

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
CHIEF CLERK'S OFFICE  
*Protecting Texas by Reducing and Preventing Pollution*

March 20, 2009

LaDonna Castañuela, Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC 105  
Austin, Texas 78711-3087

Re: Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision  
The City of Thornton  
SOAH Docket No. 582-08-1895; TCEQ Docket No. 2006-0571-MWD-E

Dear Ms. Castañuela:

Enclosed for filing are the originals of the 1) the Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision and 2) the Executive Director's Proposed Order to Supplement the Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision.

Enclosed please also find one copy of this letter to you, one copy of the Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision, one copy of the Executive Director's Proposed Order to Supplement the Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision, and one copy of the letter to the Respondent. Please file stamp these documents and return them to Tracy Chandler, Attorney, Litigation Division, MC 175. If you have any questions or comments, please call me at (512) 239-0629.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Chandler" with a stylized flourish.

Tracy Chandler  
Attorney  
Litigation Division

Enclosures

cc: Honorable James Jackson, Jr., Mayor, City of Thornton, P.O. Box 396, Thornton, Texas  
76687  
Jorge Ibarra, Enforcement Division, TCEQ, MC R-4  
Frank Burleson, Water Section Manager, TCEQ, MC R-9  
Blas Coy, Public Interest Counsel, TCEQ, MC 103

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 20, 2009

**Via Interagency Mail, and  
Via Facsimile Transmission to: (512) 475-4994**

The Honorable Kerrie Jo Qualtrough  
State Office of Administrative Hearings  
William P. Clements Building  
300 West 15<sup>th</sup> Street, Suite 502  
P.O. Box 13025  
Austin, Texas 78711

Re: The Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision and The Executive Director's Proposed Order to Supplement the Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision;  
The City of Thornton  
SOAH Docket No. 582-08-1895; TCEQ Docket No. 2006-0571-MWD-E

To The Honorable Judge Qualtrough:

Please find enclosed a copy of 1) the Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision and 2) the Executive Director's Proposed Order to Supplement the Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision. These pleadings are being filed in response to your Proposal for Decision dated February 26, 2009. If you have any questions or comments, please call me at (512) 239-0974.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Chandler".

Tracy Chandler  
Attorney  
Litigation Division

Enclosures

cc: Office of the Chief Clerk, MC 105  
Honorable James Jackson, Jr., Mayor, City of Thornton, P.O. Box 396, Thornton, Texas  
76687

SOAH DOCKET NO. 582-08-1895  
TCEQ DOCKET NO. 2006-0571-MWD-E

2009 MAR 20 PM 2: 55

EXECUTIVE DIRECTOR OF THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY,  
PETITIONER

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BEFORE THE CLERKS OFFICE

VS.

THE CITY OF THORNTON,  
RESPONDENT

STATE OFFICE OF

ADMINISTRATIVE HEARINGS

**THE EXECUTIVE DIRECTOR'S EXCEPTIONS TO THE ADMINISTRATIVE LAW  
JUDGE'S PROPOSAL FOR DECISION**

TO THE HONORABLE JUDGE QUALTROUGH:

COMES NOW the Executive Director of the Texas Commission on Environmental Quality ("TCEQ" or "Commission"), represented by the Litigation Division, and files these Exceptions to the Administrative Law Judge's Proposal for Decision. In support thereof, the Executive Director would show the following:

**PROPOSED ORDER**

The Executive Director ("ED") respectfully requests that the Administrative Law Judge ("ALJ") make the following revisions to the Proposed Order:

**INTRODUCTION**

The ED respectfully requests that the reference to the Executive Director's Petition in the introductory sentence be revised. The first sentence should be revised to read, "... Executive Director's First Amended Report and Petition (EDFARP) recommending that the Commission enter an order assessing an administrative penalty against and requiring certain actions by the City of Thornton..."

The ED requests that in the second sentence, second paragraph, the "m" in the title "mayor" be capitalized.

The ED requests that the second paragraph, second sentence, last word, be revised to add a "p" on to the word, "tem." The ED further requests that the letters "m," "p," and "t" be capitalized, so that Joe Neeson's title is listed as "Mayor Pro Temp."

**FINDINGS OF FACT**

The ED requests that the first sentence of paragraph 2 be revised to add "Executive Director's Preliminary Report and Petition (EDPRP)" to replace the reference to "EDPRP."

The ED requests that the "s" be removed from the word "solids" in the third sentence of Paragraph 9.

The ED requests that "EDPRP" be changed in Paragraphs 14 to "EDFARP."

**CONCLUSIONS OF LAW**

The ED requests that in Paragraph 7 the word "and" be added after "... (4)," so that the phrase reads, "The TCEQ's regulations, 30 TAC §§ 305.125(1), (4), and (5), state:..."

Respectfully submitted,

Texas Commission on Environmental Quality

Mark R. Vickery, P.G.  
Executive Director

Stephanie Bergeron Perdue, Deputy Director  
Office of Legal Services

Kathleen C. Decker, Division Director  
Litigation Division

By:  for  
Tracy Chandler  
State Bar of Texas No. 24031929  
Litigation Division, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087  
Telephone: (512) 239-0629  
Fax: (512) 239-3434

**CERTIFICATE OF SERVICE**

I hereby certify that on the 20<sup>th</sup> day of March, 2009, the original and eleven (11) copies of the foregoing "The Executive Director's Exceptions to Administrative Law Judge's Proposal for Decision" ("Exceptions") was filed with the Chief Clerk, Texas Commission on Environmental Quality, Austin, Texas.

I further certify that on this day a true and correct copy of the foregoing Exceptions was mailed via Certified Mail, return receipt requested (Article No. 91 7108 2133 3935 2028 0124), to:

Honorable James Jackson, Jr., Mayor  
City of Thornton  
P.O. Box 396  
Thornton, Texas 76687

I further certify that on this day a true and correct copy of the foregoing Exceptions was sent via electronic mail to Blas Coy, Jr., Office of the Public Interest Counsel, Texas Commission on Environmental Quality, MC 103.

I further certify that on this day a true and correct copy of the foregoing Exceptions was sent via fax to (512) 475-4994 and mailed via inter agency mail, to:

The Honorable Kerrie Jo Qualtrough  
State Office of Administrative Hearings  
William P. Clements Building  
300 West 15<sup>th</sup> Street, Suite 502  
P.O. Box 13025  
Austin, Texas 78711-3025

 for  
\_\_\_\_\_  
Tracy Chandler  
Attorney  
Litigation Division  
Texas Commission on Environmental Quality

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**ORDER**

**Assessing Administrative Penalties Against and  
Ordering Corrective Action by**

**The City of Thornton**

**TCEQ Docket No. 2006-0571-MWD-E**

**SOAH Docket No. 582-08-1895**

On \_\_\_\_\_, the Texas Commission on Environmental Quality (TCEQ or Commission) considered the Executive Director's First Amended Report and Petition (EDFARP) recommending that the Commission enter an order assessing an administrative penalty against and requiring certain actions by the City of Thornton (Respondent or The City). A Proposal for Decision (PFD) was presented by Kerrie Jo Qualtrough, an Administrative Law Judge (ALJ) with the State Office of Administrative Hearings (SOAH), who conducted the hearing on the merits on January 22, 2009, in Austin, Texas.

The Executive Director, represented by Tracy Chandler, appeared at the hearing on the merits. The Respondent also appeared at the hearing on the merits and was represented by the Mayor, James W. Jackson, Jr. and by Joe Neeson, the Mayor Pro Temp.

After considering the ALJ's PFD, the Commission adopts the following Findings of Fact and Conclusions of Law:

## FINDINGS OF FACT

1. The Respondent is a city in Limestone County that is authorized to discharge 0.041 million gallons per day (MGD) of domestic wastewater under Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010824001. The discharge route is to an unnamed tributary of Steele Creek; thence to Steele Creek; thence to the Navasota River below Lake Limestone in Segment 1209 of the Brazos River Basin. The wastewater treatment plant (WWTP) serves approximately 500 people.
2. On August 21, 2007, the ED mailed his Executive Director's Preliminary Report and Petition (EDPRP) to the Honorable James Jackson, Jr., Mayor, City of Thornton, P.O. Box 396, Thornton, Texas 76687. The ED alleged that the Respondent committed three violations:
  - Violation No. 1:** Texas Water Code § 26.121(a); 30 Texas Administrative Code (TAC) §§ 305.125(1), (4), & (5) and 305.535(c)(1); TPDES Permit Condition No. 2.d., by failing to prevent or mitigate the unauthorized discharge of excess solids or sludge.
  - Violation No. 2:** Texas Water Code § 26.121(a), 30 TAC § 305.125(1), and TPDES Permit Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6, by failing to comply with permitted effluent limits.
  - Violation No. 3:** 30 TAC §§ 305.125(1) and (17), 319.7(d); and TPDES Permit Monitoring and Reporting Requirement No. 1 by failing to submit monitoring results at the intervals specified in the permit.
3. The Respondent filed its answer on January 16, 2008.
4. The ED referred this matter to SOAH on February 11, 2008.

5. The notice of the preliminary hearing was mailed to the Respondent on February 26, 2008, notifying the Respondent that a preliminary hearing was scheduled for March 27, 2008. The notice of hearing for the March 27, 2008 preliminary hearing:
  - a. indicated the time, date, place, and nature of the hearing;
  - b. stated the legal authority and jurisdiction for the hearing;
  - c. indicated the statutes and rules the Executive Director alleged Respondent violated;
  - d. referred to the EDPRP, a copy of which was attached, which indicated the matters asserted by the Executive Director;
  - e. advised Respondent, in at least twelve-point bold-faced type, that failure to appear at the preliminary hearing or the evidentiary hearing in person or by representative would result in the factual allegations contained in the notice and EDPRP being deemed as true and the relief sought in the notice possibly being granted by default; and
  - f. included a copy of the Executive Director's penalty calculation worksheet, which showed how the penalty was calculated for the alleged violations
6. SOAH held the preliminary hearing on March 27, 2008. The ED and the Respondent appeared. The ED's exhibits A through E were admitted into evidence.
7. The ALJ presided over the hearing on the merits on January 22, 2009. The ED's exhibits 1 through 28 were admitted into evidence.
8. During the hearing on the merits, the ED amended the EDPRP to change the technical requirements. The City did not object to the amendment. The amended EDPRP is ED Exhibit 29 and this exhibit was admitted into evidence.

9. On January 23, 2006, a TCEQ investigator inspected the Respondent's WWTP and documented evidence of an unauthorized discharge. The investigator documented solids and sludge in the receiving stream. The investigator took solid samples at the discharge point and upstream and downstream of the discharge point. These samples showed an increase in pollutants at the discharge point and downstream when compared with the upstream sample, as noted in the chart below:

	NH3-N	Orthophosphate	% Solids	Phosphorus	TKN
100 feet upstream of discharge point	0.24 mg/L	0.06 mg/L	65.17 %	0.09 mg/L	0.86 mg/L
At the discharge point	39.4 mg/L	15.6 mg/L	6.99 %	17.5 mg/L	42.7 mg/L
100 feet downstream of discharge point	34.4 mg/L	13.2 mg/L	36.12 %	13.3 mg/L	37.5 mg/L
Steele Creek, 300 feet downstream of the discharge point	12.0 mg/L	16.2 mg/L	9.8 %	18.1 mg/L	12.8 mg/L

10. The ED also collected water samples to determine the levels of *E. coli*. The sampling results for *E. coli* are as follows: > 241,920 Most Probable Number (MPN) at the point of discharge, 54,500 MPN 100 feet downstream of the point of discharge, and 5,200 MPN in Steele Creek 300 feet downstream of the discharge point.
11. The ED reviewed the Respondent's discharge monitoring reports and found 15 violations of the Respondent's effluent limits as set out in its TPDES permit.

Mo./Year, with violations	BOD <sub>5</sub> , daily average limits  (for conc.), max., 20 mg/L	BOD <sub>5</sub> , daily average limits  (for loading), max., 6.8 lbs/day	BOD <sub>5</sub> , grab sample limit, max., 65 mg/L	TSS, daily average limits (for conc.), max. 20 mg/L	TSS, daily average limits (for loading), max., 6.8 lbs/day	TSS, grab sample limit, max., 65 mg/L	Flow, daily average limit, 0.041 MGD	DO, grab sample concentration limit, min., 2.0 mg/L
Nov-04	28.25	c	c	33.25	7.31	c	c	c
Dec-04	28.2	13.44	c	45.8	19.85	126	0.0453	c
Jan-05	c	c	c	22.25	c	c	c	c
Jul-05	c	c	c	29.75	c	c	c	c
Aug-05	26.0	c	84.0	27.8	c	c	c	0.50

c=compliant (one and/or both) max.=maximum min.=minimum mg/L=milligrams/liter lbs/day=pounds/day  
conc.=concentration MGD=million gallons per day DO=Dissolved Oxygen BOD<sub>5</sub>=Five-day Biochemical Oxygen Demand  
TSS=Total Suspended Solids

12. The Respondent failed to file Discharge Monitoring Reports (DMRs) for the months of February and March in 2005.
13. The Commission has adopted a "Penalty Policy of the Texas Commission on Environmental Quality" (Penalty Policy), setting forth its policy regarding the computation and assessment of administrative penalties, effective September 1, 2002.
14. Under the September 2002 Penalty Policy, the proper penalty based on the number of violations and the Respondent's compliance history is \$48,480. The total administrative penalty sought in the EDFARP is an accumulation of the different penalties assessed for each different violation. The Respondent stipulated that the penalties were correctly calculated under the Penalty Policy.
15. The ED recommended a \$40,400 penalty for Violation No. 1.
16. The ED recommended a \$4,040 penalty for Violation No. 2.

17. The ED recommended a \$4,040 penalty for Violation No. 3.
18. Regarding the Technical Requirements, at the hearing and without objection, the ED amended the EDPRP's paragraphs 14.c.i. and ii. to read:
  - c. Within 90 days after the effective date of the Commission Order, the City shall submit to TCEQ:
    - i. An engineering study, prepared by a Texas registered professional engineer, identifying any causes of noncompliance with the TPDES Permit and the laws of the State of Texas, including the Texas Water Code and the Texas Administrative Code, and
    - ii. A plan, prepared by a Texas registered professional engineer, to ensure compliance with the TPDES Permit and the laws of the State of Texas, including the Texas Water Code and the Texas Administrative Code.

## II. CONCLUSIONS OF LAW

1. Under Texas Water Code § 7.051, the Commission may assess an administrative penalty against any person who violates a provision of the Texas Water Code within the Commission's jurisdiction or of any rule, order, or permit adopted or issued thereunder.
2. Under Texas Water Code § 7.052, a penalty may not exceed \$10,000 per violation, per day.
3. Under Texas Water Code § 7.073, the Commission may order the violator to take corrective action.
4. As required by Texas Water Code § 7.055 and 30 TAC §§ 1.11 and 70.104, Respondent was notified of the EDPRP and of the opportunity to request a hearing on the alleged violations or the penalties or corrective actions proposed therein.
5. SOAH has jurisdiction over matters related to the hearing in this matter, including the

authority to issue a Proposal for Decision with Findings of Fact and Conclusions of Law, pursuant to Texas Government Code, chapter 2003.

6. Texas Water Code § 26.121(a) states: “Except as authorized by the commission, no person may . . . discharge sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state . . . .”
7. The TCEQ’s regulations, 30 TAC §§ 305.125(1), (4), and (5), state:

Conditions applicable to all permits issued under this chapter, and which shall be incorporated into each permit expressly or by reference to this chapter are as follows.

(1) The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the permit and statutes under which it was issued and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or an application for a permit for another facility.

\* \* \* \*

(4) The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment.

(5) The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with the permit conditions. . . .

8. The TCEQ’s regulation, 30 TAC § 305.535(c)(1), states:

(c) Prohibition of bypass. (1) Bypass of untreated or partially treated wastewater is prohibited from a TPDES permitted facility, and the commission may take enforcement action against the permittee for bypass, unless all of the following conditions are met:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) [T]here were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the

exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance;

(C) [T]he permittee submitted notices as required under subsection (b) of this section.

9. TPDES Permit No. WQ0010824001, Permit Condition No. 2.d states: “The permittee shall take reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment.”
10. Based on the above Findings of Fact, the Respondent had an unauthorized discharge of sludge and solids in violation of Texas Water Code § 26.121(a), 30 TAC §§ 305.125(1), (4), (5), 305.535(c)(1), and its TPDES Permit Condition No. 2.d.
11. Based on the above Findings of Fact, the Respondent has violated Texas Water Code § 26.121(a) and 30 TAC § 305.125(1) and its effluent limits and monitoring requirements by failing to discharge effluent that complies with the effluent limits and monitoring requirements in its TPDES permit.
12. The TCEQ’s regulation, 30 TAC § 305.125(17), states: “Monitoring results shall be provided at the intervals specified in the permit.”
13. The TCEQ’s regulation, 30 TAC § 319.7(d), states: “Unless otherwise specified in the permit, a monthly effluent report must be submitted each month by the 20th day of the following month for each discharge which is described in the permit whether or not a discharge is made for that month.”

14. TPDES Permit Monitoring and Reporting Requirement No. 1 states:

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§ 319.4-319.12. Unless otherwise specified, a monthly effluent report shall be submitted each month to the Enforcement Division (MC 224), by the 20<sup>th</sup> day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month. Monitoring results must be reported on an approved self-report form that is signed and certified as required by Monitoring and Reporting Requirement No. 10.

15. Based on the above Findings of Fact, the Respondent has violated 30 TAC §§ 305.125(1), (17), 319.7(d), and TPDES Permit Monitoring and Reporting Requirement No. 1 by failing to submit Discharge Monitoring Reports for the months of February and March 2005.

16. In determining the amount of an administrative penalty, Texas Water Code § 7.053 requires the Commission to consider several factors including:

- a. Its impact or potential impact on public health and safety, natural resources and their uses, and other persons;
- b. The nature, circumstances, extent, duration, and gravity of the prohibited act;
- c. The history and extent of previous violations by the violator;
- d. The violator's degree of culpability, good faith, and economic benefit gained through the violation;
- e. The amount necessary to deter future violations; and
- f. Any other matters that justice may require.

17. Based on consideration of the above Findings of Fact, the factors set out in Texas Water Code § 7.053, the Commission's Penalty Policy, and the parties' stipulation, the Executive Director correctly calculated the penalties for each of the alleged violations and a total administrative penalty of \$48,480 is justified and should be assessed against

Respondent.

18. Based on the above Findings of Fact, Respondent should be required to take the corrective action measures that the Executive Director recommends.

### **III. ORDERING PROVISIONS**

**NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, IN ACCORDANCE WITH THESE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THAT:**

1. Within 45 days after the effective date of the Commission Order, the City shall complete remediation of the receiving stream by removing and disposing of all sludge and related materials ("removed materials") from all of the impacted portions of the receiving stream. Disposal of any removed materials shall be carried out in accordance with all applicable rules of the TCEQ and in a manner that prevents contamination of surface or groundwater. The City shall maintain written records of the location, nature and amount of each type of sludge or other deposits removed, the technique used for removal and transport, and the ultimate disposal site.
2. Within 60 days after the effective date of the Commission Order, the City shall submit a copy of the written records described in Ordering Provision 1., above, along with written certification in accordance with Ordering Provision 6., that all removal and disposal activities have been completed in accordance with Ordering Provision 1.

3. Within 90 days after the effective date of the Commission Order, the City shall submit to TCEQ:

- a. An engineering study, prepared by a Texas registered professional engineer, identifying any causes of noncompliance with the TPDES Permit and the laws of the State of Texas, including the Texas Water Code and the Texas Administrative Code, and
- b. A plan, prepared by a Texas registered professional engineer, to ensure compliance with the TPDES Permit and the laws of the State of Texas, including the Texas Water Code and the Texas Administrative Code.

4. Within 270 days of the effective date of the Commission Order, the City shall complete all phases of the plan identified in Ordering Provision 3.b.

5. Within 365 days after the effective date of the Commission Order, the City shall submit written certification to demonstrate compliance with Ordering Provision 4.

6. Written certification to demonstrate compliance with these Ordering Provisions must be accompanied by detailed supporting documentation, including but not limited to photographs, receipts, plans, contracts, and other records, the sufficiency of which shall be determined by the Executive Director upon receipt. 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 fine and imprisonment for knowing violations.”

The City shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions 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:

Frank Burlison, Water Section Manager  
Texas Commission on Environmental Quality  
Waco Regional Office  
6801 Sanger Avenue, Ste. 2500  
Waco, Texas 76710-7826

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Commission Order.
8. All other motions, requests for entry of specific Findings of Fact or Conclusions of Law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.
9. The effective date of this Order is the date the Order is final, as provided by 30 TAC § 80.273 and Texas Government Code § 2001.144.
10. As required by Texas Water Code § 7.059, the Commission's Chief Clerk shall forward a copy of this Order to Respondent.

11. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any provision shall not affect the validity of the remaining portions of this Order.

ISSUED:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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Buddy Garcia, Chairman  
For the Commission