

Executive Summary – Enforcement Matter – Case No. 50434

City of Commerce

RN102178233

Docket No. 2015-0626-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Commerce WWTF, located approximately 0.5 mile south of the intersection of Charity Road and Farm-to-Market Road 3218 on the east side of Farm-to-Market Road 3218, Hunt 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 20, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$38,700

Amount Deferred for Expedited Settlement: \$7,740

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$30,960

Name of SEP: Wastewater Treatment Plant Improvements (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 50434
City of Commerce
RN102178233
Docket No. 2015-0626-MWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: April 1, 2015
Date(s) of NOE(s): April 14, 2015

Violation Information

Failed to comply with permitted effluent limitations for total ammonia nitrogen, total suspended solids, and *Escherichia coli* [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010555001, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to, within 180 days, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0010555001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

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. 50434
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Docket No. 2015-0626-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Austin Henck, Enforcement Division,
Enforcement Team 3, MC 169, (512) 239-6155; Melissa Cordell, Enforcement Division,
MC 219, (512) 239-2483

TCEQ SEP Coordinator: Meaghan Bailey, SEP Coordinator, Litigation Division, MC
175, (512) 239-0205

Respondent: The Honorable John Ballotti, Mayor, City of Commerce, 1119 Alamo
Street, Commerce, Texas 75428

The Honorable Richard Hill, Mayor Pro Tem, City of Commerce, 1119 Alamo Street,
Commerce, Texas 75428

Respondent's Attorney: N/A

Attachment A
Docket Number: 2015-0626-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Commerce
Penalty Amount:	Thirty Thousand Nine Hundred Sixty Dollars (\$30,960)
SEP Offset Amount:	Thirty Thousand Nine Hundred Sixty Dollars (\$30,960)
Type of SEP:	Compliance SEP
Project Name:	<i>Wastewater Treatment Plant Improvements</i>
Location of SEP:	Hunt County

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

1. Project Description

A. Project

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at Respondent’s wastewater treatment facility. Respondent shall hire a qualified and licensed contractor to install in-line dissolved oxygen meters to constantly monitor amounts of dissolved oxygen to prevent ammonia spikes; replace screw pumps with submersible float activated pumps to control flow throughout the contact basin in order to maintain better control of the disinfection process to alleviate possible E. Coli issues; and rework the clarifier #2 sludge rake to ensure sludge is pushed to drain in order to keep levels low and to help prevent possible Total Suspended Solids violations. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: in-line dissolved oxygen meters, submersible float activated pumps, and sludge rake (the “Project”). Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C, Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating

costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent is performing the Compliance SEP solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent 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.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Quantity	Cost	Units	Total
Dissolved Oxygen Meter	1	\$3,000	Each	\$3,000
Submersible Float Activated Pumps	2	\$40,000	Each	\$80,000
Total				\$83,000

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 90 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 60 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 30-day period and setting forth a schedule for

achieving completion of the Project within the 90-day time-frame set forth in Section 2, Performance Schedule, above. Respondent shall submit progress reports to the TCEQ in 30-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
60	Actions completed during previous 60-day period
90	Notice of SEP completion

B. Final Report

Within 90 days after the effective date of the Agreed Order, or within 30 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity), if applicable;
4. Dated photographs of the purchased equipment; the equipment being removed; before and after work being performed during the installation process; and of the completed Project;
5. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
6. Any additional information demonstrating compliance with this Attachment A.

C. Address

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

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

4. **Additional Information and Access**

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. **Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director (“ED”) may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to “Texas Commission on Environmental Quality,” and shall mail it to:

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

6. **Publicity**

Any public statements concerning this Project 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.

7. **Recognition**

Respondent may not seek recognition for this project in any other state or federal regulatory program.

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

The SEP Offset Amount identified in this Attachment A and in the attached 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 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	20-Apr-2015	Screening	22-Apr-2015	EPA Due	5-Sep-2015
	PCW	29-Apr-2015				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Commerce
Reg. Ent. Ref. No.	RN102178233
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	50434	No. of Violations	2
Docket No.	2015-0626-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Austin Henck
		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	\$22,500
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	72.0% Enhancement	Subtotals 2, 3, & 7	\$16,200
Notes	Enhancement for four months of self-reported effluent violations, one NOV with dissimilar violation, and two agreed orders without denial.		
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	\$0
Economic Benefit		0.0% Enhancement*	Subtotal 6
Total EB Amounts	\$1,104	*Capped at the Total EB \$ Amount	
Estimated Cost of Compliance	\$10,000		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$38,700
OTHER FACTORS AS JUSTICE MAY REQUIRE		0.0%	Adjustment
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			
Notes			
			Final Penalty Amount
			\$38,700
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$38,700
DEFERRAL		20.0% Reduction	Adjustment
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			
Notes	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$30,960

Screening Date 22-Apr-2015

Docket No. 2015-0626-MWD-E

PCW

Respondent City of Commerce

Policy Revision 4 (April 2014)

Case ID No. 50434

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102178233

Media [Statute] Water Quality

Enf. Coordinator Austin Henck

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>)	4	20%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
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%

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) 72%

>> **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 four months of self-reported effluent violations, one NOV with a dissimilar violation, and two agreed orders without denial.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 72%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 72%

Screening Date 22-Apr-2015
Respondent City of Commerce
Case ID No. 50434
Reg. Ent. Reference No. RN102178233
Media [Statute] Water Quality
Enf. Coordinator Austin Henck

Docket No. 2015-0626-MWD-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Violation Number

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas
 Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010555001,
 Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on April 1, 2015, and shown in the attached violation table.

Base Penalty

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="X"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

A simplified model was utilized to evaluate Total Ammonia Nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total Suspended Solids was also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed protective levels as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="text" value="X"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Two quarterly events are recommended for the quarters containing the months of February 2014, November 2014, and January 2015.

Good Faith Efforts to Comply

Reduction

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

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

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Commerce
Case ID No. 50434
Reg. Ent. Reference No. RN102178233
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				0.00	\$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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	28-Feb-2014	14-May-2016	2.21	\$1,104	n/a	\$1,104

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility. Date required is the first month of noncompliance and the final date is the expected date of compliance.

Avoided Costs

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

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	\$10,000	TOTAL	\$1,104
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Screening Date 22-Apr-2015
Respondent City of Commerce
Case ID No. 50434
Reg. Ent. Reference No. RN102178233
Media [Statute] Water Quality
Enf. Coordinator Austin Henck

Docket No. 2015-0626-MWD-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Violation Number

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010555001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as documented during a record review conducted on April 1, 2015, and shown in the attached violation table.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes Human health or the environment has been exposed to significant amounts of pollutants that do not exceed protective levels as a result of the violation.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Two monthly events are recommended for the months of May and September 2014.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/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"/>	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Commerce
Case ID No. 50434
Reg. Ent. Reference No. RN102178233
Media Water Quality
Violation No. 2

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

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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit for this violation is included with Violation No. 1.

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

\$0

TOTAL

\$0

City of Commerce
Docket No. 2015-0626-MWD-E
TPDES Permit No. WQ0010555001
Effluent Parameter Violation Table

	<i>Escherichia coli</i>		Total Ammonia Nitrogen		Total Suspended Solids	
	Daily Average Conc.	Daily Maximum Conc.	Daily Average Conc.	Daily Maximum Conc.	Daily Average Conc.	Daily Maximum Conc.
Monitoring Period	Limit = 126 CFU/100 ml	Limit = 394 CFU/100 ml	Limit = 2 mg/L	Limit = 7 mg/L	Limit = 15 mg/L	Limit = 40 mg/L
February 2014	c	c	c	c	35.7	257
May 2014	486.6	2419.6	c	c	c	c
September 2014	568.7	1986.3	c	c	c	c
November 2014	c	c	3.69	12.1	c	c
January 2015	c	c	2.95	12.6	c	c

c = compliant
mg/L = milligrams per liter
Conc. = Concentration

CFU = colony forming units
ml = milliliters

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600729933, RN102178233, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator:	CN600729933, City of Commerce	Classification: SATISFACTORY	Rating: 23.33
Regulated Entity:	RN102178233, City of Commerce WWTF	Classification: SATISFACTORY	Rating: 23.33
Complexity Points:	5	Repeat Violator: NO	
CH Group:	08 - Sewage Treatment Facilities		
Location:	APPROXIMATELY 0.5 MILE SOUTH OF THE INTERSECTION OF CHARITY ROAD AND FARM-TO-MARKET ROAD 3218, ON THE EAST SIDE OF FARM-TO-MARKET ROAD 3218 IN HUNT COUNTY, TEXAS 75428		
TCEQ Region:	REGION 04 - DFW METROPLEX		
ID Number(s):			
WASTEWATER PERMIT WQ0010555001		WASTEWATER EPA ID TX0020591	
AIR QUALITY NON PERMITTED ID NUMBER R04102178233			

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: April 22, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 22, 2010 to April 22, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Austin Henck **Phone:** (512) 239-6155

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: 02/05/2012 | ADMINORDER 2011-1032-MWD-E | (Findings Order-Agreed Order Without Denial) |
| | Classification: Major | | |
| | Citation: 30 TAC Chapter 305, SubChapter F 305.125(5) | | |
| | Rqmt Prov: TPDES Permit No. WQ0010555-001 PERMIT | | |
| | Description: Failure to ensure that the Facility and all of its systems of collection, treatment and disposal are properly operated and maintained and failed to comply with permitted limits. | | |
| | Classification: Major | | |
| | Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Rqmt Prov: WQ0010555-001 PERMIT | | |
| | Description: Failure to comply with effluent grab limits for CBOD, TSS, and TRC during a solids washout event through Outfall 001. | | |
| 2 | Effective Date: 10/27/2012 | ADMINORDER 2012-0566-MWD-E | (Findings Order-Agreed Order Without Denial) |
| | Classification: Major | | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) | | |

Rqmt Prov: TPDES Permit PERMIT

Description: Failure to prevent an unauthorized discharge of untreated wastewater into state waters.

Description: Failure to prevent an unauthorized discharge of untreated wastewater into state waters.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 11, 2010	(831186)
Item 2	June 23, 2010	(846359)
Item 3	July 13, 2010	(860939)
Item 4	August 30, 2010	(866938)
Item 5	September 10, 2010	(874005)
Item 6	October 07, 2010	(881608)
Item 7	November 08, 2010	(888112)
Item 8	December 08, 2010	(896350)
Item 9	January 05, 2011	(902402)
Item 10	February 09, 2011	(909184)
Item 11	February 17, 2011	(688708)
Item 12	March 07, 2011	(916441)
Item 13	April 13, 2011	(924998)
Item 14	May 06, 2011	(938122)
Item 15	June 08, 2011	(945495)
Item 16	July 18, 2011	(952734)
Item 17	August 15, 2011	(959409)
Item 18	September 19, 2011	(965436)
Item 19	October 17, 2011	(971477)
Item 20	November 07, 2011	(977640)
Item 21	December 13, 2011	(984404)
Item 22	February 15, 2012	(998067)
Item 23	March 20, 2012	(1003591)
Item 24	April 16, 2012	(1010155)
Item 25	June 05, 2012	(1031663)
Item 26	June 14, 2012	(1024273)
Item 27	August 17, 2012	(1038038)
Item 28	September 19, 2012	(1046776)
Item 29	September 28, 2012	(1125043)
Item 30	November 17, 2012	(1061182)
Item 31	December 19, 2012	(1061183)
Item 32	January 15, 2013	(1079176)
Item 33	March 20, 2013	(1089405)
Item 34	April 12, 2013	(1075590)
Item 35	April 19, 2013	(1095793)
Item 36	May 20, 2013	(1106723)
Item 37	June 20, 2013	(1110398)
Item 38	September 19, 2013	(1129635)
Item 39	October 17, 2013	(1135369)
Item 40	November 20, 2013	(1140767)
Item 41	December 19, 2013	(1147227)
Item 42	January 17, 2014	(1153294)
Item 43	March 27, 2014	(1174407)
Item 44	May 16, 2014	(1180600)
Item 45	May 29, 2014	(1198722)
Item 46	September 18, 2014	(1205897)
Item 47	September 29, 2014	(1198723)
Item 48	November 20, 2014	(1218563)

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.

- | | | | |
|---|--|--------------------------|--|
| 1 | Date: 05/31/2014 (1187495) | CN600729933 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 2 | Date: 06/25/2014 (1177253) | CN600729933 | |
| | Self Report? NO | Classification: Moderate | |
| | Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0010555-001 PERMIT | | |
| | Description: Failure to provide notification of effluent permit limit violations. | | |
| 3 | Date: 09/30/2014 (1212313) | CN600729933 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 4 | Date: 11/30/2014 (1224344) | CN600729933 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 5 | Date: 01/31/2015 (1242378) | CN600729933 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | 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

K. Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF COMMERCE
RN102178233**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2015-0626-MWD-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Commerce ("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 together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located approximately 0.5 mile south of the intersection of Charity Road and Farm-to-Market Road 3218, on the east side of Farm-to-Market Road 3218 in Hunt 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. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 19, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-Eight Thousand Seven Hundred Dollars (\$38,700) is assessed by the Commission in settlement of the violations alleged

in Section II ("Allegations"). Seven Thousand Seven Hundred Forty Dollars (\$7,740) is deferred contingent upon the Respondent'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 Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Thirty Thousand Nine Hundred Sixty Dollars (\$30,960) shall be conditionally offset by the Respondent'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 and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010555001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on April 1, 2015, and shown in the violation table below:

Effluent Parameter Violation Table						
	<i>Escherichia coli</i>		Total Ammonia Nitrogen		Total Suspended Solids	
	Daily Average Conc.	Daily Maximum Conc.	Daily Average Conc.	Daily Maximum Conc.	Daily Average Conc.	Daily Maximum Conc.
Monitoring Period	Limit = 126 CFU/100 ml	Limit = 394 CFU/100 ml	Limit = 2 mg/L	Limit = 7 mg/L	Limit = 15 mg/L	Limit = 40 mg/L
February 2014	c	c	c	c	35.7	257
May 2014	486.6	2419.6	c	c	c	c
September 2014	568.7	1986.3	c	c	c	c
November 2014	c	c	3.69	12.1	c	c
January 2015	c	c	2.95	12.6	c	c

c = compliant

mg/L = milligrams per liter

Conc. = Concentration

CFU = colony forming units

ml = milliliters

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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 Commerce, Docket No. 2015-0626-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 Respondent shall implement and complete an SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Thirty Thousand Nine Hundred Sixty Dollars (\$30,960) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall, within 180 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0010555001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. 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 fines and imprisonment for knowing violations."

The certification shall be submitted 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:

Water Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

4. 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.
5. If the Respondent 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 Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the 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.
8. 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.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Pam Moore
For the Executive Director

2/18/16
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.

Richard Hill
Signature

12-17-15
Date

Richard Hill
Name (Printed or typed)
Authorized Representative of
City of Commerce

Mayor Pro Tem
Title

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

Attachment A
Docket Number: 2015-0626-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Commerce
Penalty Amount:	Thirty Thousand Nine Hundred Sixty Dollars (\$30,960)
SEP Offset Amount:	Thirty Thousand Nine Hundred Sixty Dollars (\$30,960)
Type of SEP:	Compliance SEP
Project Name:	<i>Wastewater Treatment Plant Improvements</i>
Location of SEP:	Hunt County

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

1. Project Description

A. Project

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at Respondent’s wastewater treatment facility. Respondent shall hire a qualified and licensed contractor to install in-line dissolved oxygen meters to constantly monitor amounts of dissolved oxygen to prevent ammonia spikes; replace screw pumps with submersible float activated pumps to control flow throughout the contact basin in order to maintain better control of the disinfection process to alleviate possible E. Coli issues; and rework the clarifier #2 sludge rake to ensure sludge is pushed to drain in order to keep levels low and to help prevent possible Total Suspended Solids violations. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: in-line dissolved oxygen meters, submersible float activated pumps, and sludge rake (the “Project”). Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C, Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating

costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent is performing the Compliance SEP solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent 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.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Quantity	Cost	Units	Total
Dissolved Oxygen Meter	1	\$3,000	Each	\$3,000
Submersible Float Activated Pumps	2	\$40,000	Each	\$80,000
Total				\$83,000

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 90 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 60 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 30-day period and setting forth a schedule for

achieving completion of the Project within the 90-day time-frame set forth in Section 2, Performance Schedule, above. Respondent shall submit progress reports to the TCEQ in 30-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
60	Actions completed during previous 60-day period
90	Notice of SEP completion

B. Final Report

Within 90 days after the effective date of the Agreed Order, or within 30 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity), if applicable;
4. Dated photographs of the purchased equipment; the equipment being removed; before and after work being performed during the installation process; and of the completed Project;
5. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
6. Any additional information demonstrating compliance with this Attachment A.

C. Address

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

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

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director (“ED”) may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to “Texas Commission on Environmental Quality,” and shall mail it to:

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

6. Publicity

Any public statements concerning this Project 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.

7. Recognition

Respondent may not seek recognition for this project in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached 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.