

## **TCEQ Interoffice Memorandum**

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**To:** Mary Smith, General Counsel  
Greg Merrell, Assistant General Counsel

*CK* **Thru:** Casey Kurnath, Acting Senior Attorney  
Litigation Division

**From:** *meg* Megan L. Grace, Staff Attorney  
Litigation Division

**Date:** July 7, 2023

**Subject:** **Backup Revision**  
**July 19, 2023 Commission Agenda**  
Draft Item No. 29  
Docket No. 2019-1804-MWD-E

Enclosed please find the following:

**Page 3 of the Agreed Order:**

Corrective Action Ordering Provision No. 3.a. changed to 3.b.

Respondent Contact:

Omer Mallory, Mayor  
City of Strawn  
P.O. Box 581  
Strawn, Texas 76475

A replacement original and redline copy are enclosed. Please do not hesitate to call me at (512) 239-3334 if you have any questions regarding this matter.

cc: Cheryl Thompson, Enforcement Division  
Brent Candler, Dallas/Fort Worth Regional Office  
Gill Valls, Office of the General Counsel  
Michael Parrish, Enforcement Division  
Leslie Gann, Enforcement Division  
Stuart Beckley, Enforcement Division

a.b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.a.i. and 3.a.ii. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and 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 fine and imprisonment for knowing violations."

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

and:

Water Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6915

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
8. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format, or otherwise reproduced and may be

- b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.a.i. and 3.a.ii. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format, or otherwise reproduced and may be

**City of Strawn**  
**RN101424968**  
**Docket No. 2019-1804-MWD-E**

**Order Type:**  
 Agreed Order

**Media:**  
 MWD

**Small Business:**  
 N/A

**Location(s) Where Violation(s) Occurred:**  
 South Front Street, approximately 0.05 mile west of the intersection of South Front Street and McKinley Avenue, near Strawn, Palo Pinto County

**Type of Operation:**  
 water treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

**Texas Register Publication Date:** June 9, 2023

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$38,000

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$38,000

Name of SEP: WWTP Improvements; Palo Pinto County

**Compliance History Classifications:**

Person/CN – Satisfactory  
 Site/RN – Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** April 2014

**Investigation Information**

**Complaint Date(s):** N/A

**Date(s) of Investigation:** April 2, 2019; November 20, 2019

**Date(s) of NOV(s):** May 24, 2019; August 9, 2019

**Date(s) of NOE(s):** November 22, 2019

**City of Strawn**  
RN101424968  
Docket No. 2019-1804-MWD-E

**Violation Information**

1. Failed to comply with flow measurements, equipment, installation, and procedures that conform to those prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C., or methods that are equivalent as approved by the Executive Director [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d) and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0010326002, Effluent Limitation and Monitoring Requirement No. 1 and Operational Requirement No. 5].
2. Failed to properly collect and analyze effluent samples according to the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c), and TPDES Permit No. WQ0010326002, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 4].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Within 30 days:
  - a. Purchase and install a flow measuring device after the final treatment unit.
  - b. Update the Facility’s operational guidance and conduct employee training to ensure that samples are collected and analyzed.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1.a. and 1.b.

**Litigation Information**

**Date Petition(s) Filed:** May 18, 2022  
**Date(s) of Service:** May 20, 2022  
**Date Answer(s) Filed:** June 1, 2022  
**Settlement Date:** April 27, 2023

**Contact Information**

**TCEQ Attorneys:** Megan L. Grace, Litigation Division, (512) 239-3400  
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575

**TCEQ SEP Coordinator:** Adena Crider, Litigation Division, (512) 239-0648

**TCEQ Enforcement Coordinator:** Cheryl Thompson, Enforcement Division, (817) 588-5865

**TCEQ Regional Contact:** Brent Candler, Dallas/Fort Worth Regional Office, (817) 588-5800

**Respondent Contact:** Omer Mallory, City of Strawn, P.O. Box 581, Strawn, Texas 76475

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

## TCEQ

<b>DATES</b>	<b>Assigned</b>	25-Nov-2019			
	<b>PCW</b>	2-Aug-2021	<b>Screening</b>	26-Nov-2019	<b>EPA Due</b>

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Strawn				
<b>Reg. Ent. Ref. No.</b>	RN101424968				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	58732	<b>No. of Violations</b>	2
<b>Docket No.</b>	2019-1804-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Caleb Olson
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$25,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **52.0%** Adjustment **Subtotals 2, 3, & 7** **\$13,000**

Notes: Enhancement for one agreed order containing a denial of liability, one agreed order without a denial of liability, one NOV with same/similar violations, and one NOV with dissimilar violations.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** **\$0**

Total EB Amounts	\$1,163	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$5,250	

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$38,000**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** **\$38,000**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$38,000**

**DEFERRAL** **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral not offered for non-expedited settlement.

**PAYABLE PENALTY** **\$38,000**

**Screening Date** 26-Nov-2019  
**Respondent** City of Strawn  
**Case ID No.** 58732  
**Reg. Ent. Reference No.** RN101424968  
**Media** Water Quality  
**Enf. Coordinator** Caleb Olson

**Docket No.** 2019-1804-MWD-E

**PCW**

*Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014*

### 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> )	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	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%
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)** 52%

#### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for one agreed order containing a denial of liability, one agreed order without a denial of liability, one NOV with same/similar violations, and one NOV with dissimilar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 52%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 52%

**Screening Date** 26-Nov-2019  
**Respondent** City of Strawn  
**Case ID No.** 58732  
**Reg. Ent. Reference No.** RN101424968  
**Media** Water Quality  
**Enf. Coordinator** Caleb Olson

**Docket No.** 2019-1804-MWD-E

**PCW**

*Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014*

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 305.125(1) and 319.11(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010326002, Effluent Limitations and Monitoring Requirements No. 1 and Operation Requirements No. 5

**Violation Description** Failed to comply with flow measurements, equipment, installation, and procedures that conform to those prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington D.C., or methods that are equivalent as approved by the Executive Director. Specifically, no primary or secondary means of flow measuring devices were installed at the Facility to measure flow after the final treatment unit.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					5.0%
Potential		X			

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 10 847 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$12,500

Ten quarterly events are recommended from the date the Facility became operational (August 1, 2017) to the screening date (November 26, 2019).

**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** \$12,500

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$1,143

**Violation Final Penalty Total** \$19,000

**This violation Final Assessed Penalty (adjusted for limits)** \$19,000



# Economic Benefit Worksheet

**Respondent** City of Strawn  
**Case ID No.** 58732  
**Reg. Ent. Reference No.** RN101424968  
**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	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment	\$5,000	1-Aug-2017	5-Nov-2020	3.27	\$54	\$1,089	\$1,143
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**

Equipment cost is the estimated cost to purchase and install a flow measuring device after the final treatment unit. Date required is the date the Facility became operational. Final date is the anticipated date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
<b>ONE-TIME avoided costs</b>				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$5,000

**TOTAL** \$1,143

**Screening Date** 26-Nov-2019  
**Respondent** City of Strawn  
**Case ID No.** 58732  
**Reg. Ent. Reference No.** RN101424968  
**Media** Water Quality  
**Enf. Coordinator** Caleb Olson

**Docket No.** 2019-1804-MWD-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision March 26, 2014*

**Violation Number**   
**Rule Cite(s)**

30 Tex. Admin. Code §§ 305.125(1) and 319.11(c), and TPDES Permit No. WQ0010326002, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 4

**Violation Description**

Failed to properly collect and analyze effluent samples according to the permit. Specifically, sampling was not being conducted in accordance with the permit.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>

**Percent**

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

Ten quarterly events are recommended from the date the Facility became operational (August 1, 2017) to the screening date (November 26, 2019).

**Good Faith Efforts to Comply**

Reduction

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

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="X"/>	<input type="text"/>

Notes

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** City of Strawn  
**Case ID No.** 58732  
**Reg. Ent. Reference No.** RN101424968  
**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	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	2-Apr-2019	5-Nov-2020	1.60	\$20	n/a	\$20
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

Training/Sampling cost is the estimated cost to update the Facility's operational guidance and conduct employee training to ensure that samples are collected and analyzed in accordance with permit requirements. Date required is the date the violation was initially documented. Final date is anticipated date of compliance.

### Avoided Costs

#### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

**TOTAL**

\$20

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

Compliance History Report for CN600446934, RN101424968, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

**Customer, Respondent, or Owner/Operator:** CN600446934, City of Strawn **Classification:** SATISFACTORY **Rating:** 2.23

**Regulated Entity:** RN101424968, City of Strawn **Classification:** SATISFACTORY **Rating:** 3.17

**Complexity Points:** 6 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** South Front Street, approximately 0.05 mile west of the intersection of South Front Street and McKinley Avenue, in Palo Pinto County, Texas

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1820005 **WATER LICENSING LICENSE** 1820005

**WASTEWATER PERMIT** WQ0010326002 **WASTEWATER EPA ID** TX0137405

**Compliance History Period:** September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

**Date Compliance History Report Prepared:** January 28, 2020

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 28, 2015 to January 28, 2020

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

**Name:** Caleb Olson

**Phone:** (817) 588-5856

**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

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

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

1 Effective Date: 11/08/2016 ADMINORDER 2016-0769-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TTHM LRAA MCL 4Q2015 - During the fourth quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.094 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TTHM LRAA MCL 1Q2016 - During the first quarter of 2016 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.090 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RD MR 3Y2015 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the triennial reduced monitoring period from 01/01/2013 to 12/31/2015 within the required timeline.

- 2 Effective Date: 03/12/2018 ADMINORDER 2017-0483-PWS-E (Findings Order-Agreed Order Without Denial)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: HAA5 LRAA MCL 3Q2016 - During the third quarter of 2016 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.077 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: HAA5 LRAA MCL 4Q2016 - During the fourth quarter of 2016 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.080 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
 5A THSC Chapter 341, SubChapter A 341.0315(c)  
 Description: HAA5 LRAA MCL 1Q2017 - During the first quarter of 2017 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.089 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

**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: 05/24/2019 (1559044)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 319, SubChapter A 319.11(c)  
 WQ0010326-002 PERMIT  
 Description: Failed to properly collect and analyze effluent samples according to the permit, in violation of TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010326-002, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 4. Specifically, there was no primary or secondary flow measuring device installed, effluent samples were not being collected from the sampling point described in the permit, grab sample were being collected  
 Self Report? NO Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 WQ0010326-002 PERMIT  
 Description: Failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE §?305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ00103026-002, Effluent Limitations and Monitoring Requirements No. 1. Specifically, the permitted single grab limitation of 65 milligrams per liter ("mg/L") for total suspended solids was exceeded in April 2019 (210 mg/L).  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 319, SubChapter A 319.5(a)  
 WQ0010326-002 PERMIT  
 Description: Failed to collect effluent samples from the sampling point described in the permit.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 WQ0010326-002 PERMIT  
 Description: Failed to collect the required effluent sample type.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 319, SubChapter A 319.4  
 WQ0010326-002 PERMIT  
 Description: Failed to conduct required monitoring.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 319, SubChapter A 319.7(a)  
 30 TAC Chapter 319, SubChapter A 319.7(c)  
 WQ0010326-002 PERMIT

Description: Failed to make all monitoring and reporting records readily available to TCEQ personnel.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.7(d)  
WQ0010326-002 PERMIT

Description: Failed to provide monitoring results at the intervals specified in the permit.

2

Date: 08/09/2019 (1571313)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan.  
EIC C3 MIN(3)(C)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)  
30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)(I)  
30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)(II)

Description: Failure to provide secondary containment for chemical storage tanks.  
EIC: C4, MIN(3)(D)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Description: Failure to provide enforceable provisions for cross connections or unacceptable plumbing practices in the plumbing ordinance.  
EIC: C7, MIN(3)(C)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Description: Failure to conduct customer service inspections at new connections prior to providing continuous water service.  
EIC: B18c8, MOD(2)(E)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain the equipment and facilities at the surface water treatment plant.  
EIC: C4, MIN(3)(D)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Description: Failure to verify the calibration of the SWTP flow meters annually.  
EIC: B1, MOD(2)(E)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(z)  
30 TAC Chapter 290, SubChapter D 290.46(z)(1)  
30 TAC Chapter 290, SubChapter D 290.46(z)(2)  
30 TAC Chapter 290, SubChapter D 290.46(z)(3)  
30 TAC Chapter 290, SubChapter D 290.46(z)(4)

Description: Failure to develop an administratively complete Nitrification Action Plan (NAP).  
EIC: C3, MIN(3)(C)

**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 STRAWN;  
RN101424968

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER

DOCKET NO. 2019-1804-MWD-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Strawn ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent together stipulate that:

1. Respondent owns and operates a water treatment facility located on South Front Street, approximately 0.05 miles west of the intersection of South Front Street and McKinley Avenue near Strawn, Palo Pinto County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of thirty-eight thousand dollars (\$38,000.00) is assessed by the Commission in settlement of the violations alleged in Section II. Pursuant to TEX. WATER CODE § 7.067, thirty-eight thousand dollars (\$38,000.00) of the penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A" - incorporated herein by reference). Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes any payment schedule and the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.
5. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). 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.
6. 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 Respondent has not complied with one or more of the terms or conditions contained in this Order.

7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon full compliance with all the terms and conditions set forth in this Order, whichever is later.

## II. ALLEGATIONS

1. During an investigation conducted on April 2, 2019, and a record review conducted on November 20, 2019, an investigator documented that Respondent:
  - a. Failed to comply with flow measurements, equipment, installation, and procedures that conform to those prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C., or methods that are equivalent as approved by the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010326002, Effluent Limitation and Monitoring Requirement No. 1 and Operational Requirement No. 5. Specifically, no primary or secondary means of flow measuring devices were installed at the Facility to measure flow after the final treatment unit; and
  - b. Failed to properly collect and analyze effluent samples according to the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c), and TPDES Permit No. WQ0010326002, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 4. Specifically, sampling was not being conducted in accordance with the permit.

## III. DENIALS

Respondent generally denies each Allegation in Section II.

## IV. ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondent's compliance with all of the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. Respondent shall implement and complete a SEP as set forth in Section I, Paragraph 4. The amount of thirty-eight thousand dollars (\$38,000.00) of the assessed administrative penalty is conditionally offset based on Respondent's implementation and completion of a SEP pursuant to the terms and conditions contained in the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Purchase and install a flow measuring device after the final treatment unit, in accordance with 30 TEX. ADMIN. CODE § 319.11(d); and
    - ii. Update the Facility's operational guidance and conduct employee training to ensure that samples are collected and analyzed, in accordance with TPDES Permit No. WQ0010326002, Effluent Limitations and Monitoring Requirements.



- a. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.a.i. and 3.a.ii. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and 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 fine and imprisonment for knowing violations.”

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

and:

Water Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6915

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
8. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format, 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 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.

10. 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



6/19/23

\_\_\_\_\_  
For the Executive Director

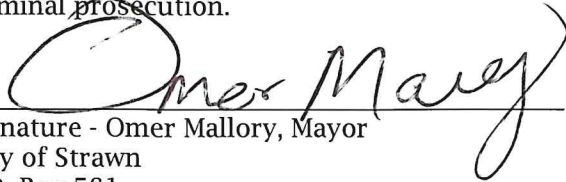
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.



\_\_\_\_\_  
Signature - Omer Mallory, Mayor  
City of Strawn  
P.O. Box 581  
Strawn, Texas 76475

\_\_\_\_\_  
Date

4-27-23

*If mailing address has changed, please check this box and provide the new address below:*

\_\_\_\_\_

**Attachment A**  
**Docket Number: 2019-1804-MWD-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Strawn
<b>Penalty Amount:</b>	\$38,000
<b>SEP Offset Amount:</b>	\$38,000
<b>Type of SEP:</b>	Compliance
<b>Project Name:</b>	<i>WWTP Improvements</i>
<b>Location of SEP:</b>	Palo Pinto County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order in exchange for Respondent’s performance of 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.

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 (the “Facility”) which are described in this Agreed Order. This Agreed Order cites violations at Respondent’s Facility.

**1. Project Description**

*A. Project*

Respondent shall hire a contractor to perform camera and/or smoke testing on the collection system to help identify defects and replace approximately five manholes. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for camera and/or smoke testing and manhole replacements (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement, including publication, related to the SEP must include the enforcement statement as stated below in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP. The Commission’s approval and issuance of this Agreed Order shall not itself be construed to authorize any activity for which Respondent is required by statute or rule to obtain authorization from the Commission.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including 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 prevention of inflow and infiltration (where unauthorized water is entering the sewer system). Inflow and infiltration could lead to high flows and discharge of inadequately treated wastewater during storm events.

*C. Minimum Expenditure*

Respondent shall spend at least the SEP Offset Amount to complete the project described above in Section 1, 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. Costs in excess of the SEP Offset Amount shall not be grounds to relieve Respondent of its obligations to perform this SEP.

Estimated Cost Schedule

Item	Quantity	Cost	Units	Total
Manhole Replacements	5	\$6,000	Each	\$30,000
Collection System Camera and/or Smoke Testing	1	\$8,000	Lump Sum	\$8,000
Total				\$38,000

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 45 days after the effective date of this Agreed Order.

Executive Director ("ED") staff may grant an extension to any deadline for Respondent's performance of the SEP described herein, upon a written and substantiated showing of good cause. All requests for extensions must be made by Respondent and shall be made in writing to ED staff. Extensions are not effective until Respondent receives written approval from ED staff. The determination of what constitutes good cause rests solely with ED staff. Extension requests shall be sent to the SEP Coordinator by first class mail and electronic mail, at:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087  
Email: [sepreports@tceq.texas.gov](mailto:sepreports@tceq.texas.gov)

**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 TCEQ describing actions performed to date to implement the Project. Within 45 days after the effective date of this Agreed Order, Respondent shall submit a report detailing all actions completed on the Project within the 45-day timeframe set forth in Section 2, Performance Schedule, above. Respondent shall submit reports to the TCEQ containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Reporting Schedule

<b>Days from Effective Order Date</b>	<b>Information Required</b>
30	Notice of Commencement describing actions taken to begin project
45	Notice of SEP completion

*B. Final Report*

Within 45 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to TCEQ, which shall include the following:

1. An itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
4. Copies of proof of advertisement of invitation for bids, if applicable;
5. A certified statement of SEP completion and document authentication;
6. A detailed map showing the specific location of the project site(s);
7. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;
8. Equipment logs showing the hours the equipment was utilized on the project, if applicable;
9. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
10. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

*C. Submittals*

Respondent shall submit all SEP reports and any additional information as requested to the SEP Coordinator at the address provided above.

**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 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 above in Sections 2 through 4, the 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 the SEP Coordinator at the address provided above.

**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 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 TCEQ or any other agency of the state or federal government.