

## **Custom SEP Process**

### **Purpose**

A custom SEP benefits the community in which the violation occurred.

### **Restrictions**

- Respondent cannot implement the SEP prior to the TCEQ Commissioners' approval.
- Respondent cannot use inventory items purchased prior to the executed date of the order.
- Respondent cannot perform a SEP to repair or improve current infrastructure.
- Respondent cannot perform a SEP to achieve compliance with the violations in the associated Agreed Order.
- Respondent cannot benefit or profit from the SEP.
- Respondent will not earn SEP credit for using its own labor or equipment.
- Respondent will not earn SEP credit for administrative costs.

### **Apply**

Complete and submit the Custom SEP application on or by the date instructed in the Agreed Order cover letter. The application will be reviewed for consideration by the SEP Program. SEP management and regional staff will evaluate the proposal's expected implementation and environmental benefit outcomes. Once a SEP proposal is agreed upon, the project will be incorporated into the Agreed Order and sent to Respondent. It must be signed and returned to the agency within the time frame established by the TCEQ cover letter. Upon receipt of the signed Agreed Order, the agency will schedule presentation to the TCEQ commissioners of executive director for approval. The agency will notify Respondent when the Agreed Order has been approved.

If the estimated cost is less than the penalty amount, Respondent may apply to contribute to a 3rd Party SEP prior to signing the Agreed Order or pay the Texas General Revenue Fund. The cost of implementing the SEP may exceed the penalty amount. If the expenses are less than the estimated amount after the SEP is implemented, the remaining penalty will be paid to the Texas General Revenue Fund.

### **Implement & Execute**

Respondent may not begin implementing the SEP until the Agreed Order has been approved by the TCEQ commissioners or executive director. Respondent performs SEP according to the Attachment A of the Agreed Order.

### **Report**

Respondent is required to provide documentation to the TCEQ to verify completion of the SEP. Respondent is required to provide progress reports, documentation, and a final report of completion within specified deadlines as required with in the final Agreed Order. Required documents may include:

- Itemized list of expenditures
- Copies of invoices or receipts corresponding to the itemized list of expenditures
- Copies of cleared checks or payment records corresponding to the itemized list of expenditures
- Copies of proof of advertisement or publication (which must include a statement that the SEP was performed as a result of a TCEQ enforcement action)
- Dated photographs of SEP progress
- A certified/notarized statement of SEP completion
- Detailed map showing specific location of the project site(s)
- Copies of engineering plans
- A count of collected items (if applicable)

- A manifest showing proof of disposal and/or recycling of materials (if applicable)
- Equipment logs (if applicable)

**Completion**

The SEP Team will review the Respondent reports. Upon confirmation that all required documents have been received and the SEP is complete, the SEP Team will issue a letter confirming the SEP completion. SEP completion does not address any other obligations required by the Agreed Order.