

Executive Summary – Enforcement Matter – Case No. 61074

City of La Marque

RN101917284

Docket No. 2021-0952-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of La Marque Westside WWTP, 2701B Woodland Street, La Marque, Galveston 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: None

Texas Register Publication Date: November 25, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$97,500

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$97,500

Name of SEP: Wastewater Collection System Improvements (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

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: June 16, 2021

Date(s) of NOE(s): July 14, 2021

Executive Summary – Enforcement Matter – Case No. 61074

City of La Marque

RN101917284

Docket No. 2021-0952-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for total copper and *Enterococci* [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010410003, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent achieved compliance with the permitted effluent limitations by February 28, 2021.

Technical Requirements:

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Harley Hobson, Enforcement Division, Enforcement Team 1, MC R-09, (512) 239-1337; 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 Keith Bell, Mayor, City of La Marque, 1111 Bayou Road, La Marque, Texas 77568

Cesar Garcia, City Manager, City of La Marque, 1111 Bayou Road, La Marque, Texas 77568

Respondent's Attorney: Nathan Vassar, Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	19-Jul-2021	Screening	19-Jul-2021	EPA Due	5-Jun-2021
	PCW	20-Jul-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of La Marque
Reg. Ent. Ref. No.	RN101917284
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61074	No. of Violations	2
Docket No.	2021-0952-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Alyssa Loveday
		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	\$75,000
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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	55.0% Adjustment	Subtotals 2, 3, & 7	\$41,250
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Notes: Enhancement for two months of self-reported effluent violations, one order containing a denial of liability, and one order without a denial of liability.

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	-\$18,750
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$832
 Estimated Cost of Compliance: \$25,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$97,500
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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	\$97,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$97,500
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$97,500
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Screening Date 19-Jul-2021

Docket No. 2021-0952-MWD-E

PCW

Respondent City of La Marque

Policy Revision 5 (January 28, 2021)

Case ID No. 61074

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101917284

Media Water Quality

Enf. Coordinator Alyssa Loveday

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>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 55%

>> 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 two months of self-reported effluent violations, one order containing a denial of liability, and one order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 55%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 55%

Screening Date 19-Jul-2021
Respondent City of La Marque
Case ID No. 61074
Reg. Ent. Reference No. RN101917284
Media Water Quality
Enf. Coordinator Alyssa Loveday

Docket No. 2021-0952-MWD-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

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. WQ0010410003, Effluent Limitations and Monitoring Requirements No. 1

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

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		50.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

A simplified model was used to evaluate copper to determine whether the discharged amounts of pollutants exceeded protective levels. Enterococci was also considered. Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$12,500

\$12,500

Violation Events

Number of Violation Events 4 122 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$50,000

Four monthly events are recommended for the months of June, October, and November 2020 and January 2021.

Good Faith Efforts to Comply

25.0%

Reduction \$12,500

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes: The Respondent achieved compliance on February 28, 2021, prior to the Notice of Enforcement dated July 14, 2021.

Violation Subtotal \$37,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$832

Violation Final Penalty Total \$65,000

This violation Final Assessed Penalty (adjusted for limits) \$65,000

Economic Benefit Worksheet

Respondent City of La Marque
Case ID No. 61074
Reg. Ent. Reference No. RN101917284
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)	\$25,000	30-Jun-2020	28-Feb-2021	0.67	\$832	n/a	\$832

Notes for DELAYED costs Estimated delayed cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance, and the Final Date is the 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 \$25,000

TOTAL \$832

Screening Date 19-Jul-2021 **Docket No.** 2021-0952-MWD-E **PCW**
Respondent City of La Marque *Policy Revision 5 (January 28, 2021)*
Case ID No. 61074 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101917284
Media Water Quality
Enf. Coordinator Alyssa Loveday

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0010410003, Effluent Limitations and Monitoring Requirements No. 1
Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	x			100.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1 30 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$25,000

One monthly event is recommended for the month of September 2020.

Good Faith Efforts to Comply 25.0% Reduction \$6,250

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent achieved compliance on February 28, 2021, prior to the Notice of Enforcement dated July 14, 2021.

Violation Subtotal \$18,750

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$0 **Violation Final Penalty Total** \$32,500

This violation Final Assessed Penalty (adjusted for limits) \$32,500

Economic Benefit Worksheet

Respondent City of La Marque
Case ID No. 61074
Reg. Ent. Reference No. RN101917284
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit Worksheet for Violation No. 1.

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 \$0

TOTAL \$0

City of La Marque
 TPDES Permit No. WQ0010410003
 Docket No. 2021-0952-MWD-E
 Case No. 61074

Effluent Violation Table					
Monitoring Period	Total Copper			Enterococci	
	Daily Average Concentration Limit = 0.00766 mg/L	Daily Maximum Concentration Limit = 0.0162 mg/L	Daily Average Loading Limit = 0.19 lbs/day	Daily Average Concentration Limit = 35 CFU/100 mL	Daily Maximum Concentration Limit = 104 CFU/100 mL
June 2020	0.0136	0.0367	0.237	37.2	c
September 2020	c	0.0298	c	232	980
October 2020	c	0.0364	c	c	c
November 2020	0.0181	0.0967	0.2674	c	c
January 2021	c	c	c	c	436

c = compliant

mg/L = milligrams per liter

lbs/day = pounds per day

CFU/100 mL = colony-forming units per 100 milliliters

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Compliance History Report

Compliance History Report for CN600593412, RN101917284, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN600593412, City of La Marque **Classification:** SATISFACTORY **Rating:** 8.00

Regulated Entity: RN101917284, CITY OF LA MARQUE **Classification:** SATISFACTORY **Rating:** 10.08

Complexity Points: 8 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: 2701B Woodland Street, La Marque, Galveston County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):
WASTEWATER PERMIT WQ0010410003 **WASTEWATER EPA ID** TX0114821
WASTEWATER LICENSING LICENSE WQ0010410003

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

Date Compliance History Report Prepared: January 13, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 13, 2017 to January 13, 2022

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Alyssa Loveday **Phone:** (512) 239-5504

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: 05/30/2018 ADMINORDER 2016-0402-MLM-E (Findings Order-Agreed Order Without Denial)
 Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: Interim Effluent Limitations and Monitor PERMIT
 Description: Failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010410003, Interim Effluent Limitations and Monitoring Requirements No. 1.

- 2 Effective Date: 05/26/2021 ADMINORDER 2019-0549-MWD-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26(c)
 TWC Chapter 26 26.121
 Description: Failed to obtain authorization to discharge stormwater associated with industrial activities
 Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.126(a)
 Rqmt Prov: WQ0010410003 PERMIT
 Description: Failed to initiate engineering and financial planning for expansion and/or upgrading of the wastewater treatment and/or collection facilities whenever the flow measurements reach 75% of the permitted daily average flow for three consecutive months. Specifically, the Facility reached 75% of the permitted effluent limitation for flow of three million gallons per day for the months of June 2017, July 2017, and August 2017.

Classification: Minor

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

Rqmt Prov: Monitoring and Reporting Requirements No PERMIT

Description: Failed to submit accurate discharge monitoring reports ("DMRs"). Specifically, the reported DMR data for daily average flow and daily maximum flows for the months of October 2018 and November 2018 did not match the Facility's operator logs; and the annual average flows for the months of October 2018, November 2018, and December 2018 did not match the Facility's operator logs.

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 20, 2017	(1405692)	Item 21	April 18, 2020	(1655122)
Item 2	April 19, 2017	(1441481)	Item 22	May 15, 2020	(1661683)
Item 3	June 20, 2017	(1432919)	Item 23	June 18, 2020	(1668218)
Item 5	September 29, 2017	(1445159)	Item 24	August 13, 2020	(1663583)
Item 6	October 20, 2017	(1457615)	Item 25	August 18, 2020	(1681932)
Item 7	November 20, 2017	(1463049)	Item 26	September 14, 2020	(1688510)
Item 8	January 19, 2018	(1476184)	Item 27	January 18, 2021	(1717197)
Item 9	February 20, 2018	(1488351)	Item 28	March 19, 2021	(1730277)
Item 11	March 20, 2018	(1492021)	Item 29	April 16, 2021	(1730278)
Item 12	April 20, 2018	(1495308)	Item 30	May 14, 2021	(1742424)
Item 13	May 17, 2018	(1502239)	Item 31	May 25, 2021	(1712113)
Item 14	June 22, 2018	(1509356)	Item 32	June 18, 2021	(1748398)
Item 15	September 28, 2018	(1521711)	Item 34	July 20, 2021	(1753269)
Item 16	August 19, 2019	(1601095)	Item 35	August 16, 2021	(1758670)
Item 17	November 18, 2019	(1620664)	Item 36	September 19, 2021	(1767974)
Item 18	December 13, 2019	(1628013)	Item 37	October 19, 2021	(1778532)
Item 19	January 17, 2020	(1635640)			
Item 20	February 13, 2020	(1642258)			

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 (1730276)			
	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: 10/31/2021 (1785200)			
	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

Description: Failure to meet the limit for one or more permit parameter
 9 Date: 08/31/2018 (1528899) 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

10 Date: 09/30/2018 (1535222) 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: 10/31/2018 (1543079) 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: 11/30/2018 (1546815) 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: 12/27/2018 (1505601) Classification: Minor
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 317 317.3(c)(2)
 WQ0010410003 PERMIT
 Description: Failed to maintain firm pumping capacity at the lift station.
 Classification: Minor
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 317 317.4(a)(8)
 Description: Failed to test the reduced-pressure principal backflow prevention assembly (RPBA) annually.
 Classification: Minor
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ0010410003 PERMIT
 Description: Failure to maintain compliance with permitted effluent limits.
 Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26(c)
 TWC Chapter 26 26.121
 Description: Failed to obtain authorization to discharge stormwater associated with industrial activities
 Classification: Minor
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.126(a)
 WQ0010410003 PERMIT
 Description: Failed to initiate engineering and financial planning for expansion and/or upgrading of the wastewater treatment and/or collection facilities whenever the flow measurements reach 75% of the permitted daily average flow for three consecutive months. Specifically, the Facility reached 75% of the permitted

effluent limitation for flow of three millions gallons per day for the months of June 2017, July 2017, and August 2017.

- 14 Date: 12/31/2018 (1564569) 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: 01/31/2019 (1564567) 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: 02/28/2019 (1564568) 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: 03/31/2019 (1573455) 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: 04/30/2019 (1586502) 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: 05/31/2019 (1586503) 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
- 20 Date: 06/30/2019 (1594796) 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
- 21 Date: 08/31/2019 (1608008) 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
- 22 Date: 09/30/2019 (1614875) 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		
23	Date:	10/03/2019 (1592921)	Classification:	Moderate
	Self Report?	NO	For Informational Purposes Only	
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)		
	Description:	Failure to maintain the collection system.		
24	Date:	02/29/2020 (1648768)	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		
25	Date:	06/30/2020 (1675164)	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		
26*	Date:	09/30/2020 (1694870)	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		
27*	Date:	10/31/2020 (1717195)	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		
28*	Date:	11/30/2020 (1717196)	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		
29*	Date:	01/31/2021 (1730276)	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		
30	Date:	10/31/2021 (1785200)	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		

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

Appendix B

All Investigations Conducted During Component Period January 13, 2017 and January 13, 2022

Item 1*	February 20, 2017**	(1405692) For Informational Purposes Only
Item 2	March 20, 2017**	(1412775) For Informational Purposes Only
Item 3	April 19, 2017**	(1419285) For Informational Purposes Only
Item 4	May 30, 2017**	(1426928) For Informational Purposes Only
Item 5*	June 20, 2017**	(1432919) For Informational Purposes Only
Item 6	September 18, 2017**	(1451737) For Informational Purposes Only
Item 7*	September 29, 2017**	(1445159) For Informational Purposes Only
Item 8*	October 20, 2017**	(1457615) For Informational Purposes Only
Item 9*	November 20, 2017**	(1463049) For Informational Purposes Only
Item 10	December 19, 2017**	(1469483) For Informational Purposes Only
Item 11*	January 19, 2018**	(1476184) For Informational Purposes Only
Item 12*	February 20, 2018**	(1488351) For Informational Purposes Only
Item 13*	March 20, 2018**	(1492021) For Informational Purposes Only
Item 14*	April 20, 2018**	(1495308) For Informational Purposes Only
Item 15*	May 17, 2018**	(1502239) For Informational Purposes Only
Item 16*	June 22, 2018**	(1509356) For Informational Purposes Only
Item 17	July 19, 2018**	(1515670) For Informational Purposes Only
Item 18	September 18, 2018**	(1528899) For Informational Purposes Only
Item 19*	September 28, 2018**	(1521711) For Informational Purposes Only
Item 20	October 22, 2018**	(1535222) For Informational Purposes Only
Item 21	November 19, 2018**	(1543079) For Informational Purposes Only

Item 22	December 13, 2018**	(1546815) For Informational Purposes Only
Item 23	December 27, 2018**	(1505601) For Informational Purposes Only
Item 24	January 18, 2019**	(1564569) For Informational Purposes Only
Item 25	February 20, 2019**	(1564567) For Informational Purposes Only
Item 26	March 18, 2019**	(1541299) For Informational Purposes Only
Item 27	March 19, 2019**	(1564568) For Informational Purposes Only
Item 28	April 17, 2019**	(1573455) For Informational Purposes Only
Item 29	May 13, 2019**	(1586502) For Informational Purposes Only
Item 30	June 17, 2019**	(1586503) For Informational Purposes Only
Item 31	July 16, 2019**	(1594796) For Informational Purposes Only
Item 32*	August 19, 2019**	(1601095) For Informational Purposes Only
Item 33	September 18, 2019**	(1608008) For Informational Purposes Only
Item 34	October 03, 2019**	(1592921) For Informational Purposes Only
Item 35	October 16, 2019**	(1614875) For Informational Purposes Only
Item 36*	November 18, 2019**	(1620664) For Informational Purposes Only
Item 37*	December 13, 2019**	(1628013) For Informational Purposes Only
Item 38*	January 17, 2020**	(1635640) For Informational Purposes Only
Item 39*	February 13, 2020**	(1642258) For Informational Purposes Only
Item 40	March 18, 2020**	(1648768) For Informational Purposes Only
Item 41*	April 18, 2020**	(1655122) For Informational Purposes Only
Item 42*	May 15, 2020**	(1661683) For Informational Purposes Only

		(1668218)
Item 43*	June 18, 2020**	For Informational Purposes Only
		(1675164)
Item 44	July 20, 2020**	For Informational Purposes Only
		(1663583)
Item 45*	August 13, 2020**	For Informational Purposes Only
		(1681932)
Item 46*	August 18, 2020**	For Informational Purposes Only
		(1688510)
Item 47*	September 14, 2020**	For Informational Purposes Only
		(1694870)
Item 48	October 16, 2020**	For Informational Purposes Only
		(1717195)
Item 49	November 18, 2020**	For Informational Purposes Only
		(1717196)
Item 50	December 14, 2020**	For Informational Purposes Only
		(1717197)
Item 51*	January 18, 2021**	For Informational Purposes Only
		(1730276)
Item 52	February 19, 2021**	For Informational Purposes Only
		(1730277)
Item 53*	March 19, 2021**	For Informational Purposes Only
		(1730278)
Item 54*	April 16, 2021**	For Informational Purposes Only
		(1742424)
Item 55*	May 14, 2021**	For Informational Purposes Only
		(1712113)
Item 56*	May 25, 2021**	For Informational Purposes Only
		(1748398)
Item 57*	June 18, 2021**	For Informational Purposes Only
		(1736233)
Item 58	July 15, 2021**	For Informational Purposes Only
		(1753269)
Item 59*	July 20, 2021**	For Informational Purposes Only
		(1758670)
Item 60*	August 16, 2021**	For Informational Purposes Only
		(1767974)
Item 61*	September 19, 2021	For Informational Purposes Only
		(1778532)
Item 62*	October 19, 2021	For Informational Purposes Only
		(1785200)
Item 63	November 18, 2021	For Informational Purposes Only

* No violations documented during this investigation

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF LA MARQUE
RN101917284

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-0952-MWD-E

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 La Marque (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, represented by Mr. Nathan Vassar of the law firm of Lloyd Gosselink Rochelle & Townsend, P.C., presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment plant located at 2701B Woodland Street in La Marque, Galveston County, Texas (the "Plant"). The Plant is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During a record review conducted for the Plant on June 16, 2021, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:

Monitoring Period	Total Copper			<i>Enterococci</i>	
	Daily Average Concentration Limit = 0.00766 mg/L	Daily Maximum Concentration Limit = 0.0162 mg/L	Daily Average Loading Limit = 0.19 lbs/day	Daily Average Concentration Limit = 35 CFU/100 mL	Daily Maximum Concentration Limit = 104 CFU/100 mL
June 2020	0.0136	0.0367	0.237	37.2	c
September 2020	c	0.0298	c	232	980
October 2020	c	0.0364	c	c	c
November 2020	0.0181	0.0967	0.2674	c	c
January 2021	c	c	c	c	436

c = compliant

lbs/day = pounds per day

mg/L = milligrams per liter

CFU/100 mL = colony-forming units per 100 milliliters

- The Executive Director recognizes that the Respondent achieved compliance with the permitted effluent limitations by February 28, 2021.

II. CONCLUSIONS OF LAW

- As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
- As evidenced by Finding of Fact No. 2, 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 Permit No. WQ0010410003, Effluent Limitations and Monitoring Requirements No. 1.
- Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
- An administrative penalty in the amount of \$97,500 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Pursuant to TEX. WATER CODE § 7.067, \$97,500 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.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of La Marque, Docket No. 2021-0952-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 II, Conclusion of Law No. 4. The amount of \$97,500 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. All relief not expressly granted in this Order is denied.
4. 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.
5. 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.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by 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 address listed below:

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

7. 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 in this Order.
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.
9. 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.
10. 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.
11. 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



2/27/2023

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 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

Date

Cesar Garcia

1-30-2023

Name (Printed or typed)
Authorized Representative of
City of La Marque

Title

City Manager

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: 2021-0952-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of La Marque
Penalty Amount:	Ninety-Seven Thousand Five Hundred Dollars (\$97,500)
SEP Offset Amount:	Ninety-Seven Thousand Five Hundred Dollars (\$97,500)
Type of SEP:	Compliance
Project Name:	<i>Wastewater Collection System Improvements</i>
Location of SEP:	Galveston 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 “Plant”) which are described in this Agreed Order. This Agreed Order cites violations at Respondent’s Plant.

1. Project Description

A. Project

Respondent shall hire a contractor to repair the blower system and the chlorination system at the Plant. The decant tubes, non-potable pumps, and re-piping will be included in these repairs. The SEP will improve the City’s effluent and reduce the risk of negative impacts to the receiving waters from the City’s discharge. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for blower system and chlorination system repairs (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any invitation for bids, 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 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
Repair Blower for Train #2	1	\$23,000	Lump Sum	\$23,000
Repair/Update SO2 and C1 Systems	1	\$28,000	Lump Sum	\$28,000
Repair Decant Tubes	1	\$35,000	Lump Sum	\$35,000
Repair Non-potable Pumps and Re-piping	1	\$15,000	Lump Sum	\$15,000
Total				\$101,000

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 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. Equipment logs showing the hours the equipment was utilized on the project, if applicable;
9. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
10. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

C. 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.