

Executive Summary – Enforcement Matter – Case No. 49708

City of Edna

RN100525328

Docket No. 2014-1759-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 Edna waste water treatment plant, located at 700 Parkmoor Boulevard, approximately 1.0 mile southeast of the intersection of State Highway Loop 521 and State Highway 111, adjacent to south bank of Post Oak Branch, southeast of Edna, Jackson County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 13, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$134,002

Amount Deferred for Expedited Settlement: \$0

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: \$134,002

Name of SEP: Wastewater Treatment Plant Improvements (Compliance SEP)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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City of Edna
RN100525328
Docket No. 2014-1759-MWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: September 15, 2014
Date(s) of NOE(s): November 13, 2014

Violation Information

1. Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010164001, Permit Conditions No. 2.g].
2. Failed to report any noncompliance to the TCEQ which may endanger human health or safety, or the environment within 24 hours of becoming aware of the noncompliance and provide a written submission within five days of becoming aware of the noncompliance [TEX. WATER CODE § 26.039(b), 30 TEX. ADMIN. CODE § 305.125(9)(A), and TPDES Permit No. WQ0010164001, Monitoring and Reporting Requirements No. 7.a].
3. Failed to comply with permitted effluent limitations [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010164001, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following:

- a. By November 11, 2013, removed the blockage from the bar screen and remediated the affected areas;
- b. By November 12, 2013, removed the blockage from the collection system sewer main and remediated the affected areas;
- c. On November 26, 2013, submitted written notification regarding the November 11, 2013 unauthorized discharge at the bar screen;
- d. By December 31, 2013, updated operational guidance and conducted employee training to ensure that unauthorized discharges are reported to the TCEQ within 24 hours and in writing within five working days; and
- e. By March 3, 2015, completed a preliminary test of ultraviolet disinfection system.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (See SEP Attachment A).

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City of Edna

RN100525328

Docket No. 2014-1759-MWD-E

2. The Order will also require the Respondent to:

a. Within 90 days, conduct an engineering evaluation of the Facility to assess the extent of infiltration and inflow ("I/I") of storm water into the collection system and the impacts of I/I on hydraulic loading and performance at the Facility. The evaluation shall be prepared by a licensed Texas professional engineer.

b. Within 270 days, complete a plan and schedule for the completion of necessary corrective actions to fully rehabilitate the Facility based on the engineering evaluation. This schedule should allow for completion of all repairs within 455 days. The Respondent shall provide a copy of the plan and schedule.

c. Within 455 days, complete all necessary corrective actions to fully rehabilitate the Facility based on the engineering plan and schedule referenced in b.

d. Within 470 days, submit written certification of compliance with c.

e. Within 560 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010164001, 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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Alejandro Laje, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2547; 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 Joe D. Hermes, Mayor, City of Edna, 126 West Main Street, Edna, Texas 77957

Respondent's Attorney: N/A

Attachment A
Docket Number: 2014-1759-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Edna
Penalty Amount:	One Hundred Thirty-Four Thousand Two Dollars (\$134,002)
SEP Offset Amount:	One Hundred Thirty-Four Thousand Two Dollars (\$134,002)
Type of SEP:	Compliance SEP
Project Name:	<i>Wastewater Treatment Plant Improvements</i>
Location of SEP:	Jackson 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 perform a smoke test of the sewer lines and make necessary repairs to the lines and purchase and install a new ultra-violet disinfection system at the wastewater treatment plant. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: smoke test and ultra-violet disinfection system (the “Project”). Respondent shall solicit bids from qualified contractors to install the system. 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
Smoke Testing Repairs:				
4" line repair	200	\$250	Each	\$50,000
6" line repair	300	\$250	Each	\$75,000
8" line repair	200	\$500	Each	\$100,000
10" line repair	200	\$500	Each	\$100,000
12" line repair	10	\$750	Each	\$7,500
Clean out caps	800	\$20	Each	\$16,000
Grout manholes	50	\$250	Each	\$12,500
New ultra-violet disinfection system	1	\$352,000	Each	\$352,000
Total				\$713,000

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 560 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 560-day time-frame set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ in 90-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
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
270	Actions completed during previous 90-day period
360	Actions completed during previous 90-day period
450	Actions completed during previous 90-day period
560	Notice of SEP completion

B. Final Report

Within 560 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;

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. Copies of all engineering plans related to work performed pursuant to the Project;
6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
7. 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	17-Nov-2014	Screening	20-Nov-2014	EPA Due	
	PCW	18-May-2015				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Edna		
Reg. Ent. Ref. No.	RN100525328		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	49708	No. of Violations	4
Docket No.	2014-1759-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Gregory Zychowski
		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)	<i>Subtotal 1</i>	\$102,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	30.0% Enhancement	<i>Subtotals 2, 3, & 7</i>	\$30,750
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Notes: Enhancement for six months of self-reported effluent violations.

Culpability	No	0.0% Enhancement	<i>Subtotal 4</i>	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	<i>Subtotal 5</i>	-\$1,874
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Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i>	\$0				
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><small>Total EB Amounts</small></td> <td style="width: 50%; text-align: right;">\$166,316</td> </tr> <tr> <td><small>Estimated Cost of Compliance</small></td> <td style="text-align: right;">\$666,310</td> </tr> </table>		<small>Total EB Amounts</small>	\$166,316	<small>Estimated Cost of Compliance</small>	\$666,310	<small>*Capped at the Total EB \$ Amount</small>	
<small>Total EB Amounts</small>	\$166,316						
<small>Estimated Cost of Compliance</small>	\$666,310						

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$131,376
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	<i>Adjustment</i>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$131,376
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STATUTORY LIMIT ADJUSTMENT	<i>Final Assessed Penalty</i>	\$131,376
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DEFERRAL	0.0%	<i>Adjustment</i>	\$0
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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	\$131,376
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Screening Date 20-Nov-2014

Docket No. 2014-1759-MWD-E

PCW

Respondent City of Edna

Policy Revision 4 (April 2014)

Case ID No. 49708

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100525328

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

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>)	6	30%
	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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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) 30%

> **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 six months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 30%

Screening Date 20-Nov-2014

Docket No. 2014-1759-MWD-E

PCW

Respondent City of Edna

Policy Revision 4 (April 2014)

Case ID No. 49708

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100525328

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

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 ("TPDES") Permit No. WQ0010164001, Permit Conditions No. 2.g

Violation Description

Failed to prevent an unauthorized discharge of wastewater into or adjacent to any water in the state, as documented during an investigation conducted on September 15, 2014. Specifically, on November 11, 2013, rags clogged the bar screen causing the discharge of approximately 200 gallons of wastewater onto the grounds of the Facility.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One quarterly event is recommended, calculated for the time period the discharge occurred on November 11, 2013.

Good Faith Efforts to Comply

25.0%

Reduction \$937

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

Notes

The Respondent returned to compliance by November 11, 2013.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$3,938

This violation Final Assessed Penalty (adjusted for limits) \$3,938

Economic Benefit Worksheet

Respondent City of Edna
Case ID No. 49708
Reg. Ent. Reference No. RN100525328
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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	11-Nov-2013	11-Nov-2013	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove the blockage from the bar screen and remediate the affected areas. Date required is the date of discharge. Final date is the date of compliance.

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

\$1,000

TOTAL

\$0

Screening Date 20-Nov-2014

Docket No. 2014-1759-MWD-E

PCW

Respondent City of Edna

Policy Revision 4 (April 2014)

Case ID No. 49708

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100525328

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

Violation Number 2

Rule Cite(s) Tex. Water Code § 26.039(b), 30 Tex. Admin. Code § 305.125(9)(A), and TPDES Permit No. WQ0010164001, Monitoring and Reporting Requirements No. 7.a

Violation Description Failed to report any noncompliance to the TCEQ which may endanger human health or safety, or the environment within 24 hours of becoming aware of the noncompliance and provide a written submission within five days of becoming aware of the noncompliance, as documented during an investigation conducted on September 15, 2014. Specifically, the Respondent did not submit the noncompliance notification to the TCEQ orally or by fax within 24 hours and in writing within five working days for the unauthorized discharge that occurred on November 11, 2013 at the bar screen.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	X			15.0%

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 8

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

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$937

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

Notes The Respondent returned to compliance by December 31, 2013.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$12 Violation Final Penalty Total \$3,938

This violation Final Assessed Penalty (adjusted for limits) \$3,938

Economic Benefit Worksheet

Respondent City of Edna
Case ID No. 49708
Reg. Ent. Reference No. RN100525328
Media Water Quality
Violation No. 2

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	\$250	11-Nov-2013	31-Dec-2013	0.14	\$2	n/a	\$2
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	16-Nov-2013	26-Nov-2013	0.03	\$0	n/a	\$0

Notes for DELAYED costs

Training/Sampling Delayed Cost is the estimated cost to update operational guidance and conduct employee training to ensure that unauthorized discharges are reported to the TCEQ within 24 hours and in writing within five working days of becoming aware of the noncompliance. Date required is the date of the discharge. Final date is the date by which the Respondent updated operational guidance and conducted employee training. Other Delayed Cost is the estimated cost to provide a notification in writing within five days of becoming aware of the noncompliance for the unauthorized discharge at the bar screen. Date required is the date by which written notification was required. Final date is the date the notification was submitted.

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]	\$10	11-Nov-2013	12-Nov-2013	0.00	\$0	\$10	\$10
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Avoided cost is the estimated cost to provide a notification orally or by fax within 24 hours of becoming aware of the noncompliance. Date required is the date of the discharge. Final date is the date by which the notification was required.

Approx. Cost of Compliance

\$310

TOTAL

\$12

Screening Date 20-Nov-2014 **Docket No.** 2014-1759-MWD-E **PCW**
Respondent City of Edna *Policy Revision 4 (April 2014)*
Case ID No. 49708 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN100525328
Media [Statute] Water Quality
Enf. Coordinator Gregory Zychowski

Violation Number 3

Rule Cite(s)
 Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010164001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description
 Failed to comply with permitted effluent limitations, as documented during an investigation conducted on September 15, 2014, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		30.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Escherichia coli ("E. coli") was evaluated to determine whether the discharged amounts of pollutants exceeded levels that are protective of human health or the environment. Flow was also considered. Human health or the environment has been exposed to significant amounts of pollutants.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 6 184 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$45,000

Six monthly events are recommended for the months of October and November 2013; and January, March, June, and July 2014.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$45,000

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$166,305 Violation Final Penalty Total \$58,500

This violation Final Assessed Penalty (adjusted for limits) \$58,500

Economic Benefit Worksheet

Respondent City of Edna
Case ID No. 49708
Reg. Ent. Reference No. RN100525328
Media Water Quality
Violation No. 3

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	\$665,000	30-Sep-2013	26-Apr-2017	3.57	\$7,919	\$158,385	\$166,305
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

Estimated cost to conduct an engineering evaluation of the Facility to assess the extent of infiltration and inflow ("I/I") of storm water into the collection system and the impacts of I/I on hydraulic loading and performance at the Facility; complete a plan and schedule for the completion of necessary corrective actions to fully rehabilitate the Facility based on the engineering evaluation; complete all necessary corrective actions to fully rehabilitate the Facility based on the engineering plan and schedule; and make any other necessary repairs and/or adjustments to the Facility, which may include the implementation of an upgraded ultraviolet light disinfection treatment system. Date required is the initial date of noncompliance. Final date is the estimated 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	\$665,000	TOTAL	\$166,305
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Screening Date 20-Nov-2014

Docket No. 2014-1759-MWD-E

PCW

Respondent City of Edna

Policy Revision 4 (April 2014)

Case ID No. 49708

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100525328

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

Violation Number 4

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010164001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as documented during an investigation conducted on September 15, 2014, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

E. coli was evaluated to determine whether the discharged amounts of pollutants exceeded levels that are protective of human health or the environment. Flow was also considered. 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 the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 2

61 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$50,000

Two monthly events are recommended for the months of September 2013 and May 2014.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$50,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$65,000

This violation Final Assessed Penalty (adjusted for limits) \$65,000

Economic Benefit Worksheet

Respondent City of Edna
Case ID No. 49708
Reg. Ent. Reference No. RN100525328
Media Water Quality
Violation No. 4

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit Worksheet for Violation No. 3.

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

\$0

TOTAL

\$0



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	17-Nov-2014	Screening	20-Nov-2014	EPA Due	
	PCW	18-May-2015				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Edna		
Reg. Ent. Ref. No.	RN100525328		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	49708	No. of Violations	2
Docket No.	2014-1759-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Gregory Zychowski
		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**

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 Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 Estimated 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 20-Nov-2014

Docket No. 2014-1759-MWD-E

PCW

Respondent City of Edna

Policy Revision 4 (April 2014)

Case ID No. 49708

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100525328

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

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>)	6	30%
	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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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) 30%

>> 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 six months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date 20-Nov-2014

Docket No. 2014-1759-MWD-E

PCW

Respondent City of Edna

Policy Revision 4 (April 2014)

Case ID No. 49708

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100525328

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010164001, Permit Conditions No. 2.g

Violation Description

Failed to prevent an unauthorized discharge of wastewater into or adjacent to any water in the state, as documented during an investigation conducted on September 15, 2014. Specifically, on November 11, 2013, grease and rags clogged the collection system sewer main causing the discharge of approximately 2,000 gallons of wastewater into the adjacent Dry Creek.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,250

One quarterly event is recommended, calculated from the date of the discharge, November 11, 2013, to the date of compliance, November 12, 2013.

Good Faith Efforts to Comply

25.0%

Reduction \$312

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

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent returned to compliance by November 12, 2013.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,313

This violation Final Assessed Penalty (adjusted for limits) \$1,313

Economic Benefit Worksheet

Respondent City of Edna
Case ID No. 49708
Reg. Ent. Reference No. RN100525328
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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	11-Nov-2013	12-Nov-2013	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove the blockage from the collection system sewer main and remediate the affected areas. Date required is the date of discharge. Final date is the date of compliance.

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

\$1,000

TOTAL

\$0

Screening Date 20-Nov-2014

Docket No. 2014-1759-MWD-E

PCW

Respondent City of Edna

Policy Revision 4 (April 2014)

Case ID No. 49708

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100525328

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.039(b), 30 Tex. Admin. Code § 305.125(9)(A), and TPDES Permit No. WQ0010164001, Monitoring and Reporting Requirements No. 7.a

Violation Description

Failed to report any noncompliance to the TCEQ which may endanger human health or safety, or the environment within 24 hours of becoming aware of the noncompliance, as documented during an investigation conducted on September 15, 2014. Specifically, the Respondent did not submit the noncompliance notification to the TCEQ orally or by fax within 24 hours for the unauthorized discharge that occurred on November 11, 2013 from the collection system.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

8 Number of violation days

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

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$312

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent returned to compliance by December 31, 2013.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$1,313

This violation Final Assessed Penalty (adjusted for limits) \$1,313

Economic Benefit Worksheet

Respondent City of Edna
Case ID No. 49708
Reg. Ent. Reference No. RN100525328
Media Water Quality
Violation No. 2

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				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 See Economic Benefit Worksheet for Violation No. 2 in accompanying PCW for Training/Sampling Delayed Cost.

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]	\$10	11-Nov-2013	12-Nov-2013	0.00	\$0	\$10	\$10
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs Avoided cost is the estimated cost to provide a notification orally or by fax within 24 hours of becoming aware of the noncompliance. Date required is the date of the discharge. Final date is the date by which the notification was required.

Approx. Cost of Compliance	\$10	TOTAL	\$10
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City of Edna
Docket No. 2014-1759-MWD-E
TPDES Permit No. WQ0010164001

Effluent Parameter Violation Table

	Flow	<i>E. coli</i>
	2-Hour Peak	Daily Maximum Concentration
Month/Year	Limit = 3,750 gpm	Limit = 394 CFU/100 ml
September 2013	c	316,000
October 2013	c	17,400
November 2013	c	2,083
January 2014	c	18,166
March 2014	c	40,333
May 2014	4,306	246,000
June 2014	c	37,000
July 2014	c	110,000

2-Hour Peak = Average discharge during
any two hour period
CFU = Colony Forming Units

E. coli = *Escherichia coli*
c = compliant

gpm = gallons per minute
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 CN600244800, RN100525328, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600244800, City of Edna

Classification: SATISFACTORY

Rating: 2.40

Regulated Entity: RN100525328, CITY OF EDNA

Classification: SATISFACTORY

Rating: 2.40

Complexity Points: 7

Repeat Violator: NO

CH Group: 08 - Sewage Treatment Facilities

Location: 700 Parkmoor Boulevard, approximately 1.0 mile southeast of the intersection of State Highway Loop 521 and State Highway 111, adjacent to south bank of Post Oak Branch, southeast of Edna in Jackson County, Texas.

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

USED OIL REGISTRATION C81254

WASTEWATER PERMIT WQ0010164001

WASTEWATER EPA ID TX0024252

WASTEWATER LICENSING LICENSE WQ0010164001

STORMWATER PERMIT TXR05AS38

Compliance History Period: September 01, 2009 to August 31, 2014

Rating Year: 2014

Rating Date: 09/01/2014

Date Compliance History Report Prepared: January 07, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 07, 2010 to January 07, 2015

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

Name: Greg Zychowski

Phone: (512) 239-3158

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:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	January 22, 2010	(806806)	Item 6	December 14, 2010	(888260)
Item 2	April 09, 2010	(831635)	Item 7	December 17, 2010	(896532)
Item 3	May 20, 2010	(831636)	Item 8	March 16, 2011	(916595)
Item 4	August 13, 2010	(867114)	Item 9	May 02, 2011	(925561)
Item 5	October 20, 2010	(874170)	Item 10	May 16, 2011	(938289)

Item 11	June 17, 2011	(945660)	Item 18	December 17, 2012	(1061989)
Item 12	July 08, 2011	(952903)	Item 19	March 14, 2013	(1089571)
Item 13	August 22, 2011	(959563)	Item 20	January 13, 2014	(1153463)
Item 14	September 12, 2011	(965603)	Item 21	March 19, 2014	(1167454)
Item 15	December 21, 2011	(984573)	Item 22	May 16, 2014	(1180772)
Item 16	May 18, 2012	(1016709)	Item 23	September 17, 2014	(1206064)
Item 17	July 20, 2012	(1031826)			

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: 01/31/2014 (1160801) CN600244800
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: 03/31/2014 (1174570) CN600244800
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

- 3 Date: 05/31/2014 (1187678) CN600244800
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: 06/30/2014 (1198995) CN600244800
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: 07/31/2014 (1198996) CN600244800
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

- 6 Date: 09/30/2014 (1212481) CN600244800
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

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF EDNA
RN100525328**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2014-1759-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 Edna ("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 plant with an associated wastewater collection system located at 700 Parkmoor Boulevard, approximately 1.0 mile southeast of the intersection of State Highway Loop 521 and State Highway 111, adjacent to south bank of Post Oak Branch, southeast of Edna in Jackson 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 September 15, 2014, TCEQ staff documented that on November 11, 2013, rags clogged the bar screen causing the discharge of approximately 200 gallons of wastewater onto the grounds of the Facility. Additionally, on November 11, 2013, grease and rags clogged the collection system sewer main causing the discharge of approximately 2,000 gallons of wastewater into the adjacent Dry Creek.
4. During an investigation conducted on September 15, 2014, TCEQ staff documented that the Respondent did not submit the noncompliance notifications to the TCEQ orally or by fax within 24 hours of becoming aware of unauthorized discharges at the bar screen and collection system sewer main on November 11, 2013, and in writing within five working days for the unauthorized discharge that occurred at the bar screen on November 11, 2013.
5. During an investigation conducted on September 15, 2014, TCEQ staff documented that the Respondent exceeded the permitted effluent limitations, as shown in the table below:

Effluent Parameter Violation Table		
	Flow	<i>E. coli</i>
	2-Hour Peak	Daily Maximum Concentration
Month/Year	Limit = 3,750 gpm	Limit = 394 CFU/100 ml
September 2013	c	316,000
October 2013	c	17,400
November 2013	c	2,083
January 2014	c	18,166
March 2014	c	40,333
May 2014	4,306	246,000
June 2014	c	37,000
July 2014	c	110,000

2-Hour Peak = Average discharge during any two hour period
E. coli = *Escherichia coli*
c = compliant
CFU = Colony Forming Units
gpm = gallons per minute
ml = milliliters

6. The Respondent received notice of the violations on November 17, 2014.

7. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By November 11, 2013, removed the blockage from the bar screen and remediated the affected areas;
 - b. By November 12, 2013, removed the blockage from the collection system sewer main and remediated the affected areas;
 - c. On November 26, 2013, submitted written notification regarding the November 11, 2013 unauthorized discharge at the bar screen;
 - d. By December 31, 2013, updated operational guidance and conducted employee training to ensure that unauthorized discharges are reported to the TCEQ within 24 hours and in writing within five working days; and
 - e. By March 3, 2015, completed a preliminary test of ultraviolet disinfection system.

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 the unauthorized discharge of wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010164001, Permit Conditions No. 2.g.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to report any noncompliance to the TCEQ which may endanger human health or safety, or the environment within 24 hours of becoming aware of the noncompliance and provide a written submission within five days of becoming aware of the noncompliance, in violation of TEX. WATER CODE § 26.039(b), 30 TEX. ADMIN. CODE § 305.125(9)(A), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010164001, Monitoring and Reporting Requirements No. 7.a.
4. As evidenced by Findings of Fact No. 5, the Respondent 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 TPDES Permit No. WQ0010164001, Effluent Limitations and Monitoring Requirements No. 1.
5. 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.

6. An administrative penalty in the amount of One Hundred Thirty-Four Thousand Two Dollars (\$134,002) 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. One Hundred Thirty-Four Thousand Two Dollars (\$134,002) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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 One Hundred Thirty-Four Thousand Two Dollars (\$134,002) as set forth in Section II, Paragraph 6 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 Edna, Docket No. 2014-1759-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 a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 6 above, One Hundred Thirty-Four Thousand Two Dollars (\$134,002) 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 undertake the following technical requirements:
 - a. Within 90 days after the effective date of this Agreed Order, conduct an engineering evaluation of the Facility to assess the extent of infiltration and inflow ("I/I") of storm water into the collection system and the impacts of I/I on hydraulic loading and performance at the Facility. The evaluation shall be prepared by a licensed Texas professional engineer.
 - b. Within 270 days after the effective date of this Agreed Order, complete a plan and schedule for the completion of necessary corrective actions to fully rehabilitate

the Facility based on the engineering evaluation. This schedule should allow for completion of all repairs within 455 days after the effective date of this Agreed Order. The Respondent shall provide a copy of the plan and schedule to the addresses listed in Ordering Provision No. 3.e. below.

- c. Within 455 days after the effective date of this Agreed Order, complete all necessary corrective actions to fully rehabilitate the Facility based on the engineering plan and schedule referenced in Ordering Provision No. 3.b.
- d. Within 470 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.c., as described in Ordering Provision No. 3.e. below.
- e. Within 560 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010164001, 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 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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

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. 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.
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 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.
10. 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.

11. 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


For the Executive Director

2/18/16
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Edna. I am authorized to agree to the attached Agreed Order on behalf of the City of Edna, 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 Edna 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.


Signature

10/15/15
Date

JOE D HERMES
Name (Printed or typed)
Authorized Representative of
City of Edna


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.

Attachment A
Docket Number: 2014-1759-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Edna
Penalty Amount:	One Hundred Thirty-Four Thousand Two Dollars (\$134,002)
SEP Offset Amount:	One Hundred Thirty-Four Thousand Two Dollars (\$134,002)
Type of SEP:	Compliance SEP
Project Name:	<i>Wastewater Treatment Plant Improvements</i>
Location of SEP:	Jackson 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 perform a smoke test of the sewer lines and make necessary repairs to the lines and purchase and install a new ultra-violet disinfection system at the wastewater treatment plant. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: smoke test and ultra-violet disinfection system (the “Project”). Respondent shall solicit bids from qualified contractors to install the system. 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
Smoke Testing Repairs:				
4" line repair	200	\$250	Each	\$50,000
6" line repair	300	\$250	Each	\$75,000
8" line repair	200	\$500	Each	\$100,000
10" line repair	200	\$500	Each	\$100,000
12" line repair	10	\$750	Each	\$7,500
Clean out caps	800	\$20	Each	\$16,000
Grout manholes	50	\$250	Each	\$12,500
New ultra-violet disinfection system	1	\$352,000	Each	\$352,000
Total				\$713,000

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 560 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 560-day time-frame set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ in 90-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
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
270	Actions completed during previous 90-day period
360	Actions completed during previous 90-day period
450	Actions completed during previous 90-day period
560	Notice of SEP completion

B. Final Report

Within 560 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;

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. Copies of all engineering plans related to work performed pursuant to the Project;
6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
7. 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.