

**Executive Summary – Enforcement Matter – Case No. 59977**  
**City of Corpus Christi**  
**RN101610400**  
**Docket No. 2020-1370-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Greenwood Plant, 6541 Greenwood Drive, Corpus Christi, Nueces County

**Type of Operation:**

Wastewater treatment plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

**Texas Register Publication Date:** October 22, 2021

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$14,175

**Amount Deferred for Expedited Settlement:** \$2,835

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$11,340

Name of SEP: WWTP Improvements (Compliance)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 59977**  
**City of Corpus Christi**  
**RN101610400**  
**Docket No. 2020-1370-AIR-E**

***Investigation Information***

**Complaint Date(s):** June 27, 2019

**Complaint Information:** Alleged very strong, pungent odors were coming from the plant. The complainant characterized the odor as "human waste or sewage" causing nausea. The complainant also alleged that the odor had been detected four of the previous seven days at the time of the complaint. Additionally, at the time of the complaint the complainant alleged that the odor was extremely strong and that the flies were "out of control."

**Date(s) of Investigation:** June 27, 2019 through July 2, 2019

**Date(s) of NOE(s):** October 14, 2020

***Violation Information***

Caused, suffered, allowed, or permitted emissions of hydrogen sulfide ("H<sub>2</sub>S") from a source or sources operated on a property to exceed a net ground level concentration of 0.08 parts per million ("ppm") averaged over any 30-minute period and failed to prevent nuisance conditions. Specifically, TCEQ staff conducted air monitoring at the fence-line downwind from the Plant and detected 0.18 ppm of H<sub>2</sub>S averaged over a 30-minute period on June 27, 2019, 0.25 ppm of H<sub>2</sub>S averaged over a 30-minute period on June 28, 2019, and 0.11 ppm of H<sub>2</sub>S averaged over a 30-minute period on July 2, 2019. TCEQ staff conducted odor surveys at off-site locations at the complainant's site or equal distance on June 27, 2019 and July 2, 2019, detected moderate to very strong and offensive sulfurous sewage odors on June 27, 2019, and detected very light to strong and highly offensive sulfurous sewage odors on July 2, 2019 that resulted in the documentation of nuisance odor conditions. During the air monitoring conducted on June 28, 2019, TCEQ staff experienced a headache and slight nausea that resulted in the documentation of nuisance health conditions [30 TEX. ADMIN. CODE §§ 101.4 and 112.31 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:

**Executive Summary – Enforcement Matter – Case No. 59977**  
**City of Corpus Christi**  
**RN101610400**  
**Docket No. 2020-1370-AIR-E**

- a. Within 30 days after the completion of the SEP, implement additional measures and/or procedures as needed to prevent ground level concentrations of H<sub>2</sub>S from a source or sources at the Plant from exceeding 0.08 ppm averaged over any 30-minute period and to minimize odors from the Plant from causing nuisance odor and health conditions that impact off-site receptors; and
- b. Within 45 days after the completion of the additional measures and/or procedures, submit written certification to demonstrate compliance with a.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Toni Red, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-1704; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** Betty Sanders, SEP Coordinator, Litigation Division, MC 175, (512) 239-3992

**Respondent:** The Honorable Joe McComb, Mayor, City of Corpus Christi, P.O. Box 9277, Corpus Christi, Texas 78469

Michael E. Murphy, Chief Operations Officer – Water Utilities, City of Corpus Christi, P.O. Box 9277, Corpus Christi, Texas 78469

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

AIR CP\_101610400\_CP\_20190702\_INVESTIGATION\_1577968\_.pdf  
**Texas Commission on Environmental Quality**  
**Investigation Report**

The TCEQ is committed to accessibility. If you need assistance in accessing this document, please contact oca@tceq.texas.gov

**Customer: City of Corpus Christi**  
**Customer Number: CN600131858**

---

**Regulated Entity Name: GREENWOOD PLANT**

**Regulated Entity Number: RN101610400**

**Investigation #** 1577968

**Incident Numbers**

313226

**Investigator:** JOHN PEARCE

**Site Classification**

**Conducted:** 06/27/2019 -- 07/02/2019

**NAIC Code:** 922160

**NAIC Code:** 221320

**SIC Code:** 4952

**Program(s):** AIR QUALITY NON PERMITTED

**Investigation Type:** Compliance Investigation

**Location:** 6500 BLOCK OF GREENWOOD DRIVE  
CORPUS CHRISTI TEXAS

**Additional ID(s):** R10401003  
TX0047074  
WQ0010401003

**Address:** 6541 GREENWOOD DR,  
CORPUS CHRISTI, TX , 78415

**Local Unit:** REGION 14 - CORPUS CHRISTI

**Activity Type(s):** AIR RECON - AIR RECON -  
RECONNAISSANCE  
INVESTIGATION  
AIRCOMPL - AIR CMPL - AIR  
COMPLAINT INV

**Principal(s):**

<b>Role</b>	<b>Name</b>
RESPONDENT	CITY OF CORPUS CHRISTI

**Contact(s):**

<b>Role</b>	<b>Title</b>	<b>Name</b>	<b>Phone</b>	
REGULATED ENTITY CONTACT	UTILITY SYSTEMS MANAGER	MR HARRY CLIFFORD	Work	(361) 826-4021
REGULATED ENTITY CONTACT	WASTE WATER TREATMENT PLANT MANAGER	MR EARL RICHARDSON	Cell Office	(361) 537-6031 (361) 826-1848
PARTICIPATED IN	LEAD OPERATOR	MR JOE CLEMENTS	Phone	(361) 826-4020
REGULATED ENTITY MAIL CONTACT	MAYOR	HON JOE MCCOMB	Work	(361) 826-3100

**Other Staff Member(s):**

<b>Role</b>	<b>Name</b>
QA Reviewer	CYNTHIA SMITH
Investigator	KARLA HALEPESKA
Investigator	JAY HALEPESKA
Investigator	ZACHARY FUQUA
Supervisor	KELLY RUBLE
Investigator	TRISTAN RIEGER
QA Reviewer	KARLA HALEPESKA
Office System Administratic Supervisor	GUADALUPE LOPEZ

**Associated Check List**

<b><u>Checklist Name</u></b>	<b><u>Unit Name</u></b>
AIR INVESTIGATION - EQUIPMENT MONITORING AND SAMPLING revised 06/2013	June 28, 2019
AIR INVESTIGATION - EQUIPMENT MONITORING AND SAMPLING revised 06/2013	July 2, 2019
AIR COMPLAINT INVESTIGATION	June 27, 2019 (313226)
AIR GENERIC INVESTIGATION (10 ITEMS)	1577968

**Investigation Comments:**

I. Introduction and Daily Narrative

Introduction:

On June 27-28, 2019 and July 2, 2019, Mr. John Pearce, Texas Commission on Environmental Quality (TCEQ) Corpus Christi Region 14 (R14) Air Section Environmental Investigator (EI), conducted an air complaint (AIRC MPL) investigation of the Greenwood Waste Water Treatment Plant (GWWTP). Additional TCEQ R14 investigators who participated in this investigation were Mr. Tristan Rieger (Air Section EI); Mr. Jay Halepeska (Water Section EI), Ms. Karla Halepeska (Air Section EI), and Mr. Zack Fuqua (Water Section EI). This investigation was conducted in response to a complaint (Incident No. 313226) received by the TCEQ R14 Office on June 27, 2019 and assigned to Mr. Pearce that same day. The complainant alleged foul sewage-like odors were emanating from the GWWTP and impacting the complainant's health and the enjoyment of the complainant's property. The purpose of this investigation was to determine if nuisance odor conditions were occurring and to identify the source of the odor. The GWWTP is located at 6541 Greenwood Drive in Corpus Christi, Nueces County, Texas. The GWWTP is owned and operated by the City of Corpus Christi. A reference map of the area is included in Attachment 1.

The primary contact for the GWWTP during this investigation was Mr. Harry Clifford, Utility Systems Manager. Other City of Corpus Christi personnel who participated in this investigation were Mr. Joe Clements, Lead Operator and Mr. Earl Richardson, Wastewater Treatment Plant Manager. The mail contact for this investigation was the Honorable Mayor of Corpus Christi: Mr. Joe McComb.

Daily Narrative:

Air monitoring equipment utilized over the course of this investigation included a MultiRAE Lite Multi-Gas Analyzer (MultiRAE) and Jerome 631-X Hydrogen Sulfide (H<sub>2</sub>S) Analyzer (Jerome). The MultiRAE was utilized to determine ambient air oxygen (O<sub>2</sub>) and lower explosive limit (LEL) percentages as well as carbon monoxide (CO), hydrogen sulfide (H<sub>2</sub>S), volatile organic compounds (VOC), and chlorine (Cl<sub>2</sub>) concentrations in parts per million (ppm). The Jerome was utilized to detect for H<sub>2</sub>S in concentrations ranging from 3 parts-per-billion (ppb) to 50 ppm (Note: 1 ppb is equal to 0.001 ppm). The MultiRAE was bump tested and the Jerome was regenerated and zeroed in accordance with TCEQ Standard Operating Procedures (SOPs) prior to departing the TCEQ R14 Office each day the analyzers were utilized in the field.

Narrative for June 27, 2019:

Mr. Pearce and Mr. Rieger (hereby referred to as EI Team 1) departed the TCEQ R14 Office at 1633 hours. At approximately 1650 hours, EI Team 1 experienced highly offensive, moderately intense, sulfurous odors while driving northwest (NW) on Saratoga Boulevard downwind of the GWWTP. EI Team 1 arrived at the complainant's residence at 1658 hours. Weather conditions upon arrival were 86 degrees Fahrenheit (°F) with 15 mile per hour (mph) winds from the east-southeast (ESE) and maximum gusts of 23 mph. Meteorological data was provided via the TCEQ Continuous Air Monitoring Station (CAMS) Dona Part C635/AF199/F299. No readings above background levels were detected for CO, Cl<sub>2</sub>, H<sub>2</sub>S, and VOC (background readings for all contaminants were 0.00 ppm) at the complainant's residence with either the MultiRAE or Jerome. It was also stated by the complainant that odors were mostly experienced in the morning, late evening, and at night. While speaking to the complainant, EI Team 1 experienced highly offensive sulfurous odors ranging from very light to moderate in intensity during instances when the wind direction was from the south-southeast (SSE). Odor surveillance utilizing the TCEQ Frequency, Intensity, Duration, and Offensiveness (FIDO) Odor protocol was conducted from 1733-1803 hours after speaking to the complainant. The following was the resulting average odor intensities documented from the FIDO Odor Log:

30-Minute Average: "No Odor"

10-Minute Rolling Average: "No Odor"

1-Minute Maximum Intensity: "Light"

Note: Odors were detected during instances when the winds were out of the SSE but would cease to be detected once the wind direction returned being from the ESE.

EI Team 1 departed the complainant's residence at 1805 hours to conduct additional air monitoring and odor surveillance in the area to characterize and confirm the alleged source of the odors.

Four locations were chosen to conduct air monitoring and odor characterization in the vicinity of the GWWTP: one was downwind (Monitoring Site #1), two were upwind (Monitoring Site #2 and #3), and one was downwind at the fence-line of the plant (Monitoring Site #4). The resulting instrument readings and odor surveillance comments were as follows:

Monitoring Site #1:

Time: 1820 hours.

Location relative to the GWWTP: Downwind.

MultiRAE Readings: No readings above background levels.

Jerome Readings: 0.05 ppm of H<sub>2</sub>S.

Odor Surveillance Comments: highly offensive sulfurous sewer-like odor was detected at a consistent moderate intensity.

Note: The creek nearby this monitoring site was inspected by EI Team 1 for any sewage discharge from the GWWTP. No sewage was seen in the creek from the bridge (see Attachment 2; Photo No. 1).

Monitoring Site #2:

Time: 1824 hours.

Location Relative to the GWWTP: Upwind.

MultiRAE Readings: No readings above background levels.

Jerome Readings: No readings above background levels.

Odor Surveillance Comments: no unusual odors detected.

Note: None.

Monitoring Site #3:

Time: 1826 hours.

Location Relative to the GWWTP: Upwind.

MultiRAE Readings: No readings above background levels.

Jerome Readings: No readings above background levels.

Odor Surveillance Comments: no unusual odors detected.

Note: This monitoring site was located downwind of the JC Elliot Landfill in order to determine if it was a potential source of the odors.

Monitoring Site #4:

Time: 1829 hours

Location Relative to the GWWTP: Downwind at the fence-line.

MultiRAE Readings: 1.1 ppm of H<sub>2</sub>S

Jerome Readings: 0.054 ppm and 0.16 ppm

Odor Surveillance Comments: highly offensive sulfurous sewer-like odor was detected at a consistent moderate to very strong intensity.

Note: The 1.1 ppm MultiRAE reading was taken approximately 1 foot from the fence-line prior to the Jerome readings. Of the two Jerome readings, the 0.160 ppm reading was taken when the odor was stronger.

At 1908 hours, EI Team 1 arrived at the GWWTP and contacted the afterhours phone number for the plant to arrange a meeting with the site manager and gain access to the plant. While waiting for the site manager, EI Team 1 conducted odor surveillance within the Calle Las Colonias Neighborhood from 1930-1941 hours. The sulfurous sewer-like odor was detected on Saratoga Boulevard with winds out of the ESE; however, no unusual odors were detected within the neighborhood.

At 2021 hours, EI team 1 met with Mr. Clifford at the GWWTP to conduct a site walkthrough. An initial interview with Mr. Clifford indicated that there was an ongoing clean-out of the GWWTP lift station by a contractor which began on June 26, 2019 from 0900-1600 hours, that it continued the following day (June 27, 2019) from 1000-1700 hours, and that the access hatches to the lift station were left open for safety reasons during these operations. Mr. Clifford claimed that this clean-out may have generated the sulfurous sewage odors.

A walkthrough of the GWWTP consisted of the headworks, anaerobic digesters, and aeration basins. While on top of the headworks, EI Team 1 recorded H<sub>2</sub>S concentrations of 1.6- 9.0 ppm and documented gaps, cracks, and rust on portions of the equipment. Spray-foam insulation was used unsuccessfully by the GWWTP personnel to try and reduce gases escaping from the headworks (see Attachment 2; Photo Nos. 2-4). Mr. Clifford explained that concentrations of H<sub>2</sub>S ranging from 100-200 ppm are received by the plant from the inlet water, but that the H<sub>2</sub>S Scrubber Unit onsite reduces the H<sub>2</sub>S concentration to 0-3 ppm. Mr. Clifford also explained that the spray-foam insulation was only used as a stop-gap measure until the headworks could be completely updated and rebuilt either in the year 2020 or 2021. Mr. Clifford stated that the anaerobic digester units were another possible source of sulfurous sewage odor particularly if the material inside became septic and that there were plans to switch from anaerobic digestion to aerobic. It was further explained that this switch to aerobic digestion would reduce the odor potential from the GWWTP because aerobic digestion is a faster process and would not be as prone to becoming septic. While downwind of the anaerobic digesters, H<sub>2</sub>S concentrations from 2.0-2.4 ppm were recorded, and a highly offensive sulfurous sewage odor was detected momentarily. Aeration basins at the plant were observed to be operating normally with an earthy aroma and water of a light brown color present. EI Team 1 departed the GWWTP at 2130 hours.

At 2140 hours, the EI Team 1 took a 30-minute H<sub>2</sub>S average at Monitoring Site #4 (see Attachment 1). A moderate to very strong sulfurous sewage odor was experienced by EI Team 1 throughout the 30-minute minutes. The result of this 30-minute H<sub>2</sub>S average indicated a concentration of 0.18 ppm which exceeded the 0.08 ppm H<sub>2</sub>S 30-minute average limit specified in Title 30 Texas Administrative Code (30 TAC) §112.31. A copy of the 30-minute H<sub>2</sub>S average results are included in Attachment 3. EI Team 1 departed the area at 2211 hours.

Narrative for June 28, 2019:

From 0723-0733 hours, Ms. Halepeska and Mr. Halepeska (hereby known as EI Team 2) conducted H<sub>2</sub>S surveillance of the Calle Las Colonias Neighborhood streets which were closest to the GWWTP and conducted a follow-up onsite investigation. EI Team 2 only utilized a Jerome to take readings throughout their surveillance. Weather conditions upon EI Team 2's arrival in the neighborhood were 82 °F with 6 mph winds out of the southeast (SE) and maximum gusts of 12 mph (meteorological data was obtained via CAMS Dona Park C635/AF199/F299).

Calle Las Colonias Neighborhood H<sub>2</sub>S surveillance began on Calle San Marcos street with H<sub>2</sub>S readings of 0.018 ppm, 0.024 ppm, and 0.054 ppm. Readings of H<sub>2</sub>S while on Calle Cuernavaca Street were 0.020 ppm, 0.027 ppm, and 0.028 ppm. EI Team 2 proceeded to conduct monitoring at Monitoring Site #1, and Monitoring Site #4 (refer to Attachment 1).

At 0737 hours, EI Team 2 arrived at Monitoring Site #1 and recorded an H<sub>2</sub>S reading of 0.052 ppm. At 0740 EI Team 2 arrived at Monitoring Site #4 and recorded an H<sub>2</sub>S reading of 0.021 ppm. While at Monitoring Site #4, EI Team 2 conducted a 30-minute H<sub>2</sub>S average. The resulting concentration of H<sub>2</sub>S based on the 30-minute average

**GREENWOOD PLANT - CORPUS CHRISTI**

**6/27/2019 to 7/2/2019 Inv. # - 1577968**

**Page 5 of 11**

---

was 0.25 ppm (see Attachment 3). This average exceeded the 0.08 ppm 30-minute average H<sub>2</sub>S limit outlined in 30 TAC §112.31. While taking this reading an investigator experienced a headache with slight nausea when exposed to the odor and H<sub>2</sub>S.

At 0832 hours, EI Team 2 met with Mr. Clifford at the GWWTP and began their onsite investigation. Mr. Clifford stated to EI Team 2 that the H<sub>2</sub>S Scrubber had undergone maintenance work two weeks prior, and that the dissolved air floatation unit was still down as the contractors continue to clean out the lift station. The following H<sub>2</sub>S concentrations were recorded during EI Team 2's site walkthrough:

Location: Lift Station.

Time: 0841 hours.

Jerome Reading: 0.42 ppm of H<sub>2</sub>S.

Location: Roll-off Container Near Headworks.

Time: 0844 hours.

Jerome Reading: 0.111 ppm of H<sub>2</sub>S.

Location: On Top of the Headworks.

Time: 0846 hours.

Jerome Reading: 0.26 ppm of H<sub>2</sub>S.

Location: Conveyor Belt at the Headworks.

Time: 0847 hours.

Jerome Reading: 2.9 ppm of H<sub>2</sub>S.

Location: Ground Level of the Headworks.

Time: 0847 hours.

Jerome Reading: 1.1 ppm of H<sub>2</sub>S.

Location: The Well where the Lift Station Flows into the Headworks.

Time: 0849 hours.

Jerome Reading: "High Level" +50 ppm\* of H<sub>2</sub>S.

\*Exceeded the Jerome's upper detection limit of 50 ppm.

Location: Primary Clarifier #1.

Time: 0854 hours.

Jerome Reading: 0.40 ppm of H<sub>2</sub>S.

Location: Below the Primary Clarifier #2.

Time: 0855 hours.

Jerome Reading: 0.35 ppm of H<sub>2</sub>S.

Location: Primary Clarifier #2.

Time: 0856 hours.

Jerome Reading: 0.25 ppm of H<sub>2</sub>S.

Prior to departing the plant, an investigator experienced a headache with nausea from the odor experienced onsite. At 0915 hours EI Team 2 departed the GWWTP.

On June 28, 2019 at 1527 hours, Mr. Pearce issued a TCEQ Exit Interview Form (EIF) to Mr. Clifford notifying him of the alleged violation regarding the alleged violation of 30 TAC §112.31. See the "Exit Interview" section below for details regarding the EIF. At 1625 hours, Mr. Clifford submitted photographs via email which showed new spray-foam insulation application to gaps and cracks to reduce the amount of H<sub>2</sub>S escaping the headworks. A copy of this email and its photographs are included in Attachment 4.

Narrative for July 2, 2019:

At 0848 hours, Mr. Pearce and Mr. Fuqua (hereby referred to as EI Team 3) arrived in the Calle Las Colonias Neighborhood to conduct follow-up air monitoring. Both a MultiRAE and Jerome were utilized for air monitoring

on this day. Weather conditions upon arrival were 80 °F with 4.5 mph winds out of the SSE and maximum gusts of 9 mph (meteorological data was obtained via CAMS Dona Park C635/AF199/F299). EI Team 3 detected a highly offensive sulfurous sewage odor at a light intensity at the intersection of Calle San Marcos Street and Calle Cuernavaca Street. No readings above background levels were detected via MultiRAE or Jerome; however, an odor was detected consistently and with greater intensity when wind speed increased. EI Team 3 conducted odor surveillance utilizing the TCEQ FIDO protocol from 0900-1000 hours. The following was the average odor intensity result:

60-minute Average: "Light"

10-Minute Rolling Average: "Very Light"

1-Minute Maximum: "Strong"

Note: While conducting this odor surveillance, occasional H<sub>2</sub>S readings ranged from 0.025-0.076 ppm in concentration were recorded when the odor was detected at its most intense level. These readings.

EI Team 3 departed the Calle Las Colonias Neighborhood at 1004 hours.

At 1005 hours, EI Team 3 arrived at Monitoring Site #4 (see Attachment 1). A highly offensive sulfurous sewage odor was detected at a moderate to strong intensity upon arrival. Initial readings via MultiRAE indicated 0.1 ppm of H<sub>2</sub>S momentarily before dropping below the detection range of the instrument. A subsequent Jerome reading indicated an H<sub>2</sub>S concentration of 0.071 ppm present but spiked towards 0.105 ppm when recorded while the odor's intensity was strong. A 30-minute H<sub>2</sub>S average was taken as a result of these initial readings from 1012-1042 hours. The result of the 30-minute H<sub>2</sub>S concentration average was 0.11 ppm which exceeded the 0.08 ppm 30-minute average H<sub>2</sub>S limit outlined in 30 TAC §112.31. The results of this 30-minute H<sub>2</sub>S average is included in Attachment 4. EI Team 3 departed Monitoring Site #4 at 1045 hours.

At 1105 hours, EI Team 3 arrived at the GWWTP and met with Mr. Clifford. In an initial interview, Mr. Clifford indicated that the conveyor belt doors on the headworks had been opened for repairs on July 1, 2019 from 0800-1700 hours and that the plant's clarifier was down at some point in the afternoon on June 30, 2019. A site walkthrough was conducted of the GWWTP's headworks, lift station, anaerobic digester flare, and belt press following this interview.

Jerome readings of H<sub>2</sub>S concentrations at the headworks indicated 0.062 ppm at ground level next to the H<sub>2</sub>S Scrubber Unit and 2.8 ppm while on top of the headworks. MultiRAE readings while on top of the headworks indicated 5.1 ppm near the conveyor belt hatch (see Attachment 2; Photo No. 5). Additionally, the MultiRAE low level alarm sounded five separate times while on top of the headworks while EI Team 3 conducted their walkthrough (Note: the MultiRAE's low level H<sub>2</sub>S alarm sounds when 10 ppm of H<sub>2</sub>S is reached). Piping used to spray Ecosorb 505 odor control liquid into the air were observed to have air flowing through them; however, it could not be determined if the odor control liquid was being dispersed through the piping or not. Mr. Clifford stated that the Ecosorb unit at the headworks is in operation 24-hours every day and that one or two 275 gallon (ga) totes of the 505 odor control liquid is used per month. EI Team 3 observed that an Ecosorb unit was present underneath the headworks.

The walkthrough continued to the GWWTP's lift station where the MultiRAE's low level alarm sounded once upon arrival. Heavy black rubber mats were observed and documented as being placed over the access hatches of the lift station (see Attachment 2; Photo Nos. 6-7). Mr. Clifford stated that these mats were placed over the hatches to reduce the amount of H<sub>2</sub>S gas and odor able to escape the lift station. The manhole for accessing the inlet to the headworks was observed and documented as having its cover left partially open (see Attachment 2; Photo No. 8). A spike of 80 ppm H<sub>2</sub>S was detected by the MultiRAE when a member of EI Team 3 waved the device over the opening. Mr. Clifford explained that that manhole cover was always to be closed once any maintenance work was finished and it must have been left partially open by mistake. Prior to moving on to the anaerobic digester flare, Mr. Clifford instructed his personnel to properly close the manhole cover.

Mr. Clifford explained that the anaerobic digester flare was utilized to combust flammable emissions from the anaerobic digesters (see Attachment 2; Photo No. 9); however, he indicated that no maintenance records are maintained for the flare and that the pilot light ignition system had not been tested. Mr. Clifford stated that as a part of the GWWTP operations, personnel are to inspect the flare daily to ensure that it remains lit. Mr. Clifford explained the process that the GWWTP operators use to reignite the pilot light if it is discovered to be out as soaking a rag in gasoline, placing the soaked rag on the end of a pole, igniting the gasoline soaked rag, and then using the lit rag on the end of the pole to reignite the pilot light. EI Team 3 continued the walkthrough to the belt

press.

The second Ecosorb unit at the GWWTP was located at the belt press where it would control odor. This Ecosorb unit appeared to be leaking fluid, and the 275 ga tote next to the unit had a broken hand pump attached to the top of it (see Attachment 2; Photo Nos. 10-11). EI Team 3 departed the GWWTP at approximately 1200 hours.

At 1235 hours, EI Team 3 conducted an upwind 30-minute H<sub>2</sub>S concentration average of the GWWTP at Monitoring Site #5 (see Attachment 1). The result of this 30-minute H<sub>2</sub>S average was 0.00 ppm. The result of this H<sub>2</sub>S average is included in Attachment 4. EI Team 3 departed the area at 1309 hours.

**Toxicological Evaluation of GWWTP:**

On July 15, 2019, Mr. Pearce submitted a request for a toxicology evaluation of GWWTP from the TCEQ's Toxicology, Risk Assessment, and Research Division (TD) due to the health impacts being experienced by an EI during the course of the investigation. From July 16, 2019 to September 13, 2019, Mr. Pearce clarified information for, and answered questions from, the TD. On September 30, 2019 the TD determined that while direct short-term adverse health effects would not be expected due to exposure to the calculated 30-minute H<sub>2</sub>S concentration averages, they were within sufficient concentration to result in the perception of offensive odors. The TD also explained within this toxicological evaluation that exposure to persistent, strong odors has the potential to cause indirect, odor-related health effects like headache and nausea. Based upon this evaluation, the TD encourages the GWWTP to make H<sub>2</sub>S reductions necessary to prevent and mitigate persistent strong odors which have the potential to cause indirect odor-related health effects. A copy of the toxicological evaluation memo is provided in Attachment 5.

**Post Onsite Investigation:**

On September 3, 2019 Mr. Pearce submitted a records request to Mr. Clifford via email. On September 11, 2019 Mr. Clifford provided the requested records via email; however, additional information was needed regarding the downtime of the H<sub>2</sub>S Scrubber Unit. On September 16, 2019, Mr. Clifford requested an extension of the deadline from September 17, 2019 to September 20, 2019 which was granted by Mr. Pearce. On September 20, 2019, Mr. Richardson submitted the additional information requested via email. A copy of this records request and additional information request is provided in Attachment 6. According to the information provided through these requests, the H<sub>2</sub>S Scrubber Unit was out of service from March 1, 2019 to May 15, 2019 due to a malfunctioning booster pump and motor and that it was down for a few hours on July 3, 2019 due to a malfunctioning flow-meter. Mr. Richardson explained that during the extended period that the H<sub>2</sub>S Scrubber Unit was down, odor control efforts continued with the use of Ecosorb misting and increased use of deodorant blocks.

On September 26, 2019 Mr. Pearce contacted Mr. Clifford via phone to discuss the repairs and downtime on the H<sub>2</sub>S scrubber unit. Mr. Clifford stated that repairs took a longer time to complete due to the approval process involved with the City of Corpus Christi in purchasing the replacements, and that shipping the parts took time as they were being shipped from out of state. The replacement booster pump and motor were received on May 14, 2019 and installed and operational on May 15, 2019. The H<sub>2</sub>S Scrubber Unit was also down for a few hours on July 3, 2019 due to a malfunctioning flow meter, but repairs were completed that day to bring it back into full operation. When asked why the GWWTP operators did not collect monitoring records from the H<sub>2</sub>S Scrubber until July 11, 2019 when the unit was repaired and operational on July 3, 2019, Mr. Clifford explained that it was due to operator error and inexperience. This same operator error and inexperience was also cited by Mr. Clifford as the reason why the work order associated to this flow meter repair was not created until July 4, 2019. As for the work log entry indicating July 18, 2019 as the repair completion date, Mr. Clifford stated that the electricians who completed the repair are often very busy and are only able to complete their work order entries after the repairs were completed. Copies of GWWTP's submitted work orders are included in Attachment 7.

On December 5, 2019 the TCEQ Litigation Division completed their review of the 30 TAC 382.085(a) form and gave their approval to use this citation (Attachment 8). On December 20, 2019 Mr. Pearce contacted the complainant via phone to request that they submit their notarized affidavit and written statement to the R14 Office. On January 6, 2020 Mr. Pearce contacted the complainant via phone to determine the status of their submittal. On January 13, 2020 the complainant was contacted by Mr. Pearce via phone to discuss the status of their affidavit and written statement. On January 21, 2020 the complainant's written statement and affidavit arrived at the TCEQ R14 Office and was reviewed by Mr. Pearce. A copy of this written statement and affidavit are included in Attachment 9.

Exit Interview:

An EIF noting an alleged violation regarding the exceedance of the 0.08 ppm H<sub>2</sub>S 30-minute average limit specified in 30 TAC §112.31 was sent to Mr. Clifford on June 28, 2019 via email. An updated EIF was sent to Mr. Clifford and Mr. Richardson on December 12, 2019. A copy of the EIF and updated EIF are included in Attachment 10.

II. GENERAL FACILITY AND PROCESS INFORMATION

General Information:

The Greenwood Plant is permitted and licensed through TCEQ Wastewater Permit No. WQ0010401003 and Authorization No. R10401003. The Greenwood Plant holds a TCEQ Stormwater Permit (Permit No. TXR05DM76) and is authorized to handle industrial hazardous waste via United States Environmental Protection Agency (EPA) ID No. TXP490354051.

Process Description:

The Greenwood WWTP is permitted to discharge 8.0 million gallons per day (MGD) of treated effluent at Outfall 001. The water quality permit for this plant is currently in the Interim I phase of the permit, pending expansion of the treatment facilities. The plant utilizes ultraviolet (UV) light to disinfect the effluent prior to discharge.

The primary source of wastewater for Outfall 001 is domestic. The plant is an activated sludge plant operated in the complete mix mode. Raw wastewater enters the plant through an on-site lift station. The wastewater is pumped to an influent structure equipped with two mechanical bar screens operating in parallel (each bar screen is equipped with a bypass channel and a manual bar screen) and a grit chamber equipped with a grit auger. Influent gases are routed through a biofilter for odor control. The wastewater then flows from a splitter box into one of four primary clarifiers operating in parallel. Effluent from the primary clarifiers flows into one of five aeration basins. Flow from the aeration basins is split between two final clarifiers. Effluent from the final clarifiers flows through a fine screen prior to being split between two UV disinfection channels. Treated effluent then flows through the flow control structure where it is then post-aerated prior to entering the underground pipeline, thence to the receiving stream at Outfall 001.

Digested sludge is removed, mixed with a polymer, and sent to a belt press. The sludge is then dried on outdoor drying beds and then the dried sludge is transported by the City of Corpus Christi (Transporter No. 21970) and is disposed at the City's Cefe Valenzuela Landfill (TCEQ Permit No. 2269).

The City of Corpus Christi has an approved pretreatment program and a sewer use ordinance to manage the discharge of fats, oil, and grease to their collection and treatment systems.

III. BACKGROUND

Performance Classification and Compliance History Rating:

Customer Name: City of Corpus Christi  
Customer Number (CN): CN600131858  
Classification: Satisfactory  
Rating: 1.60

Regulated Entity: Greenwood Plant  
Regulated Entity Number (RN): RN101610400  
Classification: Satisfactory  
Rating: 7.64

Ratings are converted to classifications as follows:

< 0.10 = High Performer (above-satisfactory compliance record)

0.10-55 = Satisfactory Performer (generally complies with environmental regulations)

> 55 = Unsatisfactory Performer (performs below minimal acceptable performance standards established by the

commission)

Agreed Orders, Court Orders, and Other Compliance Agreements:

The GWWTP has been issued one administrative order within the past five years regarding nuisance odor conditions (Docket No. 2016-0638-MLM-E). Refer to the Compliance History Report included in Attachment 11 for more details regarding this administrative order.

Prior Enforcement Issues:

There have been five Notices of Violation (NOVs) issued to the GWWTP within the past five years. Refer to Investigation Nos. 1527806, 1534163, 1561306, 1584345, and 1593706 for details regarding these NOVs. Additional information regarding these NOVs can also be found in the Compliance History Report included in Attachment 11.

Complaints:

There have been two air related complaints alleged against the GWWTP within the past two years (Incident Nos. 309701 and 313226).

#### IV. ADDITIONAL INFORMATION

Conclusions, Recommendations, and Current Enforcement Actions:

Based upon the response to a citizen's complaint, and the TCEQ's observations and monitoring data documented during the onsite investigations conducted on June 27-28, 2019 and July 2, 2019, it was determined that the GWWTP exceeded the 0.08 ppm H<sub>2</sub>S 30-minute average limit specified 30 TAC §112.31 (refer to Violation Track Number [VTN] 730677). It was also determined that the GWWTP was the source of the foul odor experienced within the Calle Las Colonias Neighborhood and nuisance odor conditions were substantiated due to health impacts experienced by an EI (see Attachment 8) which was further supported by the September 30, 2019 TCEQ Toxicological Evaluation Memo (see Attachment 5). This memo indicated that the health impacts experienced were consistent with exposure to H<sub>2</sub>S in levels that would cause odors. Additionally, citizen collected evidence described the impacts this odor from the GWWTP has had on the complainant and their property (see Attachment 9). As per the TCEQ Enforcement Initiation Criteria (EIC) (Revision No. 16-Effective December 13, 2018), this noncompliance item was classified as a Category A violation (A.10 a) due to the adverse human health impacts (refer to VTN 730684) and was consequently referred for formal enforcement action. Based on the findings of this investigation, a Notice of Enforcement (NOE) letter was issued to the plant.

#### V. REPORT ATTACHMENTS

1. Area Reference Map
2. Photographic Documentation
3. H<sub>2</sub>S 30-minute Averages
4. June 28, 2019 Email Correspondence
5. September 20, 2019 Toxicological Evaluation Memo
6. Records Request and Additional Information Request
7. GWWTP's Work Order Submittals
8. Texas Health and Safety Code §382.085(a) Memo
9. Citizen Collected Evidence
10. EIF
11. Compliance History Report

**NOE Date: 10/14/2020**

**OUTSTANDING ALLEGED VIOLATION(S)  
ASSOCIATED TO A NOTICE OF ENFORCEMENT**

**Track Number:** 730677

**Compliance Due Date:** To Be Determined

**Violation Start Date:** Unknown

**30 TAC Chapter 112.31**

**5C THSC Chapter 382.085(b)**

**Alleged Violation:**

**Investigation: 1577968**

Comment Date: 03/06/2020

Failure to maintain hydrogen sulfide (H<sub>2</sub>S) net ground level concentrations at or below 0.08 parts per million (ppm) over an averaged 30-minute period. Specifically, the 30-minute averages of the concentration of H<sub>2</sub>S downwind of the Greenwood Waste Water Treatment Plant's (GWWTWP) influent area were found on June 27, 2019, June 28, 2019, and July 2, 2019 to be 0.18 ppm, 0.25 ppm, and 0.11 ppm respectively.

**Recommended Corrective Action:** Submit to the TCEQ Corpus Christi Office written corrective actions implemented to prevent a similar noncompliance in the future. Furthermore, comply with any requirement(s) that the TCEQ Enforcement Division specifies.

---

**Track Number:** 730684

**Compliance Due Date:** To Be Determined

**Violation Start Date:** Unknown

**30 TAC Chapter 101.4**

**5C THSC Chapter 382.085(a)**

**Alleged Violation:**

**Investigation: 1577968**

Comment Date: 03/06/2020

Failure to prevent nuisance odor conditions. Specifically, the City of Corpus Christi's Greenwood Waste Water Treatment Plant (GWWTWP) failed to prevent the discharge from any source whatsoever of one or more air contaminants or combination thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property. Based upon a complaint investigation conducted on June 27, 2019, June 28, 2019, and July 2, 2019, and by TCEQ's onsite observations, air monitoring, citizen collected evidence, and documented odor impacts of headache and nausea experienced by an investigator from exposure to H<sub>2</sub>S and associated odors from the GWWTWP, it was determined that the GWWTWP failed to prevent nuisance odor conditions.

**Recommended Corrective Action:** Submit to the TCEQ Corpus Christi Office written corrective actions implemented to prevent a similar noncompliance in the future. Furthermore, comply with any requirement(s) that the TCEQ Enforcement Division specifies.

Signed John Pearce  
Environmental Investigator

Date 10/14/2020

Signed Kelly Lubbo  
Supervisor

Date 10/14/2020

**Attachments: (in order of final report submittal)**

- Enforcement Action Request (EAR)
- Letter to Facility (specify type) : NOE
- Investigation Report
- Sample Analysis Results
- Manifests
- Notice of Registration

- Maps, Plans, Sketches
  - Photographs
  - Correspondence from the facility
  - Other (specify) :
- Refer to "V. Report Attachments" on page 9 of 11.
- 

**List of Attached files**

- 1999 Flare Assec Matl List Dwgs.pdf
- 1999 Waste Gas Burner Manual.pdf
- April 2019 Ecosorb Purchase.pdf
- Bio-Air Inspection Sheets.pdf
- Bio-Air Maintenance Records.pdf
- Bioair Performance Test-Greenwood WWTP.pdf
- Final Engineering Letter Report\_E10047.pdf
- H2S 30 Minute Averages.pdf
- July 2019 Ecosorb Purchase.pdf
- May 2019 Ecosorb Purchase.pdf
- P.R and P.O for pump and motor.pdf
- Photographic Documentation.pdf
- Pump and Motor Work orders.pdf
- Records Request.pdf
- Records Request\_GWWWTP\_09032019.pdf
- Technical Manual 250CFM OMI Vapor Unit.pdf
- Written description of odor controls at Greenwood.docx



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

<b>DATES</b>	<b>Assigned</b>	15-Oct-2020	<b>Screening</b>	16-Oct-2020	<b>EPA Due</b>	
	<b>PCW</b>	25-Sep-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Corpus Christi
<b>Reg. Ent. Ref. No.</b>	RN101610400
<b>Facility/Site Region</b>	14-Corpus Christi
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	59977	<b>No. of Violations</b>	1
<b>Docket No.</b>	2020-1370-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Toni Red
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$11,250</b>
---	-------------------	-----------------

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

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

<b>Compliance History</b>	<b>26.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$2,925</b>
---------------------------	-------------------------	--------------------------------	----------------

<b>Notes</b>	Enhancement for three NOV's with dissimilar violations and one agreed order with a denial of liability.
--------------	---

<b>Culpability</b>	No	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
--------------------	----	-------------------------	-------------------	------------

<b>Notes</b>	The Respondent does not meet the culpability criteria.
--------------	--

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
--	-------------------	------------

<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
-------------------------	--------------------------	-------------------	------------

Total EB Amounts	\$2,847	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$20,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$14,175</b>
-----------------------------	-----------------------	-----------------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b> Adjustment	<b>\$0</b>
---	------------------------	------------

Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
--------------	--

<b>Final Penalty Amount</b>	<b>\$14,175</b>
-----------------------------	-----------------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$14,175</b>
-----------------------------------	-------------------------------	-----------------

<b>DEFERRAL</b>	<b>20.0%</b> Reduction	<b>Adjustment</b>	<b>-\$2,835</b>
-----------------	------------------------	-------------------	-----------------

Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.
--------------	--

<b>PAYABLE PENALTY</b>	<b>\$11,340</b>
------------------------	-----------------

Screening Date 16-Oct-2020

Docket No. 2020-1370-AIR-E

PCW

Respondent City of Corpus Christi

Policy Revision 4 (April 2014)

Case ID No. 59977

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN101610400

Media Air

Enf. Coordinator Toni Red

### 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> )	0	0%
	Other written NOVs	3	6%
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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 26%

#### >> 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 three NOVs with dissimilar violations and one agreed order with a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 26%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 26%

**Screening Date** 16-Oct-2020  
**Respondent** City of Corpus Christi  
**Case ID No.** 59977  
**Reg. Ent. Reference No.** RN101610400  
**Media** Air  
**Enf. Coordinator** Toni Red

**Docket No.** 2020-1370-AIR-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision September 1, 2019*

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.4 and 112.31 and Tex. Health & Safety Code § 382.085(a) and (b)

**Violation Description**

Caused, suffered, allowed, or permitted emissions of hydrogen sulfide ("H2S") from a source or sources operated on a property to exceed a net ground level concentration of 0.08 parts per million ("ppm") averaged over any 30-minute period and failed to prevent nuisance conditions. Specifically, TCEQ staff conducted air monitoring at the fence-line downwind from the Plant and detected 0.18 ppm of H2S averaged over a 30-minute period on June 27, 2019, 0.25 ppm of H2S averaged over a 30-minute period on June 28, 2019, and 0.11 ppm of H2S averaged over a 30-minute period on July 2, 2019. TCEQ staff conducted odor surveys at off-site locations at the complainant's site or equal distance on June 27, 2019 and July 2, 2019, detected moderate to very strong and offensive sulfurous sewage odors on June 27, 2019, and detected very light to strong and highly offensive sulfurous sewage odors on July 2, 2019 that resulted in the documentation of nuisance odor conditions. During the air monitoring conducted on June 28, 2019, TCEQ staff experienced a headache and slight nausea that resulted in the documentation of nuisance health conditions.

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants 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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

Three single events are recommended (one event for each day).

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/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 Corpus Christi  
**Case ID No.** 59977  
**Reg. Ent. Reference No.** RN101610400  
**Media** Air  
**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				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)	\$20,000	27-Jun-2019	1-May-2022	2.85	\$2,847	n/a	\$2,847

**Notes for DELAYED costs**

Estimated costs to implement additional measures and/or procedures designed to prevent ground level concentrations of H2S from a source or sources at the Plant from exceeding 0.08 ppm averaged over any 30-minute period and to minimize odors from the Plant from causing nuisance odor and health conditions that impact off-site receptors. The Date Required is the initial date an odor was detected and the Final Date is the estimated 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 \$20,000

**TOTAL** \$2,847

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN600131858, RN101610400, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN600131858, City of Corpus Christi **Classification:** SATISFACTORY **Rating:** 1.86  
**Regulated Entity:** RN101610400, GREENWOOD PLANT **Classification:** SATISFACTORY **Rating:** 5.73  
**Complexity Points:** 9 **Repeat Violator:** NO  
**CH Group:** 08 - Sewage Treatment Facilities  
**Location:** 6541 GREENWOOD DR, CORPUS CHRISTI, NUECES COUNTY, TEXAS  
**TCEQ Region:** REGION 14 - CORPUS CHRISTI

**ID Number(s):**

**WASTEWATER LICENSING LICENSE** WQ0010401003 **STORMWATER PERMIT** TXR05DM76  
**WASTEWATER PERMIT** WQ0010401003 **WASTEWATER EPA ID** TX0047074  
**WASTEWATER AUTHORIZATION** R10401003

**Compliance History Period:** September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** February 12, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 12, 2016 to February 12, 2021

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

**Name:** Toni Red

**Phone:** (512) 239-1704

**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: 11/07/2017 ADMINORDER 2016-0638-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.4

5C THSC Chapter 382 382.085(a)

5C THSC Chapter 382 382.085(b)

Description: Failure to prevent discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Operational Requirements No.1 PERMIT

Description: Failed to properly operate and maintain the wastewater treatment plant.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	February 17, 2016	(1325571)
Item 2	March 17, 2016	(1332312)
Item 3	April 19, 2016	(1339466)
Item 5	June 17, 2016	(1352711)
Item 6	July 19, 2016	(1359676)
Item 7	September 13, 2016	(1366116)
Item 8	September 19, 2016	(1372802)
Item 9	October 19, 2016	(1378976)
Item 10	November 18, 2016	(1384939)
Item 11	December 16, 2016	(1391073)
Item 12	January 19, 2017	(1397693)
Item 13	February 17, 2017	(1404582)
Item 14	March 15, 2017	(1411674)
Item 15	May 16, 2017	(1425765)
Item 16	June 19, 2017	(1431808)
Item 18	September 18, 2017	(1450670)
Item 19	September 25, 2017	(1444066)
Item 20	October 18, 2017	(1456527)
Item 21	November 17, 2017	(1461993)
Item 22	December 14, 2017	(1468377)
Item 23	January 18, 2018	(1475076)
Item 24	February 19, 2018	(1487292)
Item 25	February 22, 2018	(1471222)
Item 26	March 13, 2018	(1490967)
Item 27	April 17, 2018	(1494213)
Item 28	May 15, 2018	(1501163)
Item 29	June 13, 2018	(1508250)
Item 30	November 16, 2018	(1541997)
Item 31	December 20, 2018	(1545768)
Item 32	January 17, 2019	(1561308)
Item 33	March 18, 2019	(1561307)
Item 34	April 15, 2019	(1572366)
Item 36	May 17, 2019	(1584344)
Item 38	August 28, 2019	(1554396)
Item 39	September 16, 2019	(1606935)
Item 40	October 17, 2019	(1613782)
Item 41	November 18, 2019	(1619593)
Item 42	December 20, 2019	(1626947)
Item 43	February 19, 2020	(1641202)
Item 44	March 20, 2020	(1647717)
Item 45	April 17, 2020	(1654066)
Item 46	May 19, 2020	(1660638)
Item 47	July 15, 2020	(1674110)
Item 48	September 16, 2020	(1687454)
Item 49	September 29, 2020	(1680883)

**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: 05/31/2020 (1667158)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
  
- 2 Date: 08/05/2020 (1664132)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
Operational Requirements; No. 1, Pg. 9 PERMIT  
Description: Failed to ensure that the facility and all of its systems of collection, treatment,

and disposal are properly operated and maintained.

3 Date: 09/30/2020 (1693793)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF CORPUS CHRISTI  
RN101610400**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2020-1370-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Corpus Christi (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located at 6541 Greenwood Drive in Corpus Christi, Nueces County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the 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. HEALTH & SAFETY CODE ch. 382 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 the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$14,175 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$2,835 of the assessed penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$11,340 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental

Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The 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 the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). 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 the Respondent has not complied with one or more of the terms or conditions 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 compliance with all the terms and conditions set forth in this Order, whichever is later.

## **II. ALLEGATIONS**

During an investigation conducted from June 27, 2019 through July 2, 2019, an investigator documented that the Respondent caused, suffered, allowed, or permitted emissions of hydrogen sulfide ("H<sub>2</sub>S") from a source or sources operated on a property to exceed a net ground level concentration of 0.08 parts per million ("ppm") averaged over any 30-minute period and failed to prevent nuisance conditions, in violation of 30 TEX. ADMIN. CODE §§ 101.4 and 112.31 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b). Specifically, TCEQ staff conducted air monitoring at the fence-line downwind from the Plant and detected 0.18 ppm of H<sub>2</sub>S averaged over a 30-minute period on June 27, 2019, 0.25 ppm of H<sub>2</sub>S averaged over a 30-minute period on June 28, 2019, and 0.11 ppm of H<sub>2</sub>S averaged over a 30-minute period on July 2, 2019. TCEQ staff conducted odor surveys at off-site locations at the complainant's site or equal distance on June 27, 2019 and July 2, 2019, detected moderate to very strong and offensive sulfurous sewage odors on June 27, 2019, and detected very light to strong and highly offensive sulfurous sewage odors on July 2, 2019 that resulted in the documentation of nuisance odor conditions. During the air monitoring conducted on June 28, 2019, TCEQ staff experienced a headache and slight nausea that resulted in the documentation of nuisance health conditions.

## **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the 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 action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Corpus Christi, Docket No. 2020-1370-AIR-E" to:

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

2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph No. 4. The amount of \$11,340 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of 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. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the completion of the SEP, implement additional measures and/or procedures as needed to prevent ground level concentrations of H<sub>2</sub>S from a source or sources at the Plant from exceeding 0.08 ppm averaged over any 30-minute period and to minimize odors from the Plant from causing nuisance odor and health conditions that impact off-site receptors.
  - b. Within 45 days after the completion of the additional measures and/or procedures, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section Manager  
Corpus Christi Regional Office  
Texas Commission on Environmental Quality  
6300 Ocean Drive, Suite 1200  
Corpus Christi, Texas 78412-5839

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 the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. If the 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, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
8. This 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 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.
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 ("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 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



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

\_\_\_\_\_  
Date

4/11/2022

\_\_\_\_\_  
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, 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

9/29/21  
\_\_\_\_\_  
Date

MICHAEL E. MURPHY  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Corpus Christi

CHIEF OPERATIONS OFFICER  
\_\_\_\_\_  
Title  
CORPUS CHRISTI

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

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

**Attachment A**  
**Docket Number: 2020-1370-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Corpus Christi
<b>Penalty Amount:</b>	Eleven Thousand Three Hundred Forty Dollars (\$11,340)
<b>SEP Offset Amount:</b>	Eleven Thousand Three Hundred Forty Dollars (\$11,340)
<b>Type of SEP:</b>	Compliance
<b>Project Name:</b>	<i>WWTP Improvements</i>
<b>Location of SEP:</b>	Nueces County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to perform a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

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 purchase an OMI Ecosorb unit. The unit will be used to control nuisance gas emissions from the lift station. The unit will produce pressurized ecosorb vapor around the lift station through PVC piping to decompose hydrogen sulfide (“H<sub>2</sub>S”) gas released, and consequently mitigate the nuisance odor from the lift station. Specifically, the SEP Offset Amount shall be used for an OMI Ecosorb unit (the “Project”). 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.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform this Project and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

**B. Environmental Benefit**

The SEP will provide a discernible environmental benefit by decomposing the H<sub>2</sub>S gas that is released from the lift station in order to prevent the H<sub>2</sub>S ground level concentrations from exceeding 0.08 ppm average over any 30-minute period and minimizing odors from the Plant that can cause nuisance odor and health conditions that impact off-site receptors.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

**Estimated Cost Schedule**

Item	Quantity	Cost	Total
OMI Ecosorb Unit	1	\$15,325	\$15,325
<b>Total</b>			<b>\$15,325</b>

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.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 45 days after the effective date of this Agreed Order, Respondent shall submit a report detailing all actions for achieving completion of 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**

Days from Effective Order Date	Information Required
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 the TCEQ, which shall include the following:

1. 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. A certified statement of SEP completion and document authentication;
5. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
6. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Additional Information and Access**

Respondent shall provide additional information as requested by TCEQ staff and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

**5. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**6. Publicity**

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**7. Recognition**

Respondent may not seek recognition for this project in any other state or federal regulatory program.

**8. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.