

Executive Summary – Enforcement Matter – Case No. 60797

City of Crockett

RN101609675

Docket No. 2021-0768-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

South Plant, located at approximately 3,000 feet south of the intersection of U.S. Highway 287 and State Highway Loop 304, Crockett, Houston County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 27, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$18,750

Amount Deferred for Expedited Settlement: \$3,750

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$15,000

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: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 30, 2021

Date(s) of NOE(s): April 30, 2021

**Executive Summary – Enforcement Matter – Case No. 60797
City of Crockett
RN101609675
Docket No. 2021-0768-MWD-E**

Violation Information

Failed to comply with permitted effluent limitations for pH, daily average flow, total suspended solids, and carbonaceous biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0010154002, Effluent Limitations and Monitoring Requirements Nos. 1 and 3].

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, within 235 days, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0010154002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ellen Ojeda, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2581; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Adena Crider, SEP Coordinator, Litigation Division, MC 175, (512) 239-3992

Respondent: The Honorable Ianthia Fisher, Mayor, City of Crockett, 200 North 5th Street, Crockett, Texas 75835

Steven Caudle, Utility Superintendent, City of Crockett, 200 North 5th Street, Crockett, Texas 75835

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	10-May-2021		
	PCW	4-Jun-2021	Screening	12-May-2021
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Crockett
Reg. Ent. Ref. No.	RN101609675
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60797	No. of Violations	1
Docket No.	2021-0768-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ellen Ojeda
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	25.0% Adjustment	Subtotals 2, 3, & 7	\$3,750
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Notes: Enhancement for five months of self-reported effluent violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$613
 Estimated Cost of Compliance: \$5,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$18,750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$18,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$18,750
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,750
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$15,000
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Screening Date 12-May-2021

Docket No. 2021-0768-MWD-E

PCW

Respondent City of Crockett

Policy Revision 5 (January 28, 2021)

Case ID No. 60797

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101609675

Media Water Quality

Enf. Coordinator Ellen Ojeda

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>)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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) 25%

>> 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 five months of self-reported effluent violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 25%

Screening Date 12-May-2021
Respondent City of Crockett
Case ID No. 60797
Reg. Ent. Reference No. RN101609675
Media Water Quality
Enf. Coordinator Ellen Ojeda

Docket No. 2021-0768-MWD-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010154002, Effluent Limitations and Monitoring Requirements Nos. 1 and 3

Violation Description

Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

A simplified model was used to evaluate biochemical oxygen demand (5-day) and flow to determine whether the discharged amount of pollutants exceeded protective levels. Flow, total suspended solids and pH were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do 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

Four quarterly events are recommended, calculated for the quarters containing the months of January, February, March, May, July, September, and October 2020.

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 Crockett
Case ID No. 60797
Reg. Ent. Reference No. RN101609675
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
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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				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)	\$5,000	31-Jan-2020	14-Jul-2022	2.45	\$613	n/a	\$613

Notes for DELAYED costs
 Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility to return to compliance with the permitted effluent limitations. Date required is the end date of the first month of noncompliance, 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 \$5,000

TOTAL \$613

City of Crockett
Docket No. 2021-0768-MWD-E
TPDES Permit No. WQ0010154002
Case Number 60797

Effluent Violation Table

Month/Year	Flow	Total Suspended Solids		Carbonaceous Biochemical Oxygen Demand (5-day)		pH
	Daily Average	Daily Average Concentration	Daily Average Loading	Daily Average Concentration	Daily Average Loading	Monthly Minimum
	Limit= 0.5 MGD	Limit= 15 mg/L	Limit= 63 lbs/day	Limit= 10 mg/L	Limit= 42 lbs/day	Limit= 6.0 SU
January 2020	c	22.46	80.62	c	c	5.6
February 2020	0.554	25.25	181.31	c	c	c
March 2020	c	c	104.15	c	61.89	c
May 2020	c	c	c	12.8	c	c
July 2020	c	c	c	11.68	c	c
September 2020	c	c	c	13.6	45.91	c
October 2020	c	c	c	11.6	c	c

MGD= million gallons per day
mg/L= milligrams per liter
lbs/day = pounds per day

c= compliant
SU= Standard Units

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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 CN600251870, RN101609675, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN600251870, City of Crockett **Classification:** SATISFACTORY **Rating:** 3.51
Regulated Entity: RN101609675, SOUTH PLANT **Classification:** SATISFACTORY **Rating:** 2.55
Complexity Points: 6 **Repeat Violator:** NO
CH Group: 08 - Sewage Treatment Facilities
Location: approximately 3,000 feet south of the intersection of United States Highway 287 and State Highway Loop 304 in Crockett, Houston County, Texas
TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

WASTEWATER PERMIT WQ0010154002

WASTEWATER EPA ID TX0025895

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: November 23, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 23, 2016 to November 23, 2021

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

Name: Ellen Ojeda

Phone: (512) 239-2581

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:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	December 19, 2016	(1390857)
Item 2	January 19, 2017	(1397472)
Item 3	February 17, 2017	(1404360)
Item 4	March 21, 2017	(1411459)
Item 5	April 19, 2017	(1417953)
Item 6	May 18, 2017	(1425547)
Item 7	June 15, 2017	(1431576)
Item 8	July 25, 2017	(1440167)
Item 9	September 27, 2017	(1450457)
Item 11	October 27, 2017	(1456306)
Item 12	November 30, 2017	(1461775)
Item 13	January 04, 2018	(1468159)
Item 14	January 26, 2018	(1474859)

Item 15	April 26, 2018	(1494001)
Item 16	May 23, 2018	(1500942)
Item 17	September 25, 2018	(1527589)
Item 18	October 29, 2018	(1533949)
Item 19	November 28, 2018	(1541781)
Item 20	January 03, 2019	(1545553)
Item 21	March 14, 2019	(1560657)
Item 22	March 19, 2019	(1560656)
Item 23	April 16, 2019	(1572152)
Item 24	May 16, 2019	(1583911)
Item 25	June 20, 2019	(1583912)
Item 26	July 17, 2019	(1593489)
Item 27	August 20, 2019	(1599819)
Item 28	September 18, 2019	(1606721)
Item 29	October 21, 2019	(1613563)
Item 30	November 20, 2019	(1619378)
Item 31	December 19, 2019	(1626731)
Item 32	January 21, 2020	(1634372)
Item 33	May 18, 2020	(1660429)
Item 34	July 20, 2020	(1673892)
Item 35	September 21, 2020	(1687240)
Item 36	December 21, 2020	(1713439)
Item 37	January 19, 2021	(1713440)
Item 38	April 20, 2021	(1726499)
Item 39	July 16, 2021	(1752032)
Item 40	September 20, 2021	(1766594)

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: 01/31/2021 (1726497)
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: 02/28/2021 (1726498)
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
- 3 Date: 04/30/2021 (1740555)
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
- 4 Date: 05/31/2021 (1747755)
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
- 5 Date: 07/31/2021 (1757486)
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

Classification: Moderate

Self Report? YES For Informational Purposes Only
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

5 Date: 12/31/2018 (1560658)

Classification: Moderate

Self Report? YES For Informational Purposes Only
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

6 Date: 01/31/2019 (1560655)

Classification: Moderate

Self Report? YES For Informational Purposes Only
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

7 Date: 01/31/2020 (1640988)

Classification: Moderate

Self Report? YES For Informational Purposes Only
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

8 Date: 02/29/2020 (1647507)

Classification: Moderate

Self Report? YES For Informational Purposes Only
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

9 Date: 03/20/2020 (1633776)

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: MRR, Pg. 5, No. 1 PERMIT
Description: Failure by the City of Crocket (City) to submit the Discharge Monitoring Report (DMR) to the Enforcement Division (MC224) by the 20th day of the month following the monitoring period whether or not a discharge was made for that month.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: MRR, Pg. 7, No. 7(c) PERMIT
Description: Failure by the City of Crocket (City) to report an effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the Regional office and Enforcement Division (MC224) within five working days of becoming aware of the noncompliance.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: ELAMR, Pg. 2, No. 1 PERMIT
Description: Failure by the City of Crockett (City) to collect and analyze effluent samples at the required frequency.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: MRR, Pg. 7, No. 7(a) PERMIT
Description: Failure by the City of Crockett (City) to report orally or by facsimile transmission (Fax) to the Region office within 24 hours of becoming aware of the noncompliance and to submit a written report to the Regional Office and Enforcement Division (MC224) within five working days of becoming aware of the

noncompliance.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: SP, Pg. 31, Sec. III(G) PERMIT
Description: Failure by the City of Crockett (City) to submit the annual sludge report (ASR) by September 30th of each year to the TCEQ Regional office.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: PC, Pg. 9, No. 1(a) PERMIT
Description: Failure by the City of Crockett (City) to accurately complete the discharge monitoring reports (DMRs).

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: DSPC, Pg. 4, No. 2(e) PERMIT
PC, Pg. 9, No. 1(a) PERMIT
Description: Failure by the City of Crockett (City) to accurately complete the discharge monitoring reports (DMRs).

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: MRR, Pg. 6, No. 3(b) PERMIT
Description: Failure by the City of Crockett (City) to make all monitoring and reporting records readily available to TCEQ personnel.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: MRR, Pg. 6, No. 3(b) PERMIT
Description: Failure by the City of Crockett (City) to ensure proper preservation of effluent samples.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: MRR, Pg. 5, No. 2(a) PERMIT
Description: Failure by the City of Crockett (City) to maintain all monitoring and reporting records at the facility.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: OpR, Pg. 13, No. 1 PERMIT
Description: Failure by the City of Crockett (City) to properly operate and maintain all units of collection, treatment, and disposal.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 317 317.6(b)(1)(D)
Description: Failure by the City of Crockett (City) to make a self-contained breathing apparatus (SCBA) available to facility personnel at the chlorination facility.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: OpR, Pg. 13, No. 1 PERMIT
Description: Failure by the City of Crockett (City) to properly operate and maintain all units of collection, treatment, and disposal.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: OpR, Pg. 13, No. 1 PERMIT
Description: Failure by the City of Crockett (City) to properly operate and maintain units of collection, treatment, and disposal.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: MRR, Pg. 6, No. 5 PERMIT
Description: Failure by the City of Crockett (City) to ensure flow measurement accuracy.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: ELMR, Pg. 2, No. 2 PERMIT
Description: Failure by the City of Crockett (City) to maintain compliance with the permitted effluent limits for chlorine residual.

			Classification: Minor
	Self Report?	NO	For Informational Purposes Only
	Citation:	MRR, Pg. 5, No. 2(a) PERMIT	
	Description:	Failure by the City of Crockett (City) to comply with procedures specified in 30 TAC 319.11 - 319.12.	
			Classification: Minor
	Self Report?	NO	For Informational Purposes Only
	Citation:	OpR, Pg. 13, No. 1 PERMIT	
	Description:	Failure by the City of Crockett (City) to properly operate and maintain units of collection, treatment, and disposal.	
			Classification: Minor
	Self Report?	NO	For Informational Purposes Only
	Citation:	OpR, Pg. 13, No. 1 PERMIT	
	Description:	Failure by the City of Crockett (City) to properly operate and maintain all units of collection, treatment, and disposal.	
10	Date:	03/31/2020 (1653847)	Classification: Moderate
	Self Report?	YES	For Informational Purposes Only
	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	
11	Date:	05/31/2020 (1666942)	Classification: Moderate
	Self Report?	YES	For Informational Purposes Only
	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	
12	Date:	07/31/2020 (1680671)	Classification: Moderate
	Self Report?	YES	For Informational Purposes Only
	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	
13*	Date:	09/30/2020 (1693581)	Classification: Moderate
	Self Report?	YES	For Informational Purposes Only
	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	
14*	Date:	10/31/2020 (1713438)	Classification: Moderate
	Self Report?	YES	For Informational Purposes Only
	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	
15*	Date:	01/31/2021 (1726497)	Classification: Moderate
	Self Report?	YES	For Informational Purposes Only
	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	
16*	Date:	02/28/2021 (1726498)	Classification: Moderate
	Self Report?	YES	For Informational Purposes Only
	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

17* Date: 04/30/2021 (1740555) Classification: Moderate

Self Report? YES For Informational Purposes Only

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

18* Date: 05/31/2021 (1747755) Classification: Moderate

Self Report? YES For Informational Purposes Only

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

19* Date: 07/31/2021 (1757486) Classification: Moderate

Self Report? YES For Informational Purposes Only

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

* NOVs applicable for the Compliance History rating period 9/1/2016 to 8/31/2021

Appendix B

All Investigations Conducted During Component Period November 23, 2016 and November 23, 2021

Item 1* December 19, 2016** (1390857) For Informational Purposes Only

Item 2* January 19, 2017** (1397472) For Informational Purposes Only

Item 3* February 17, 2017** (1404360) For Informational Purposes Only

Item 4* March 21, 2017** (1411459) For Informational Purposes Only

Item 5* April 19, 2017** (1417953) For Informational Purposes Only

Item 6* May 18, 2017** (1425547) For Informational Purposes Only

Item 7* June 15, 2017** (1431576) For Informational Purposes Only

Item 8* July 25, 2017** (1440167) For Informational Purposes Only

Item 9 August 22, 2017** (1443851) For Informational Purposes Only

Item 10* September 27, 2017** (1450457) For Informational Purposes Only

Item 11 October 18, 2017** (1430837) For Informational Purposes Only

(1456306)

Item 12*	October 27, 2017**	For Informational Purposes Only (1461775)
Item 13*	November 30, 2017**	For Informational Purposes Only (1468159)
Item 14*	January 04, 2018**	For Informational Purposes Only (1474859)
Item 15*	January 26, 2018**	For Informational Purposes Only (1490749)
Item 16	February 27, 2018**	For Informational Purposes Only (1490750)
Item 17	March 23, 2018**	For Informational Purposes Only (1494001)
Item 18*	April 26, 2018**	For Informational Purposes Only (1500942)
Item 19*	May 23, 2018**	For Informational Purposes Only (1527589)
Item 20*	September 25, 2018**	For Informational Purposes Only (1533949)
Item 21*	October 29, 2018**	For Informational Purposes Only (1524982)
Item 22	November 13, 2018**	For Informational Purposes Only (1541781)
Item 23*	November 28, 2018**	For Informational Purposes Only (1545553)
Item 24*	January 03, 2019**	For Informational Purposes Only (1560658)
Item 25	January 31, 2019**	For Informational Purposes Only (1560655)
Item 26	March 14, 2019**	For Informational Purposes Only (1560656)
Item 27*	March 19, 2019**	For Informational Purposes Only (1550693)
Item 28	March 27, 2019**	For Informational Purposes Only (1572152)
Item 29*	April 16, 2019**	For Informational Purposes Only (1554870)
Item 30	May 01, 2019**	For Informational Purposes Only (1583911)
Item 31*	May 16, 2019**	For Informational Purposes Only (1583912)
Item 32*	June 20, 2019**	For Informational Purposes Only (1593489)
Item 33*	July 17, 2019**	For Informational Purposes Only

Item 34*	August 20, 2019**	(1599819) For Informational Purposes Only
Item 35*	September 18, 2019**	(1606721) For Informational Purposes Only
Item 36*	October 21, 2019**	(1613563) For Informational Purposes Only
Item 37*	November 20, 2019**	(1619378) For Informational Purposes Only
Item 38*	December 19, 2019**	(1626731) For Informational Purposes Only
Item 39*	January 21, 2020**	(1634372) For Informational Purposes Only
Item 40	February 20, 2020**	(1640988) For Informational Purposes Only
Item 41	March 17, 2020**	(1647507) For Informational Purposes Only
Item 42	March 20, 2020**	(1633776) For Informational Purposes Only
Item 43	April 17, 2020**	(1653847) For Informational Purposes Only
Item 44*	May 18, 2020**	(1660429) For Informational Purposes Only
Item 45	June 18, 2020**	(1666942) For Informational Purposes Only
Item 46*	July 20, 2020**	(1673892) For Informational Purposes Only
Item 47*	September 21, 2020**	(1687240) For Informational Purposes Only
Item 48	October 15, 2020**	(1693581) For Informational Purposes Only
Item 49	November 20, 2020**	(1713438) For Informational Purposes Only
Item 50*	December 21, 2020**	(1713439) For Informational Purposes Only
Item 51*	January 19, 2021**	(1713440) For Informational Purposes Only
Item 52	February 23, 2021**	(1726497) For Informational Purposes Only
Item 53	April 14, 2021**	(1726498) For Informational Purposes Only
Item 54*	April 20, 2021**	(1726499) For Informational Purposes Only

Item 55	May 05, 2021**	(1707480) For Informational Purposes Only
Item 56	May 20, 2021**	(1740555) For Informational Purposes Only
Item 57	June 21, 2021**	(1747755) For Informational Purposes Only
Item 58*	July 16, 2021**	(1752032) For Informational Purposes Only
Item 59	August 24, 2021**	(1757486) For Informational Purposes Only
Item 60*	September 20, 2021	(1766594) For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2016 and 08/31/2021.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF CROCKETT
RN101609675

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-0768-MWD-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 Crockett (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at approximately 3,000 feet south of the intersection of U.S. Highway 287 and State Highway Loop 304 in Crockett, Houston 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 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. 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 the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$18,750 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$3,750 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements 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, \$15,000 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 a record review of the Facility conducted on March 30, 2021, an investigator documented that the Respondent 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 Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010154002, Effluent Limitations and Monitoring Requirements Nos. 1 and 3, as shown in the effluent violation table below:

Effluent Violation Table						
Month/Year	Flow	Total Suspended Solids		Carbonaceous Biochemical Oxygen Demand (5-day)		pH
	Daily Average	Daily Average Concentration	Daily Average Loading	Daily Average Concentration	Daily Average Loading	Monthly Minimum
	Limit= 0.5 MGD	Limit= 15 mg/L	Limit= 63 lbs/day	Limit= 10 mg/L	Limit= 42 lbs/day	Limit= 6.0 SU
January 2020	c	22.46	80.62	c	c	5.6
February 2020	0.554	25.25	181.31	c	c	c
March 2020	c	c	104.15	c	61.89	c
May 2020	c	c	c	12.8	c	c
July 2020	c	c	c	11.68	c	c

September 2020	c	c	c	13.6	45.91	c
October 2020	c	c	c	11.6	c	c

MGD= million gallons per day c= compliant
 mg/L= milligrams per liter SU= Standard Units
 lbs/day = pounds per day

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 Crockett, Docket No. 2021-0768-MWD-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 \$15,000 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. Within 235 days after the effective date of this Order, the Respondent shall submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0010154002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detail supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. 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:

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

with a copy to:

Water Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

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 Facility 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 Enforcement Division 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

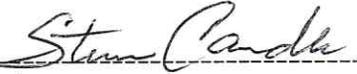
----- For the Commission	----- Date
	3/30/2023
----- For the Executive Director	----- Date

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, 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 OAG 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 OAG 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.

----- 	----- 3/9/2023
----- Signature	----- Date
----- Steven Caudle	----- Utilities Super.
----- Name (Printed or typed)	----- Title
----- Authorized Representative of City of Crockett	

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: 2021-0768-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Crockett
Penalty Amount:	Fifteen Thousand Dollars (\$15,000)
SEP Offset Amount:	Fifteen Thousand Dollars (\$15,000)
Type of SEP:	Compliance
Project Name:	<i>WWTP Improvements</i>
Location of SEP:	Houston 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 hire a contractor to purchase, install, and program two supervisory control and data acquisition (SCADA) remote terminal units (RTU) with telemetry radios at the Facility. The SCADA RTUs will allow a consistent monitoring of critical equipment and high levels of influent. Using SCADA, operators will receive a text message of an alarm of high influent flows and mechanical failures occurring during unmanned hours at the Facility, so they can respond in a timely manner. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for two SCADA RTUs (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 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.

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

This SEP will provide a discernible environmental benefit by improving the quality of treatment for wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. Additional risks include occurrences of low dissolved oxygen, fish kills, algal bloom, and bacterial contamination in waterways.

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	Units	Total
SCADA RTUs	2	\$5,794.67	Each	\$11,589.34
Telemetry Radio/Accessories	2	\$2,058.76	Each	\$4,117.52
Installation/Programming	2	\$6,112.90	Each	\$12,225.80
Total				\$27,932.66

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 130 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 90 days after the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 130-day timeframe set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress 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
90	Actions completed during previous 60-day period
130	Notice of SEP completion

B. Final Report

Within 130 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. Copies of proof of advertisement of invitation for bids, if applicable;
5. A certified statement of SEP completion and document authentication;
6. Detailed map showing specific location of the project site(s);
7. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;
8. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
9. Any additional information Respondent believes will demonstrate compliance with this Attachment A, and any such information that is requested by TCEQ.

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.