of the intersection of U.S. Business Highway 190 and Farm-to-Market Road 3219, approximately 1/4 mile north of U.S. Business Highway 190 on the south bank of Nolan Creek, Harker Heights, Bell County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 21, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,500

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$7,500

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 20, 2014

Date(s) of NOE(s): August 29, 2014

Violation Information

Failed to prevent an unauthorized discharge of wastewater from the collection system into or adjacent to water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010155001, Permit Conditions No. 2.g.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By March 20, 2014, the Respondent:

- a. Ceased and contained the discharge of untreated sewage;
- b. Removed and properly disposed of wastewater, sludge and dead fish from the unnamed tributary; and
- c. Remediated the affected area.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 49241
City of Harker Heights
RN101920395
Docket No. 2014-1276-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Alejandro Laje, Enforcement Division,
Enforcement Team 3, MC 169, (512) 239-2547; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: David R. Mitchell, City Manager, City of Harker Heights, 305 Miller's
Crossing, Harker Heights, Texas 76548

The Honorable Robert Robinson, III, Mayor, City of Harker Heights, 305 Miller's
Crossing, Harker Heights, Texas 76548

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	25-Aug-2014	Screening	28-Aug-2014	EPA Due	
	PCW	2-Sep-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Harker Heights
Reg. Ent. Ref. No.	RN101920395
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	49241	No. of Violations	1
Docket No.	2014-1276-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Alejandro Laje
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$7,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **25.0%** Enhancement **Subtotals 2, 3, & 7** **\$1,875**

Notes: Enhancement for one agreed order without denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$1,875**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$1
Estimated Cost of Compliance \$8,690
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$7,500**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$7,500**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$7,500**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

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

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$7,500**

Screening Date 28-Aug-2014

Docket No. 2014-1276-MWD-E

PCW

Respondent City of Harker Heights

Policy Revision 4 (April 2014)

Case ID No. 49241

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101920395

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<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) 25%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one agreed order without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 25%

Screening Date 28-Aug-2014

Docket No. 2014-1276-MWD-E

PCW

Respondent City of Harker Heights

Policy Revision 4 (April 2014)

Case ID No. 49241

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101920395

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010155001, Permit Conditions No. 2.g.

Violation Description

Failed to prevent an unauthorized discharge of wastewater from the collection system into or adjacent to water in the state, as documented during an investigation conducted on March 20, 2014. Specifically, approximately 5,500 gallons of wastewater was discharged from an air release valve on a force main sewer line located near Kachina Loop in Harker Heights, Texas, into an unnamed tributary of Trimmer Creek resulting in approximately 30 dead fish.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	X		
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

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

Violation Base Penalty \$7,500

One daily event is recommended from the date the violation occurred (March 19, 2014) to the date of compliance (March 20, 2014).

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent achieved compliance by March 20, 2014.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent City of Harker Heights
Case ID No. 49241
Reg. Ent. Reference No. RN101920395
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$8,690	19-Mar-2014	20-Mar-2014	0.00	\$1	n/a	\$1
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Cost to cease and contain the discharge of untreated sewage; remove and properly dispose of wastewater, sludge and dead fish from the unnamed tributary; and remediate the affected area.
 Date required is the date of the discharge and the final date is the compliance date.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$8,690	TOTAL	\$1
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Compliance History Report

PUBLISHED Compliance History Report for CN600509277, RN101920395, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600509277, City of Harker Heights **Classification:** SATISFACTORY **Rating:** 6.94

Regulated Entity: RN101920395, CITY OF HARKER HEIGHTS WWTP **Classification:** SATISFACTORY **Rating:** 8.33

Complexity Points: 5 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: APPROXIMATELY 3,000 FEET NORTHWEST OF THE INTERSECTION OF UNITED STATES BUSINESS 190 AND FARM-TO-MARKET ROAD 3219, APPROXIMATELY 1/4 MILE NORTH OF UNITED STATES BUSINESS 190 ON THE SOUTH BANK OF NOLAN CREEK WITH AN AIR RELEASE VALVE ON A FORCE MAIN SEWER LINE NEAR KACHINA LOOP IN HARKER HEIGHTS, BELL COUNTY, TEXAS

TCEQ Region: REGION 09 - WACO

ID Number(s):
WASTEWATER PERMIT WQ0010155001 **WASTEWATER EPA ID** TX0024473

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: August 27, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 27, 2009 to August 27, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Alejandro Laje **Phone:** (512) 239-2547

Site and Owner/Operator History:

- 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/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 11/18/2011 ADMINORDER 2011-0810-MWD-E (Findings Order-Agreed Order Without Denial)
Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
Rqmt Prov:Permit Conditions No. 2.g PERMIT
Description: Failed to prevent an unauthorized discharge of wastewater from the collection system into or adjacent to water in the state. Specifically, a grease blockage in collection system located north of intersection of Farm-to-Market Road 2410 and Granite Trail, caused approximately 28,800 gallons of wastewater to discharge from two manholes and a septic tank. Discharge flowed directly into an unnamed tributary of Stillhouse Hollow Lake, resulting in a fishkill of approximately 430 fish.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	September 12, 2009	(806882)
Item 2	November 23, 2009	(783383)
Item 3	December 14, 2009	(806885)
Item 4	February 11, 2010	(806880)
Item 5	March 10, 2010	(831654)
Item 6	April 13, 2010	(831655)
Item 7	May 17, 2010	(831656)
Item 8	June 09, 2010	(846508)
Item 9	July 15, 2010	(861068)
Item 10	July 19, 2010	(902559)
Item 11	August 20, 2010	(867129)
Item 12	September 16, 2010	(874181)
Item 13	October 20, 2010	(866433)
Item 14	November 11, 2010	(888272)
Item 15	December 15, 2010	(896545)
Item 16	February 09, 2011	(909347)
Item 17	March 16, 2011	(916605)
Item 18	April 15, 2011	(925650)
Item 19	May 11, 2011	(938300)
Item 20	June 10, 2011	(945668)
Item 21	July 18, 2011	(952915)
Item 22	August 15, 2011	(959574)
Item 23	September 14, 2011	(965615)
Item 24	October 10, 2011	(971652)
Item 25	November 09, 2011	(977817)
Item 26	December 13, 2011	(984587)
Item 27	February 10, 2012	(998247)
Item 28	March 16, 2012	(1003763)
Item 29	April 12, 2012	(1010334)
Item 30	April 21, 2012	(1031837)
Item 31	May 11, 2012	(1016720)
Item 32	June 13, 2012	(1024459)
Item 33	August 09, 2012	(1038267)
Item 34	September 11, 2012	(1046969)
Item 35	October 10, 2012	(1062026)
Item 36	November 09, 2012	(1062027)
Item 37	December 07, 2012	(1062028)
Item 38	February 15, 2013	(1079545)
Item 39	March 13, 2013	(1089582)
Item 40	April 04, 2013	(1095975)
Item 41	May 08, 2013	(1106914)
Item 42	June 08, 2013	(1110571)
Item 43	August 19, 2013	(1125230)
Item 44	September 12, 2013	(1129814)
Item 45	October 07, 2013	(1135559)
Item 46	November 09, 2013	(1153474)
Item 47	November 16, 2013	(1140948)
Item 48	December 16, 2013	(1147417)
Item 49	February 14, 2014	(1160812)
Item 50	March 17, 2014	(1167464)
Item 51	April 10, 2014	(1174582)
Item 52	May 12, 2014	(1180783)
Item 53	June 07, 2014	(1187689)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

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 HARKER HEIGHTS
RN101920395**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2014-1276-MWD-E**

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 Harker Heights ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent 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 Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement 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 Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located approximately 3,000 feet northwest of the intersection of United States Business 190 and Farm-to-Market Road 3219, approximately 1/4 mile north of United States Business

190 on the south bank of Nolan Creek with an air release valve on a force main sewer line near Kachina Loop in Harker Heights, Bell County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation conducted on March 20, 2014, TCEQ staff documented an unauthorized discharge of wastewater from the collection system into or adjacent to water in the state. Specifically, approximately 5,500 gallons of wastewater was discharged from an air release valve on a force main sewer line located near Kachina Loop in Harker Heights, Texas, into an unnamed tributary of Trimmier Creek resulting in approximately 30 dead fish.
4. The Respondent received notice of the violation on August 29, 2014.
5. The Executive Director recognizes that by March 20, 2014, the Respondent implemented the following corrective measures at the Facility:
 - a. Ceased and contained the discharge of untreated sewage;
 - b. Removed and properly disposed of wastewater, sludge and dead fish from the unnamed tributary; and
 - c. Remediated the affected area.

II. CONCLUSIONS OF LAW

1. The Respondent 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 Findings of Fact No. 3, the Respondent failed to prevent an unauthorized discharge of wastewater from the collection system into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010155001, Permit Conditions No. 2.g.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent 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.
4. An administrative penalty in the amount of Seven Thousand Five Hundred Dollars (\$7,500) 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. The Respondent has paid the Seven Thousand Five Hundred Dollar (\$7,500) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Seven Thousand Five Hundred Dollars (\$7,500) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent'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 "TCEQ" and shall be sent with the notation "Re: City of Harker Heights, Docket No. 2014-1276-MWD-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. 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 Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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.
6. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or

otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Monzie
For the Executive Director

4/7/15
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Harker Heights. I am authorized to agree to the attached Agreed Order on behalf of the City of Harker Heights, 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 understand that by entering into this Agreed Order, the City of Harker Heights waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

David R. Mitchell
Signature

10/17/14
Date

David R. Mitchell
Name (Printed or typed)
Authorized Representative of
City of Harker Heights

City Manager
Title

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