

Executive Summary – Enforcement Matter – Case No. 51862

City of Grapevine

RN101385193

Docket No. 2016-0199-WQ-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:

WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Grapevine PWS, located on Western Oaks Drive, west of Flameleaf Drive, Grapevine, Tarrant County

Type of Operation:

Public water supply with an associated water main

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 6, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,062

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$9,062

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 51862
City of Grapevine
RN101385193
Docket No. 2016-0199-WQ-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: December 16, 2015
Date(s) of NOE(s): February 8, 2016

Violation Information

1. Failed to prevent the unauthorized discharge of other wastes into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(2)].
2. Failed to provide notification to the TCEQ of an accidental discharge which caused pollution as soon as possible and not later than 24 hours after the occurrence [TEX. WATER CODE § 26.039(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By November 19, 2015, placed dechlorination tablets in the tributary and shut down the water main to prevent further discharge;
- b. By November 20, 2015, completed permanent repairs to the water main; and
- c. By November 24, 2015, removed and properly disposed of approximately 9,600 dead fish and completed cleanup of the area affected by the unauthorized discharge.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 51862
City of Grapevine
RN101385193
Docket No. 2016-0199-WQ-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Melissa Castro, Enforcement Division,
Enforcement Team 1, MC 169, (512) 239-0855; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548

TCEQ SEP Coordinator: N/A

Respondent: Bruno Rumbelow, City Manager, City of Grapevine, P.O. Box 95104,
Grapevine, Texas 76099-5104

The Honorable William D. Tate, Mayor, City of Grapevine, P.O. Box 95104, Grapevine,
Texas 76099-5104

Mr. John S. Laster, P.E., Director of Public Works, City of Grapevine, P.O. Box 95104,
Grapevine, Texas 76099-5104

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	8-Feb-2016		
	PCW	10-Feb-2016	Screening	9-Feb-2016
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	City of Grapevine		
Reg. Ent. Ref. No.	RN101385193		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	51862	No. of Violations	2
Docket No.	2016-0199-WQ-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Melissa Castro
		EC's Team	Enforcement Team 1

Admin. Penalty \$ Limit	Minimum	\$0	Maximum	\$25,000
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Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,750
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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	25.0%	Adjustment	Subtotals 2, 3, & 7	\$2,187
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Notes	Enhancement for one order without denial.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,875
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$16
Estimated Cost of Compliance	\$23,138

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,062
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$9,062
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,062
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DEFERRAL	0.0%	Reduction	Adjustment	\$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.
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PAYABLE PENALTY	\$9,062
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Screening Date 9-Feb-2016

Docket No. 2016-0199-WQ-E

PCW

Respondent City of Grapevine

Policy Revision 4 (April 2014)

Case ID No. 51862

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101385193

Media [Statute] Water Quality

Enf. Coordinator Melissa Castro

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order without denial.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 25%

Screening Date 9-Feb-2016

Docket No. 2016-0199-WQ-E

PCW

Respondent City of Grapevine

Policy Revision 4 (April 2014)

Case ID No. 51862

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101385193

Media [Statute] Water Quality

Enf. Coordinator Melissa Castro

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(2)

Violation Description Failed to prevent the unauthorized discharge of other waste into or adjacent to any water in the state, as documented during a record review conducted on December 16, 2015. Specifically, on November 19, 2015, a water main break occurred at 4301 Pool Road, resulting in the unauthorized discharge of approximately one million gallons of chlorinated potable water into an unnamed tributary of Little Bear Creek killing approximately 9,600 fish.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (30.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes Human health of 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 \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 5

Table for frequency selection: daily, weekly, monthly (marked with x), quarterly, semiannual, annual, single event.

Violation Base Penalty \$7,500

One monthly event is recommended, from the date the unauthorized discharge began (November 19, 2015) to the compliance date (November 24, 2015).

Good Faith Efforts to Comply

25.0% Reduction \$1,875

Table for Good Faith Efforts: Extraordinary, Ordinary (marked with x), N/A (mark with x).

Notes The Respondent achieved compliance by November 24, 2015.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$16

Violation Final Penalty Total \$7,500

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

Economic Benefit Worksheet

Respondent City of Grapevine
Case ID No. 51862
Reg. Ent. Reference No. RN101385193
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$23,113	19-Nov-2015	24-Nov-2015	0.01	\$16	n/a	\$16

Notes for DELAYED costs

Actual cost to isolate the leak; administer dechlorination tablets; repair the water main; and remove and properly dispose of the dead fish. Date required is the date the unauthorized discharge began. Final date is the 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

\$23,113

TOTAL

\$16

Screening Date 9-Feb-2016

Docket No. 2016-0199-WQ-E

PCW

Respondent City of Grapevine

Policy Revision 4 (April 2014)

Case ID No. 51862

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101385193

Media [Statute] Water Quality

Enf. Coordinator Melissa Castro

Violation Number 2

Rule Cite(s) Tex. Water Code § 26.039(b)

Violation Description

Failed to provide notification to the Texas Commission on Environmental Quality ("TCEQ") of an accidental discharge which caused pollution as soon as possible and not later than 24 hours after the occurrence, as documented during a record review conducted on December 16, 2015. Specifically, the Respondent did not notify the TCEQ of a water main break that occurred on November 19, 2015 at 4:00 p.m. until November 20, 2015 at 5:54 p.m.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,563

This violation Final Assessed Penalty (adjusted for limits) \$1,563

Economic Benefit Worksheet

Respondent City of Grapevine
Case ID No. 51862
Reg. Ent. Reference No. RN101385193
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
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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)	\$25	19-Nov-2015	20-Nov-2015	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to report an unauthorized discharge to the TCEQ as soon as possible and not later than 24 hours after the occurrence. Date required is the date the Respondent became aware of the unauthorized discharge. Final date is the date the notice 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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$25

TOTAL \$0

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 CN600259683, RN101385193, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN600259683, City of Grapevine **Classification:** SATISFACTORY **Rating:** 0.38

Regulated Entity: RN101385193, City of Grapevine PWS **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: WESTERN OAKS DRIVE, WEST OF FLAMELEAF DRIVE IN GRAPEVINE, TARRANT COUNTY, TEXAS

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2200013

WATER LICENSING LICENSE 2200013

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

Date Compliance History Report Prepared: February 09, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 09, 2011 to February 09, 2016

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

Name: Melissa Castro

Phone: (512) 239-0855

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 11/16/2015 ADMINORDER 2015-0105-WQ-E (Findings Order-Agreed Order Without Denial)
 - Classification: Major
 - Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(2)
 - Description: Failed to prevent the unauthorized discharge of waste into or adjacent to water in the state.
 - Classification: Moderate
 - Citation: 2D TWC Chapter 26, SubChapter A 26.039(b)
 - Description: Failed to provide notification to the TCEQ of an accidental discharge which caused pollution within 24 hours of the occurrence.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 12, 2011	(913705)
Item 2	August 22, 2014	(1178432)

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF GRAPEVINE
RN101385193**

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

**AGREED ORDER
DOCKET NO. 2016-0199-WQ-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 Grapevine ("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 public water supply located on Western Oaks Drive, west of Flameleaf Drive in Grapevine, Tarrant County, Texas with an associated water main located at 4301 Pool Road (the "Site").

2. The Respondent has discharged other waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on December 16, 2015, TCEQ staff documented that a water main break occurred on November 19, 2015 at 4301 Pool Road, resulting in the unauthorized discharge of approximately one million gallons of chlorinated potable water into an unnamed tributary of Little Bear Creek killing approximately 9,600 fish.
4. During a record review conducted on December 16, 2015, TCEQ staff documented that the unauthorized discharge of chlorinated potable water on November 19, 2015 was not reported to the TCEQ within 24 hours after the occurrence.
5. The Respondent received notice of the violations on February 10, 2016.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Site:
 - a. By November 19, 2015, placed dechlorination tablets in the tributary and shut down the water main to prevent further discharge.
 - b. By November 20, 2015, completed permanent repairs to the water main.
 - c. By November 24, 2015, removed and properly disposed of approximately 9,600 dead fish and completed cleanup of the area affected by the unauthorized discharge.

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 other wastes into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(2).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to provide notification to the TCEQ of an accidental discharge which caused pollution as soon as possible and not later than 24 hours after the occurrence, in violation of TEX. WATER CODE § 26.039(b).

4. 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.
5. An administrative penalty in the amount of Nine Thousand Sixty-Two Dollars (\$9,062) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Nine Thousand Sixty-Two Dollar (\$9,062) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Nine Thousand Sixty-Two Dollars (\$9,062) as set forth in Section II, Paragraph 5 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 Grapevine, Docket No. 2016-0199-WQ-E" to:

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

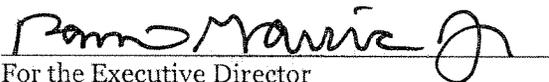
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
4. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
7. The 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



For the Executive Director

Date

8/8/16

Date

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

John S. Laster, PE

Name (Printed or typed)
Authorized Representative of
City of Grapevine

Date

June 9, 2016

Director Public Works

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.