

**Executive Summary – Enforcement Matter – Case No. 51724
Harris County Fresh Water Supply District No. 61
RN102183530
Docket No. 2016-0053-MWD-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Plant 2 Hastings Green, 10431 North Eldridge Parkway, on the southern bank of Whiteoak Bayou, approximately 2,000 feet north of Farm-to-Market Road 1960 and 6,000 feet east of Huffmeister Road, Houston, Harris 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: May 20, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$34,125

Amount Deferred for Expedited Settlement: \$6,825

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: \$27,300

Name of SEP: Wastewater Treatment Facility Air Header Replacement

(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. 51724
Harris County Fresh Water Supply District No. 61
RN102183530
Docket No. 2016-0053-MWD-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: November 13, 2015
Date(s) of NOE(s): December 10, 2015

Violation Information

Failed to comply with permitted effluent limitations for total copper 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. WQ0010876002, 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 permitted effluent limitations of TPDES Permit No. WQ0010876002, 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

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RN102183530
Docket No. 2016-0053-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Steven Van Landingham, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-5717; Melissa Cordell, Enforcement Division, MC 219, (512) 239-2483

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

Respondent: Jerry Homan, General Manager, Harris County Fresh Water Supply District No. 61, 13205 Cypress North Houston Road, Houston, Texas 77429

Respondent's Attorney: N/A

Attachment A

Docket Number: 2016-0053-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Table 1: Case Information

Respondent:	Harris County Fresh Water Supply District No. 61
Penalty Amount:	Twenty-Seven Thousand Three Hundred Dollars (\$27,300)
SEP Offset Amount:	Twenty-Seven Thousand Three Hundred Dollars (\$27,300)
Type of SEP:	Compliance
Project Name:	<i>Wastewater Treatment Facility Air Header Replacement</i>
Location of SEP:	Harris 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 located at 10431 North Eldridge Parkway, on the southern bank of Whiteoak Bayou, approximately 2,000 feet north of Farm-to-Market Road 1960, and 6,000 feet east of Huffmeister Road in Harris County.

Respondent shall hire a contractor to purchase and replace the wastewater treatment facility’s existing air header with a new air header. The project will consist of demolishing the existing air header, installing and tying the new air header into the system, dewatering and cleaning the aeration basin, and replacing deteriorated sections of existing air diffuser drop piping and pipe supports. The wastewater treatment facility will utilize a duplicate unit to ensure all operations remain active during construction, excluding the basin under construction. Respondent will rent a crane for use in the demolition and installation of the air header and piping. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: demolition, purchase and installation of a new air header, pipes, and pipe supports, and basin dewatering and cleaning (the “Project”). Respondent shall solicit bids from qualified contractors to install the system. Any advertisement, including publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

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, below. 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 has no prior commitment to perform this Project and that the SEP is being performed 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
Air Header	1	\$16,500	Each	\$16,500
Air Diffuser Drops	36	\$350	Each	\$12,600
Expansion Joints	3	\$1,250	Each	\$3,750
Pipe Supports	200	\$950	Linear Foot	\$190,000
Crane Rental	11	\$500	Day	\$5,500
Basin Dewatering and Cleaning		\$5,000		\$5,000
Demolition and tie in		\$25,000		\$25,000
Total				\$258,350

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 timeframe set forth in Section 2, Performance Schedule, above. Thereafter, 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:

Table 2: Reporting Schedule

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

B. Final Report

Within 30 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. Copies of proof of advertisement of invitation for bids, if applicable, (the publication must include the statement that the SEP was performed as a result of a TCEQ enforcement action);
4. A certified/notarized statement of quantifiable environmental benefit;
5. Detailed map showing specific locations of the installation site;
6. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;

7. Dated photographs of the purchased materials and supplies; before and after work being performed during the installation process; and of the completed Project;
8. Equipment logs showing the hours the equipment was utilized on the project; and
9. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate 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	4-Jan-2016			
	PCW	31-Mar-2016	Screening	7-Jan-2016	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Harris County Fresh Water Supply District No. 61
Reg. Ent. Ref. No.	RN102183530
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION		No. of Violations	2
Enf./Case ID No.	51724	Order Type	1660
Docket No.	2016-0053-MWD-E	Government/Non-Profit	Yes
Media Program(s)	Water Quality	Enf. Coordinator	Steven Van Landingham
Multi-Media		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 Adjustment **Subtotals 2, 3, & 7**

Notes: Enhancement for five months of self-reported effluent violations and one NOV with same/similar violation.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	\$26,767
Estimated Cost of Compliance	\$304,838

*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:

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 7-Jan-2016

Docket No. 2016-0053-MWD-E

PCW

Respondent Harris County Fresh Water Supply District No. 61

Policy Revision 4 (April 2014)

Case ID No. 51724

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102183530

Media [Statute] Water Quality

Enf. Coordinator Steven Van Landingham

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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%
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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for five months of self-reported effluent violations and one NOV with same/similar violation.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

Screening Date 7-Jan-2016

Docket No. 2016-0053-MWD-E

PCW

Respondent Harris County Fresh Water Supply District No. 61

Policy Revision 4 (April 2014)

Case ID No. 51724

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102.183530

Media [Statute] Water Quality

Enf. Coordinator Steven Van Landingham

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. WQ0010876002, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as documented during a record review conducted on November 13, 2015, and shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 2

61 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Two monthly events are recommended for the months of June and August 2015.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Estimated EB Amount \$26,767

Statutory Limit Test

Violation Final Penalty Total \$19,500

This violation Final Assessed Penalty (adjusted for limits) \$19,500

Economic Benefit Worksheet

Respondent Harris County Fresh Water Supply District No. 61
Case ID No. 51724
Reg. Ent. Reference No. RN102183530
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
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)	\$304,838	30-Nov-2014	1-Sep-2016	1.76	\$26,767	n/a	\$26,767

Notes for DELAYED costs
 Actual cost to determine the cause of noncompliance and to install new ultraviolet equipment as well as air headers and diffusers at the Facility. Date required is the initial date of noncompliance. 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
 (Empty box for notes)

Approx. Cost of Compliance **TOTAL**
\$26,767

\$304,838

Screening Date 7-Jan-2016

Docket No. 2016-0053-MWD-E

PCW

Respondent Harris County Fresh Water Supply District No. 61

Policy Revision 4 (April 2014)

Case ID No. 51724

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102183530

Media [Statute] Water Quality

Enf. Coordinator Steven Van Landingham

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010876002, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on November 13, 2015, and shown in the attached effluent violation table.

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 that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3

121 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$11,250

Three quarterly events are recommended for the quarters containing the months of November 2014, and March, April, and September 2015.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$14,625

This violation Final Assessed Penalty (adjusted for limits) \$14,625

Economic Benefit Worksheet

Respondent Harris County Fresh Water Supply District No. 61
Case ID No. 51724
Reg. Ent. Reference No. RN102183530
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
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

Economic Benefit for Violation No. 1.

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

Harris County Fresh Water Supply District No. 61

Docket No. 2016-0053-MWD-E

TPDES Permit No. WQ0010876002

Effluent Violation Table

	Copper			<i>E. coli</i>
	Daily Average Concentration	Daily Maximum Concentration	Daily Average Concentration	Daily Maximum Concentration
Month/Year	Limit = 0.019 mg/L	Limit = 0.039 mg/L	Limit = 0.48 lb/d	Limit = 197 cfu
November 2014	c	c	c	870
March 2015	0.0278	0.0705	0.5111	c
April 2015	c	c	c	530
June 2015	c	c	c	2,420
August 2015	0.044	0.0753	0.74	c
September 2015	0.0212	c	c	c

c = compliant

E. coli = Escherichia coli

mg/L = milligrams per liter

cfu = colony forming units per 100 milliliters

lb/d = pounds per day

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.



Compliance History Report

PUBLISHED Compliance History Report for CN600735708, RN102183530, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN600735708, Harris County FWSD 61 **Classification:** SATISFACTORY **Rating:** 0.51

Regulated Entity: RN102183530, PLANT 2 HASTINGS GREEN **Classification:** SATISFACTORY **Rating:** 0.94

Complexity Points: 11 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: 10431 NORTH ELDRIDGE PARKWAY, ON THE SOUTHERN BANK OF WHITEOAK BAYOU, APPROXIMATELY 2,000 FEET NORTH OF FARM-TO-MARKET ROAD 1960 AND 6,000 FEET EAST OF HUFFMEISTER ROAD IN HARRIS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

WASTEWATER PERMIT WQ0010876002 **WASTEWATER EPA ID** TX0091804

WASTEWATER LICENSING LICENSE WQ0010876002

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: January 07, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 07, 2011 to January 07, 2016

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

Name: Steven Van Landingham

Phone: (512) 239-5717

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 11, 2011	(1067538)	Item 17	May 09, 2012	(1067516)
Item 2	February 10, 2011	(1067506)	Item 18	June 11, 2012	(1067519)
Item 3	March 11, 2011	(1067509)	Item 19	July 17, 2012	(1067522)
Item 4	April 08, 2011	(1067512)	Item 20	August 22, 2012	(1126306)
Item 5	May 10, 2011	(1067515)	Item 21	August 23, 2012	(1067525)
Item 6	July 08, 2011	(1067521)	Item 22	September 10, 2012	(1067528)
Item 7	August 10, 2011	(1067524)	Item 23	October 15, 2012	(1067531)
Item 8	August 15, 2011	(1067539)	Item 24	October 16, 2012	(1081763)
Item 9	September 09, 2011	(1067527)	Item 25	November 07, 2012	(1067534)
Item 10	October 17, 2011	(1067530)	Item 26	December 14, 2012	(1067537)
Item 11	November 03, 2011	(955736)	Item 27	February 11, 2013	(1081762)
Item 12	November 09, 2011	(1067533)	Item 28	March 14, 2013	(1090671)
Item 13	December 14, 2011	(1067536)	Item 29	April 16, 2013	(1097018)
Item 14	February 08, 2012	(1067507)	Item 30	May 15, 2013	(1107983)
Item 15	March 12, 2012	(1067510)	Item 31	June 13, 2013	(1111624)
Item 16	April 10, 2012	(1067513)	Item 32	July 18, 2013	(1118521)

Item 33	September 13, 2013	(1130860)	Item 43	June 13, 2014	(1188753)
Item 34	October 16, 2013	(1136621)	Item 44	July 15, 2014	(1194367)
Item 35	November 18, 2013	(1142019)	Item 45	September 17, 2014	(1200554)
Item 36	December 10, 2013	(1148470)	Item 46	October 17, 2014	(1213515)
Item 37	January 13, 2014	(1154543)	Item 47	November 10, 2014	(1219771)
Item 38	February 12, 2014	(1161867)	Item 48	February 06, 2015	(1243570)
Item 39	March 14, 2014	(1168488)	Item 49	March 10, 2015	(1249939)
Item 40	April 07, 2014	(1146794)	Item 50	June 24, 2015	(1270700)
Item 41	April 14, 2014	(1175652)	Item 51	September 28, 2015	(1284413)
Item 42	May 15, 2014	(1181856)	Item 52	November 19, 2015	(1303187)

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: | 03/31/2015 | (1256830) | CN600735708 | |
| | 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: | 04/30/2015 | (1263591) | CN600735708 | |
| | 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: | 06/09/2015 | (1254456) | CN600735708 | |
| | Self Report? | NO | | | Classification: Moderate |
| | Citation: | 2D TWC Chapter 26, SubChapter A 26.121(a)(1) | | | |
| | Description: | Failed to prevent unauthorized discharge. | | | |
| 4 | Date: | 06/30/2015 | (1278225) | CN600735708 | |
| | 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: | 08/31/2015 | (1291563) | CN600735708 | |
| | 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: | 09/30/2015 | (1297738) | CN600735708 | |
| | 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
HARRIS COUNTY FRESH WATER
SUPPLY DISTRICT NO. 61
RN102183530

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2016-0053-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 Harris County Fresh Water Supply District No. 61 ("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 plant located at 10431 North Eldridge Parkway, on the southern bank of Whiteoak Bayou, approximately 2,000 feet north of Farm-to-Market Road 1960 and 6,000 feet east of Huffmeister Road in Houston, Harris 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 December 15, 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-Four Thousand One Hundred Twenty-Five Dollars (\$34,125) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Six Thousand Eight Hundred Twenty-Five Dollars (\$6,825) 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. Twenty-Seven Thousand Three Hundred Dollars (\$27,300) 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. WQ0010876002, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on November 13, 2015, and shown in the effluent violation table below:

Effluent Violation Table				
	Copper			<i>E. coli</i>
	Daily Average Concentration	Daily Maximum Concentration	Daily Average Concentration	Daily Maximum Concentration
Month/Year	Limit = 0.019 mg/L	Limit = 0.039 mg/L	Limit = 0.48 lb/d	Limit = 197 cfu
November 2014	c	c	c	870
March 2015	0.0278	0.0705	0.5111	c
April 2015	c	c	c	530
June 2015	c	c	c	2,420
August 2015	0.044	0.0753	0.74	c
September 2015	0.0212	c	c	c

c = compliant

E. coli = Escherichia coli
 mg/L = milligrams per liter

cfu = colony forming units per 100 milliliters
 lb/d = pounds per day

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: Harris County Fresh Water Supply District No. 61, Docket No. 2016-0053-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, Twenty-Seven Thousand Three Hundred Dollars (\$27,300) 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 permitted effluent limitations of TPDES Permit No. WQ0010876002, 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 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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1486

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

Pamela Marie J
For the Executive Director

7/7/16
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.

Jerry Homan
Signature

4/18/16
Date

JERRY HOMAN
Name (Printed or typed)
Authorized Representative of
Harris County Fresh Water Supply District No. 61

GENERAL MANAGER
Title

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

Attachment A

Docket Number: 2016-0053-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Table 1: Case Information

Respondent:	Harris County Fresh Water Supply District No. 61
Penalty Amount:	Twenty-Seven Thousand Three Hundred Dollars (\$27,300)
SEP Offset Amount:	Twenty-Seven Thousand Three Hundred Dollars (\$27,300)
Type of SEP:	Compliance
Project Name:	<i>Wastewater Treatment Facility Air Header Replacement</i>
Location of SEP:	Harris 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 located at 10431 North Eldridge Parkway, on the southern bank of Whiteoak Bayou, approximately 2,000 feet north of Farm-to-Market Road 1960, and 6,000 feet east of Huffmeister Road in Harris County.

Respondent shall hire a contractor to purchase and replace the wastewater treatment facility’s existing air header with a new air header. The project will consist of demolishing the existing air header, installing and tying the new air header into the system, dewatering and cleaning the aeration basin, and replacing deteriorated sections of existing air diffuser drop piping and pipe supports. The wastewater treatment facility will utilize a duplicate unit to ensure all operations remain active during construction, excluding the basin under construction. Respondent will rent a crane for use in the demolition and installation of the air header and piping. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: demolition, purchase and installation of a new air header, pipes, and pipe supports, and basin dewatering and cleaning (the “Project”). Respondent shall solicit bids from qualified contractors to install the system. Any advertisement, including publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

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, below. 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 has no prior commitment to perform this Project and that the SEP is being performed 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
Air Header	1	\$16,500	Each	\$16,500
Air Diffuser Drops	36	\$350	Each	\$12,600
Expansion Joints	3	\$1,250	Each	\$3,750
Pipe Supports	200	\$950	Linear Foot	\$190,000
Crane Rental	11	\$500	Day	\$5,500
Basin Dewatering and Cleaning		\$5,000		\$5,000
Demolition and tie in		\$25,000		\$25,000
Total				\$258,350

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 timeframe set forth in Section 2, Performance Schedule, above. Thereafter, 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:

Table 2: Reporting Schedule

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

B. Final Report

Within 30 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. Copies of proof of advertisement of invitation for bids, if applicable, (the publication must include the statement that the SEP was performed as a result of a TCEQ enforcement action);
4. A certified/notarized statement of quantifiable environmental benefit;
5. Detailed map showing specific locations of the installation site;
6. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;

7. Dated photographs of the purchased materials and supplies; before and after work being performed during the installation process; and of the completed Project;
8. Equipment logs showing the hours the equipment was utilized on the project; and
9. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate 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.