Executive Summary – Enforcement Matter – Case No. 61699 Southwestern Bell Telephone Company RN102392420, RN102392875, and RN102398351 Docket No. 2022-0349-PST-E

Order Type: 1660 Agreed Order **Findings Order Justification:** N/A Media: PST **Small Business:** No Location(s) Where Violation(s) Occurred: 941 Co Whitehall Bldg T43115, RN102392420, 214 West 9th Street, Dallas. Dallas County ("Whitehall Facility") Clay Dial Building WK2318, 1200 Clay Street, Houston, Harris County ("Clay Dial Facility") Channelview Glendale 452 W76003, 204 Sheldon Road, Channelview, Harris County ("Glendale Facility") **Type of Operation:** Underground storage tank ("UST") systems that supply emergency generators **Other Significant Matters:** Additional Pending Enforcement Actions: No Past-Due Penalties: No Other: N/A Interested Third-Parties: None Texas Register Publication Date: October 21, 2022 Comments Received: No **Penalty Information** Total Penalty Assessed: \$11,576 Amount Deferred for Expedited Settlement: \$2,315 **Total Paid to General Revenue:** \$4,631 **Total Due to General Revenue:** \$0 Payment Plan: N/A Supplemental Environmental Project ("SEP") Conditional Offset: \$4,630 Name of SEP: Armand Bayou Nature Center. Inc. (Third-Party Pre-Approved) **Compliance History Classifications:** Person/CN - Satisfactory Site/RN - Unclassified 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: April 23, 2021, October 5, 2021, and November 9, 2021 Date(s) of NOE(s): May 21, 2021, December 1, 2021, and December 15, 2021

Violation Information

Whitehall Facility

1. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days [30 Tex. ADMIN CODE § 334.50(b)(1)(A) and Tex. WATER CODE § 26.3475(c)(1)].

Clay Dial Facility

2. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days [30 TEX. ADMIN CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].

3. Failed to provide release detection for the suction piping associated with the UST system. Specifically, the Respondent had not conducted the triennial testing of the suction piping associated with the UST system [30 TEX. ADMIN CODE § 334.50(b)(2)(B) and TEX. WATER CODE § 26.3475(b)].

4. Failed to assure that all UST recordkeeping requirements are met. Specifically, corrosion protection records were not available at the time of the investigation [30 Tex. ADMIN CODE § 334.10(b)(2)].

Glendale Facility

5. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days [30 TEX. ADMIN CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].

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).

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2. The Order will also require the Respondent to:

a. Within 30 days, implement a method of release detection for the USTs at the Facilities.

b. For Clay Dial Facility:

i. Immediately, begin maintaining UST records including, but not limited to, corrosion protection records, and make them immediately available for inspection upon request by agency personnel; and

ii. Within 30 days, conduct the triennial testing of the suction piping associated with the UST system.

c. Within 45 days, submit written certification to demonstrate compliance with a. and b.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Courtney Gooris, Enforcement Division, Enforcement Team 3, MC 219, (817) 588-5863; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
SEP Third-Party Administrator: Armand Bayou Nature Center, Inc., P.O. Box 58828, Houston, Texas 77258
Respondent: David C. Nichols, Director, Southwestern Bell Telephone Company, 816 Congress Avenue, Austin, Texas 78701
Don Harris, Assistant Secretary, Southwestern Bell Telephone Company, 816 Congress Avenue, Austin, Texas 78701
Respondent's Attorney: N/A

Souther State	Policy R	Pe evision 5 (January 28	-	Calculatio	n Workst	neet (PC	2	vision February	y 11, 2021
DATES	Assigned	6-Dec-2021							
	PCW	11-May-2022	Screening	18-Jan-2022	EPA Due				
RESPO	NDENT/FACILI	TY INFORMATI	ON						
		Southwestern B		Company (Whi	tehall Bldg)]
	g. Ent. Ref. No.						la at		_
Facili	ty/Site Region	4-Dallas/Fort Wo	orth		Major/M	inor Source	Minor		
CASE I	NFORMATION								
En	f./Case ID No.		_		No. c	of Violations			
Mag	Docket No. dia Program(s)	2022-0349-PST-			Government	Order Type			-
met	Multi-Media	Petroleum Stora	ye talik				John Fennell		-
							Enforcement T	eam 6	1
Adr	min. Penalty \$ I	imit Minimum	\$0	Maximum	\$25,000				
			Donol	ty Calaula	tion Costi				
				ty Calcula		חכ			
ΤΟΤΑ	L BASE PENA	LTY (Sum of	violation	base penal	ties)		Subtotal 1	L	\$3,750
ADJU	STMENTS (+	/-) TO SUBT	OTAL 1						
	Subtotals 2-7 are of	btained by multiplying	g the Total Base	, ,		-	+-1-2-2-6-7		+0
	Compliance Hi	story		0.0%	Adjustment	Subto	tals 2, 3, & 7	L	\$0
	Notes		No adjustm	ent for complia	nce history.				
	Culpability	No		0.0%	Enhancement		Subtotal 4		\$0
	Notes	The Re	spondent do	es not meet the	culpability crite	eria.			
	Good Faith Eff	ort to Comply T	otal Adjust	ments			Subtotal 5		\$0
			-						· · ·
	Economic Ben	efit		0.0%	Enhancement*		Subtotal 6		\$0
		Total EB Amounts	\$126		d at the Total EB \$ A	Amount	Subtotal o	·	+ •
	Estimated	Cost of Compliance	\$1,500						
SUM (OF SUBTOTA	LS 1-7				F	inal Subtotal		\$3,750
	R FACTORS /				0.0%		Adjustment		\$0
Reduces of	or enhances the Final	Subtotal by the indi-	cated percentag	e.			1		
	Notes								
						Final Per	nalty Amount	L	\$3,750
STATI	UTORY LIMI		ЛТ			Final Acce	ssed Penalty	[\$3,750
SIAI			••			Tillal ASSC	sseurenally	<u> </u>	<i>40//00</i>
DEFE	RRAL				20.0%	Reduction	Adjustment		-\$750
Reduces t	the Final Assessed Pe	nalty by the indicate	d percentage.				1		
	Notes	ſ	Deferral offer	red for expedited	d settlement				
	NULES								
		_					-		
PAYA	BLE PENALT	ſ						<u> </u>	\$3,000

		Other written NOVs	0	0%	
		Any agreed final enforcement orders containing a denial of liability (<i>number o orders meeting criteria</i>)	f 0	0%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement order without a denial of liability, or default orders of this state or the federa government, or any final prohibitory emergency orders issued by the commission	al O	0%	
	Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a denia of liability of this state or the federal government (<i>number of judgments o</i> <i>consent decrees meeting criteria</i>)		0%	
	Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicate final court judgments or consent decrees without a denial of liability, of this stat or the federal government		0%	
	Convictions	Any criminal convictions of this state or the federal government (<i>number o counts</i>)	f 0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under th Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature 1995 (number of audits for which notices were submitted)		0%	
	, luits	Disclosures of violations under the Texas Environmental, Health, and Safety Aud Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)		0%	
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	n No	0%	
		Participation in a voluntary pollution reduction program	No	0%	
		Early compliance with, or offer of a product that meets future state or federa government environmental requirements	No	0%	
		Adjustment Pe	ercentage (Sub	ototal 2)	0%
>> Re	epeat Violator	(Subtotal 3)			
	No	Adjustment Po	ercentage (Sub	ototal 3)	0%
>> Co	mpliance Hist	ory Person Classification (Subtotal 7)			
	Satisfactory	Performer Adjustment Pe	ercentage (Sub	ototal 7)	0%
>> Co	mpliance Hist	bry Summary			
	Compliance History Notes	No adjustment for compliance history.			
		Total Compliance History Adjustment Percentage	(Subtotals 2,	3, & 7)	0%
>> Fina	ai Compliance	History Adjustment Final Adjustment Percen	tage *capped	at 100%	0%

Reg. Ent. Reference No. RN102392420

Media Petroleum Storage Tank

Enf. Coordinator John Fennell

Component Number of...

NOVs

Compliance History Worksheet >> Compliance History Site Enhancement (Subtotal 2)

Written notices of violation ("NOVs") with same or similar violations as those in

the current enforcement action (number of NOVs meeting criteria)

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

Adjust.

0%

Number

0



	Scre	ening Date	18-Jan-2022	Docket No. 2022-0349-PST-E	PCW
		-	Southwestern Bell Telephone Comp	any (Whitehall Bldg)	Policy Revision 5 (January 28, 2021)
Pog		Case ID No. Terence No.			PCW Revision February 11, 2021
Reg.	LIIL KEI		Petroleum Storage Tank		
		Coordinator	-		
	Viola	tion Number	1		
		Rule Cite(s)	30 Tex. Admin Code § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c))(1)
	Violetia	n Description	Failed to monitor the underground	storage tanks ("USTs") in a manner whic	h will
	VIOIALIO	Description	detect a release at a frequ	ency of at least once every 30 days.	
				Base Pe	nalty \$25,000
>> Env	/ironme	ntal, Prope	ty and Human Health Matri	x	
		Release	Harm Major Moderate Mine	or	
OR		Actual			
		Potential	x	Percent 15.0%	
>>Proc	aramma	tic Matrix			
221105	granna	Falsification	Major Moderate Mine	or	
				Percent 0.0%	
		Human has	th or the onvironment will or could	be exposed to pollutants that would exce	od
	Matrix			environmental receptors as a result of th	
	Notes		violatio	on.	
				Adjustment \$2	1,250
					\$3,750
Violatio	on Even	ts			
		Number of V	olation Events 1	57 Number of violation day	s
					5
			daily		
			weekly monthly		
			quarterly x	Violation Base Pe	nalty \$3,750
			semiannual		
			annual single event		
		One quarter	v event is recommended from the N	ovember 22, 2021 record review date to	the
			January 18, 2022 s	screening date.	
Cood	aith Fff	who to Corre			
900a F		orts to Com		Redi V to EDPRP/Settlement Offer	uction \$0
			Extraordinary		
			Ordinary		
			N/A <u>x</u>		
				es not meet the good faith criteria	
			Г	or this violation.	
				Violation Sub	stotal \$3,750
Econor			this violation		·
Econon	nic Bene	ent (EB) for	this violation	Statutory Limit Te	st
		Estimate	d EB Amount	Violation Final Penalty	Total \$3,750
			This violation Fi	nal Assessed Penalty (adjusted for li	mits) \$3,750

			ompany (Whiteh	un blug)					
Case ID No. 61699										
Reg. Ent. Reference No.										
Media Violation No.	Petroleum Sto	rage Tank				Percent Interest	Years of Depreciation			
violation No.	1					5.0	15			
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount			
Item Description		Date Required	That Date	113	Interest Saved	costs Saveu	LD Amount			
Delayed Costs										
Equipment				0.00	\$0	\$0	\$0			
Buildings				0.00	\$0	\$0	\$0			
Other (as needed)				0.00	\$0	\$0	\$0			
Engineering/Construction				0.00	\$0	\$0	\$0			
Land				0.00	\$0	n/a	\$0			
Record Keeping System				0.00	\$0	n/a	\$0			
Training/Sampling				0.00	\$0	n/a	\$0			
Remediation/Disposal				0.00	\$0	n/a	\$0			
Permit Costs										
				0.00	\$0	n/a	\$0			
Other (as needed)	\$1,500 Estimated d	23-Apr-2021	29-Dec-2022	1.68	\$126	n/a	\$126			
Other (as needed) Notes for DELAYED costs	Estimated d Req	lelayed cost to im uired is the invest	plement a releas tigation date, an	1.68 e detec d the Fi	\$126 tion method for th nal Date is the est	n/a e USTs at the Facili imated compliance	\$126 ty. The Date date.			
Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated d Req	lelayed cost to im uired is the invest	plement a releas tigation date, an	1.68 e detec d the Fi tering	\$126 tion method for th nal Date is the est item (except for	n/a e USTs at the Facili imated compliance one-time avoided	\$126 ty. The Date date. I costs)			
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated d Req	lelayed cost to im uired is the invest	plement a releas tigation date, an	1.68 e detec d the Fi tering 0.00	\$126 tion method for th nal Date is the est item (except for \$0	n/a e USTs at the Facili imated compliance one-time avoideo \$0	\$126 ty. The Date date. 1 costs) \$0			
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated d Req	lelayed cost to im uired is the invest	plement a releas tigation date, an	1.68 e detec d the Fi tering 0.00 0.00	\$126 tion method for th nal Date is the est item (except for \$0 \$0	n/a e USTs at the Facili imated compliance one-time avoided \$0 \$0	\$126 ty. The Date date. f costs) \$0 \$0			
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated d Req	lelayed cost to im uired is the invest	plement a releas tigation date, an	1.68 e detec d the Fi tering 0.00 0.00 0.00	\$126 tion method for th nal Date is the est item (except for \$0 \$0 \$0	n/a e USTs at the Facili imated compliance one-time avoided \$0 \$0 \$0	\$126 ty. The Date date. f costs) \$0 \$0 \$0			
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	Estimated d Req	lelayed cost to im uired is the invest	plement a releas tigation date, an	tering 0.00 0.00 0.00 0.00	\$126 tion method for th nal Date is the est item (except for \$0 \$0 \$0 \$0 \$0	n/a e USTs at the Facili imated compliance one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	\$126 ty. The Date date. 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0			
Other (as needed) Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	Estimated d Req	lelayed cost to im uired is the invest	plement a releas tigation date, an	tering 0.00 0.00 0.00 0.00 0.00	\$126 tion method for th nal Date is the est item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e USTs at the Facili imated compliance one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$126 ty. The Date date. \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0			
Other (as needed) Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Estimated d Req	lelayed cost to im uired is the invest	plement a releas tigation date, an	1.68 e detec d the Fi 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$126 tion method for th nal Date is the est item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e USTs at the Facilit imated compliance so \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$126 ty. The Date date. \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0			
Other (as needed) Notes for DELAYED costs Disposal Personnel (Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	Estimated d Req	lelayed cost to im uired is the invest	plement a releas tigation date, an	tering 0.00 0.00 0.00 0.00 0.00	\$126 tion method for th nal Date is the est item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e USTs at the Facili imated compliance one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$126 ty. The Date date. \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0			
Other (as needed) Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Estimated d Req	lelayed cost to im uired is the invest	plement a releas tigation date, an	1.68 e detec d the Fi 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$126 tion method for th nal Date is the est item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e USTs at the Facilit imated compliance so \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$126 ty. The Date date. \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0			

Standard Contraction	Policy Revi	Pe sion 5 (January 28, 2		Calculation	n Worksh	ieet (PC		vision February 11, 2021
DATES		3-Jan-2022	_				1	
	PCW	29-Apr-2022	Screening	18-Jan-2022	EPA Due			
RESPO								
Red	g. Ent. Ref. No.	Southwestern Be RN102392875	ell Telephone	e Company (Clay	<u>, Dial)</u>			
	ty/Site Region				Major/M	inor Source	Minor	
CASE I	NFORMATION							
En	f./Case ID No.		F		No. o	f Violations		
Med		2022-0349-PST- Petroleum Stora			Government	Order Type /Non-Profit		
	Multi-Media		5			Coordinator	John Fennell	
Adr	min. Penaltv \$ I	Limit Minimum	\$0	Maximum	\$25,000	EC's Team	Enforcement T	eam 6
			1.4		+,			
			Penal	ty Calcula	tion Sectio	on		
ΤΟΤΑΙ	L BASE PENA	LTY (Sum of	violation	base penalt	ties)		Subtotal 1	\$4,000
ADJU	STMENTS (+	/-) TO SUBTO	DTAL 1					
	Subtotals 2-7 are ob	tained by multiplying	the Total Base					¢0
	Compliance His	story		0.0%	Adjustment	Subto	tals 2, 3, & 7	\$0
	Notes		No adjustm	ent for compliar	nce history.			
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Re	spondent do	es not meet the	culpability crite	ria.		
	Good Faith Effe	ort to Comply T	otal Adjust	ments			Subtotal 5	\$0
		C •		/				+0
	Economic Bene	Total EB Amounts	\$168		Enhancement* d at the Total EB \$ A	mount	Subtotal 6	\$0
	Estimated	Cost of Compliance	\$1,695					
SUM C	OF SUBTOTAI	LS 1-7				F	inal Subtotal	\$4,000
		S JUSTICE M			1.9%		Adjustment	\$76
Reduces c	or enhances the Final Notes	Subtotal by the indic	capture the	e avoided cost of	compliance ass	ociated with		
	Notes			Violation No. 1.				
						Final Pen	nalty Amount	\$4,076
STATU	JTORY LIMIT		IT			Final Asse	ssed Penalty	\$4,076
DEFER					20.0%	Reduction	Adjustment	-\$815
Reduces t	he Final Assessed Pe	nalty by the indicated	l percentage.					
	Notes	Γ	Deferral offer	red for expedited	d settlement.			
ΡΔΥΔ	BLE PENALT	(\$3,261
• A • A								40,201

	Screen	ing Date 18-Jan-2022 Docket No. 2022-0349-PST-E		PCV
		pondent Southwestern Bell Telephone Company (Clay Dial)		sion 5 (January 28, 20
Rei		e ID No. 61699 ence No. RN102392875	PCW R	evision February 11, 2
		Media Petroleum Storage Tank		
	Enf. Coc	ordinator John Fennell		
		Compliance History Worksheet		
>> Co	-	ory Site Enhancement (Subtotal 2)	Newsbar	A disent
	Component	Number of Written notices of violation ("NOVs") with same or similar violations as those in the	Number	Adjust.
	NOVs	current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
		Other written NOVs	0	0%
		Any agreed final enforcement orders containing a denial of liability (<i>number of</i> orders meeting criteria)	0	0%
	Orders	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	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%
	Decrees	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 (number of events)	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 (number of audits for which notices were submitted)	0	0%
	Audits	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%
		Environmental management systems in place for one year or more	No	0%
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	other	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 Per	centage (Sub	ototal 2) 0%
>> Re	epeat Violator ((Subtotal 3)		
	No	Adjustment Per	centage (Sub	ototal 3) 0%
>> Co	ompliance Histo	ory Person Classification (Subtotal 7)		
	Satisfactory I	Performer Adjustment Per	centage (Sub	ototal 7) 0%
>> Co	ompliance Histo	ory Summary		
	Compliance History Notes	No adjustment for compliance history.		
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7) 0%
>> Fin	al Compliance	History Adjustment Final Adjustment Percent	ade *canned	at 100% 0%
			age capped	0.70

	18-Jan-2022	Dock	(et No. 2022-0349-PST-E	PCW
Respondent	Southwestern Bell Te	elephone Company (Cla	y Dial) Polic	ry Revision 5 (January 28, 2021)
Case ID No.	61699			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN102392875			
	Petroleum Storage T	ank		
Enf. Coordinator				
Violation Number	1			
Rule Cite(s)	30 Tex. Admin Co	ode § 334.50(b)(1)(A) a 26.3475(b) a	and (b)(2)(B) and Tex. Water Code § and (c)(1)	
Violation Description	detect a release a provide release de	at a frequency of at leas tection for the suction p	e tanks ("USTs") in a manner which will st once every 30 days. Also, failed to piping associated with the UST system. ucted the triennial testing of the suction n the UST system.	
			Base Penalt	y \$25,000
>> Environmental, Proper	ty and Human H	lealth Matrix		
	- H	larm		
OR Release		derate Minor		
Potential			Percent 15.0%	
locentia	^			
>>Programmatic Matrix				
Falsification	Major Mo	derate Minor		
			Percent 0.0%	
		•	osed to pollutants that would exceed al receptors as a result of the violation	
			Adjustment \$21,25	0
			·····	
				\$3,750
Violation Events				
Number of N	/iolation Events	1	70 Number of violation days	
	daily			
	weekly			
	monthly			
	quarterly	x	Violation Base Penalt	y \$3,750
	semiannual annual			
	single event			
One quart	erly event is recomm	ended from the Noveml	per 9, 2021 investigation date to the	
	10	nuary 18, 2022 screenir		
	Jai		ng date.	
			ng date.	
Good Faith Efforts to Com	oly	0.0%	Reduction	n \$0
Good Faith Efforts to Com	bly Before		Reduction	n \$0
Good Faith Efforts to Com	bly Before Extraordinary	0.0%	Reduction	 ۵ \$0
Good Faith Efforts to Com	bly Before Extraordinary Ordinary	0.0% NOE/NOV NOE/NOV to EDPP	Reduction	n \$0
Good Faith Efforts to Com	Before Extraordinary Ordinary N/A	0.0% NOE/NOV NOE/NOV to EDP	Reduction	n\$0
Good Faith Efforts to Com	Before Extraordinary Ordinary N/A	0.0% NOE/NOV NOE/NOV to EDPP x Respondent does not m	Reduction	n \$0
Good Faith Efforts to Com	Extraordinary Ordinary N/A	0.0% NOE/NOV NOE/NOV to EDPP x Respondent does not m	Reduction	
Good Faith Efforts to Com	Extraordinary Before Extraordinary Ordinary N/A Notes The	0.0% NOE/NOV NOE/NOV to EDPP x Respondent does not m	Reduction	
Economic Benefit (EB) for	bly Before Extraordinary Ordinary N/A Notes The Notes	0.0% NOE/NOV NOE/NOV to EDPP x Respondent does not m this vie	Reduction RP/Settlement Offer eet the good faith criteria for olation. Violation Subtota Statutory Limit Test	I \$3,750
Economic Benefit (EB) for	bly Before Extraordinary Ordinary N/A Notes The this violation ed EB Amount	0.0% NOE/NOV to EDP x Respondent does not m this vie \$165	Reduction RP/Settlement Offer eet the good faith criteria for olation. Violation Subtota	1 \$3,750 1 \$3,821

	E	conomic	Benefit	Wo	rksheet		
Respondent	Southwestern	Bell Telephone Co	ompany (Clay D	ial)			
Case ID No.		·					
Reg. Ent. Reference No.							
	Petroleum Sto						Years of
		laye lalik				Percent Interest	
Violation No.	1						Depreciation
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Cente							
Delayed Costs		1		0.00	<u>+0</u>	¢0	¢0
Equipment Buildings				0.00	<u>\$0</u> \$0	<u>\$0</u> \$0	<u>\$0</u> \$0
Other (as needed)				0.00	\$0	\$0	<u> </u>
Engineering/Construction				0.00	\$0	\$0	<u>\$0</u> \$0
Lingmeering/ construction Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	<u> </u>
Training/Sampling	\$75	9-Nov-2021	29-Dec-2022	1.14	\$4	n/a	<u> </u>
Remediation/Disposal	<u> </u>			0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	9-Nov-2021	29-Dec-2022	1.14	\$85	n/a	\$85
	Estimated	delayed cost to c	onduct the trien	nial tes	ting of the suction	piping associated w	ith the UST
	system (\$75)	. The Date Requir	ed is the investi	gation of	date, and the Final	Date is the estimat	ed compliance
Notes for DELAYED costs	, , ,			dat			·
	Estimated dela	aved cost to imple	ment a release	detectio	on method for the	USTs at the Facility	(\$1,500) The
		•				estimated complian	• • • •
Avoided Costs						one-time avoided	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	<u> </u>
Inspection/Reporting/Sampling				0.00	\$0	\$0	<u> </u>
Supplies/Equipment				0.00	\$0	\$0	<u>\$0</u> \$0
Financial Assurance				0.00	\$0	\$0 \$0	<u>\$0</u>
ONE-TIME avoided costs	\$75	9-Nov-2021	18-Jan-2022	0.19	\$1	\$75	\$76
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs						piping associated w I Date is the screen	

		ening Date				2022-0349-PST-E		PCW
		espondent ase ID No.		sell Telephone	Company (Clay Dial)			Revision 5 (January 28, 2023 V Revision February 11, 202
Reg.			RN102392875				7.01	• Revision rebruary 11, 202
			Petroleum Stor	age Tank				
		oordinator tion Number						
	VIUId	Rule Cite(s)		20 Т	av Admin Codo S 224 1	0(6)(2)		
				30 10	ex. Admin Code § 334.10	0(D)(Z)		
	Violatio	n Description			ST recordkeeping require Is were not available at t		-	
						Base	Penalty	\$25,00
>> Env	/ironme	ntal, Prope	rty and Hum		Matrix			
		Release	Major	Harm Moderate	Minor			
OR		Actual						
		Potential				Percent 0.0%		
>>Prog	gramma	tic Matrix						
		Falsification	Major	Moderate	Minor x	Percent 1.0%		
						10,0		a
	Matrix Notes		Less th	an 30% of the	e rule requirement was r	not met.		
					٨٨		+04 750	
					Au	justment	\$24,750	
					Au	justment	\$24,750	\$25
Violeti		-			Au	justment	\$24,750	
Violatio	on Event	ts			Au	justment	\$24,750	
Violatio	on Event		/iolation Events	1		Number of violation o	I	
Violatio	on Event		/iolation Events daily	1			I	
Violatio	on Event		daily weekly	<u>1</u>			I	
Violatio	on Event		daily				lays	\$25
Violatio	on Event		daily weekly monthly quarterly semiannual			Number of violation o	lays	\$25
Violatio	on Event		daily weekly monthly quarterly	1		Number of violation o	lays	\$25
Violatio	on Event		daily weekly monthly quarterly semiannual annual			Number of violation o	lays	\$25
Violatio	on Event		daily weekly monthly quarterly semiannual annual			Number of violation o	lays	\$25
Violatio	on Event		daily weekly monthly quarterly semiannual annual		70	Number of violation o	lays	\$25
			daily weekly monthly quarterly semiannual annual single event	One single o	event is recommended.	Number of violation of Violation Base	lays	\$25
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single o	70	Number of violation of Violation Base	days Penalty	\$25
		Number of \	daily weekly monthly quarterly semiannual annual single event	X One single of the second sec	event is recommended.	Number of violation of Violation Base	days Penalty	\$25
		Number of \	daily weekly monthly quarterly semiannual annual single event	A contraction of the second se	event is recommended.	Number of violation of Violation Base	days Penalty	\$25
		Number of \	daily weekly monthly quarterly semiannual annual single event	Cone single of Control	event is recommended.	Number of violation of Violation Base	days Penalty	\$25
		Number of \	daily weekly monthly quarterly semiannual annual single event b ply Extraordinary Ordinary N/A	Cone single of Control	event is recommended.	Number of violation of Violation Base	days Penalty Reduction	\$25 \$25

Economic Benefit (EB) for this violation	Statutory Limit Test	
Estimated EB Amount	\$3 Violation Final Penalty Total	\$255
	This violation Final Assessed Penalty (adjusted for limits)	\$255

	E	conomic	Benefit	Wo	rksheet						
Respondent Southwestern Bell Telephone Company (Clay Dial)											
Case ID No. 61699											
Reg. Ent. Reference No.											
Media	Petroleum Sto	rage Tank				Percent Interest	Years of				
Violation No.	Media Petroleum Storage Tank Percent Interest Years of Violation No. 2										
						5.0	15				
	Thom Cost	Data Deguinad	Final Date	Vre	Totowest Coved	Costs Saved	EB Amount				
	Item Cost	Date Required	Final Date	IIS	Interest Saved	Costs Saveu	ED AMOUNT				
Item Description											
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	\$45	9-Nov-2021	29-Dec-2022	1.14	\$3	n/a	\$3				
Training/Sampling				0.00	\$0	n/a	\$0				
Remediation/Disposal				0.00	\$0	n/a	\$0				
Permit Costs Other (as needed)		<u> </u>		0.00	\$0 \$0	n/a n/a	<u>\$0</u> \$0				
		<u></u>		0100	<u> </u>	Π/ α	¥v				
Notes for DELAYED costs	Estimated co		•		ds. The Date Requ nated compliance	ired is the investiga date.	tion date, and				
Avoided Costs	ANNU	ALIZE avoided co	osts before en	tering	item (except for	one-time avoide	l 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		\$45			TOTAL		\$3				

SCOMMISSI SCOMMISSI SCOMMISSION SCOMPANISSION SCOMPANISSIO	Policy R	Pe evision 5 (January 28	-	Calculatio	n Workst	neet (PC		vision Februar,	y 11, 2021
DATES	Assigned	6-Dec-2021							
	PCW	29-Apr-2022	Screening	18-Jan-2022	EPA Due				
DESDO	NDENT/EACTLT	TY INFORMATI	ON						
RESPU		Southwestern Be		e Company (Gle	ndale)				1
	g. Ent. Ref. No.	RN102398351			-		-		
Facili	ty/Site Region	12-Houston			Major/M	inor Source	Minor		
CASE T	NFORMATION								
	f./Case ID No.	61699			No. c	of Violations	1		1
		2022-0349-PST-				Order Type			
Mec		Petroleum Stora	ge Tank		Government				_
	Multi-Media				Ent.		John Fennell Enforcement	Team 6	_
Adr	nin. Penalty \$ I	Limit Minimum	\$0	Maximum	\$25,000	LC 3 Team	Linorcement		
					+==/===				
			Pena	ltv Calcula	tion Section	on			
ΤΟΤΔ	I BASE PENA	LTY (Sum of		•			Subtotal 1		\$3,750
		-		i bube penu			Subtotal		+=/:==
ADJU	STMENTS (+	/-) TO SUBTO otained by multiplying	DTAL 1	Denelty (Cubbetel)	1) by the indicated a				
	Compliance Hi		the local base	0.0%	Adjustment	-	otals 2, 3, & 7		\$0
		5101 y			Augustinent	Cubre			<u> </u>
	Notes		No adjustm	nent for complia	nce history.				
	Culpability	No		0.0%	Enhancement		Subtotal 4		\$0
		Ē Ē							
	Notes	The Re	spondent do	es not meet the	e culpability crite	eria.			
	Good Faith Eff	ort to Comply T	otal Adjust	ments			Subtotal 5		\$0
	Economic Ben	efit		0.0%	Enhancement*		Subtotal 6		\$0
	Cation also d	Total EB Amounts	\$92	*Cappe	d at the Total EB \$ /	Amount			
	Estimated	Cost of Compliance	\$1,500						
SUM (OF SUBTOTA	LS 1-7				ł	- inal Subtotal		\$3,750
		AS JUSTICE M			0.0%		Adjustment		\$0
Reduces of	or enhances the Final	Subtotal by the indic	ated percentag	je.			1		
	Notes								
	Notes								
						Final Pe	nalty Amount		\$3,750
STAT	UTORY LIMI	r adjustmen	IT			Final Asse	essed Penalty		\$3,750
DEEEI					20.0%	Deduction	Adiustas		-\$750
DEFEI Reduces t		enalty by the indicated	percentage.		20.0%	Reduction	Adjustment		-\$/5U
			,				7		
	Notes	[Deferral offe	red for expedite	d settlement.				
							_		
DAVA									¢2 000
PATA	BLE PENALT								\$3,000

>> Fina	al Compliance	History Adjustment Final Adjustment Percent	age *capped	at 100% 0	%
		Total Compliance History Adjustment Percentage (Subtotals 2,	3, & 7) 0	%
	Compliance History Notes	No adjustment for compliance history.]	
>> Co	mpliance Hist	ory Summary			
	Satisfactory I	Performer Adjustment Per	rcentage (Sul	ototal 7) 0	%
>> Co	mpliance Hist	ory Person Classification (Subtotal 7)	- •	-	
	No	Adjustment Per	rcentage (Sul	ototal 3) 0	%
>> Re	peat Violator	(Subtotal 3)			
		Adjustment Per	rcentage (Sul	ototal 2) 0	%
		government environmental requirements	No	0%	
		Participation in a voluntary pollution reduction program Early compliance with, or offer of a product that meets future state or federal	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
		Environmental management systems in place for one year or more	No	0%	
	Auuits	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%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
	Convictions Any criminal convictions of this state or the federal government (number of counts)		0	0%	
	and Consent Decrees	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%	
	Judgments	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%	
	Orders	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%	
		Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%	
		Other written NOVs	0	0%	
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%	
> Co	mpliance Hist Component	ory <i>Site</i> Enhancement (Subtotal 2) Number of	Number	Adjust.	
		Compliance History Worksheet			
	Enf. Coo	rdinator John Fennell			
Reg	. Ent. Refer	Andrea Petroleum Storage Tank			
	Cas	e ID No. 61699		evision February 11,	
	Res	pondent Southwestern Bell Telephone Company (Glendale)	Policy Revi	sion 5 (January 28,	202

Docket No. 2022-0349-PST-E

Screening Date 18-Jan-2022

		ening Date			t No. 2022-0349-PST-E		PCW
		-	Southwestern Bell Tele	phone Company (Glei	ndale)		evision 5 (January 28, 2021)
Peg		Case ID No.	61699 RN102398351			РСИ	Revision February 11, 2021
Reg.	Life Rei		Petroleum Storage Tan	k			
		Coordinator	John Fennell				
	Viola	ation Number	1				
		Rule Cite(s)	30 Tex. Admin Code	§ 334.50(b)(1)(A) an	d Tex. Water Code § 26.347	5(c)(1)	
	Violatio	n Description			anks ("USTs") in a manner w	hich will	
			detect a relea	ise at a frequency of	at least once every 30 days.		
					Baco	Penalty	\$25,000
					Dase	Fenalty	\$23,000
>> Env	vironme	ntal, Prope	rty and Human Hea Harr				
		Release					
OR		Actual			-		
		Potential	X		Percent 15.0%		
>>Pro	gramma	tic Matrix					
		Falsification	Major Moder	ate Minor	Percent 0.0%		
					Percent 0.0%		
	Matrix				ed to pollutants that would e		
	Notes	levels tha	it are protective of huma	an health or environm violation.	nental receptors as a result o	f the	
				violation.			
					Adjustment	\$21,250	
						Г	\$3,750
	_	_					
Violati	on Even	ts					
		Number of V	/iolation Events1		105 Number of violation of	lays	
			daily				
			weekly				
			monthly			_	+0.750
			quarterly semiannualx		Violation Base	Penalty	\$3,750
			annual				
			single event				
		Orecessie		n da d fua va tha Oataka		4.a. 4.b. a	
		One semial		ry 18, 2022 screening	er 5, 2021 investigation date g date.	to the	
Good F	aith Effe	orts to Com		.0%		eduction	\$0
			Before NOE Extraordinary	NOV NOE/NOV to EDPRF	P/Settlement Offer		
			Ordinary				
			N/A x				
			Netes The Re	spondent does not m	eet the good faith criteria		
			Notes	for this vi	olation.		
			<u> </u>			Subtract of	10 750
					Violation S		\$3,750
Econor	nic Bene	efit (EB) for	r this violation		Statutory Limit	Test	
		Estimate	ed EB Amount	\$92	Violation Final Pena	lty Total	\$3,750
			This	violation Final Asse	essed Penalty (adjusted fo	r limits)	\$3,750
						/	+0,.00

Casa TD Na		Bell Telephone Co	ompany (Gienua	le)			
Case ID No.							
	Petroleum Sto					Percent Interest	Years of
Violation No.	1						Depreciation
						5.0	15
		Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description	1						
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 \$0
Training/Sampling Remediation/Disposal				0.00	\$0 \$0	n/a n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Permit Costs							
Other (as needed)	\$1,500 Estimated d	5-Oct-2021	29-Dec-2022 plement a releas	1.23	\$92	n/a	\$92
Other (as needed) Notes for DELAYED costs	Estimated d	lelayed cost to im	plement a releas	1.23 e detec	\$92 tion method for th		\$92 ty. The Date
	Estimated o Req	lelayed cost to im uired is the inves	plement a releas tigation date, an	1.23 se detec d the Fi	\$92 tion method for th nal Date is the est	n/a e USTs at the Facili	\$92 ty. The Date date.
Notes for DELAYED costs	Estimated o Req	lelayed cost to im uired is the inves	plement a releas tigation date, an	1.23 e detec d the Fi tering 0.00	\$92 tion method for th nal Date is the est item (except for \$0	n/a e USTs at the Facili imated compliance one-time avoided \$0	\$92 ty. The Date date. d costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated o Req	lelayed cost to im uired is the inves	plement a releas tigation date, an	1.23 d the Fi tering 0.00	\$92 tion method for th nal Date is the est item (except for \$0 \$0	n/a e USTs at the Facili imated compliance one-time avoided \$0 \$0	\$92 ty. The Date date. 1 costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling	Estimated o Req	lelayed cost to im uired is the inves	plement a releas tigation date, an	1.23 e detec d the Fi tering 0.00 0.00 0.00	\$92 tion method for th nal Date is the est item (except for \$0 \$0 \$0	n/a e USTs at the Facili imated compliance one-time avoided \$0 \$0 \$0	\$92 ty. The Date date. 1 costs) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment	Estimated o Req	lelayed cost to im uired is the inves	plement a releas tigation date, an	1.23 e detec d the Fi 0.00 0.00 0.00 0.00	\$92 tion method for th nal Date is the est item (except for \$0 \$0 \$0 \$0 \$0	n/a e USTs at the Facili imated compliance one-time avoided \$0 \$0 \$0 \$0 \$0	\$92 ty. The Date date. 1 costs) \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	Estimated o Req	lelayed cost to im uired is the inves	plement a releas tigation date, an	1.23 e detec d the Fi 0.00 0.00 0.00 0.00 0.00	\$92 tion method for th nal Date is the est item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e USTs at the Facili imated compliance one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$92 ty. The Date date. 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Estimated o Req	lelayed cost to im uired is the inves	plement a releas tigation date, an	1.23 tering 0.00 0.00 0.00 0.00 0.00 0.00	\$92 tion method for th nal Date is the est item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e USTs at the Facili imated compliance one-time avoideo \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$92 ty. The Date date. 30 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance	Estimated o Req	lelayed cost to im uired is the inves	plement a releas tigation date, an	1.23 e detec d the Fi 0.00 0.00 0.00 0.00 0.00	\$92 tion method for th nal Date is the est item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e USTs at the Facili imated compliance one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$92 ty. The Date date. 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Estimated o Req	lelayed cost to im uired is the inves	plement a releas tigation date, an	1.23 tering 0.00 0.00 0.00 0.00 0.00 0.00	\$92 tion method for th nal Date is the est item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e USTs at the Facili imated compliance one-time avoideo \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$92 ty. The Date date. 1 costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0



Compliance History Report

Compliance History Report for CN605433374, RN102392420, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN605433374, Southwestern Bell Telephone Company	Classification: SATISFACTOR	Y Rating: 2.36			
Regulated Entity:	RN102392420, 941 CO WHITEHALL BLDG T43115	Classification: UNCLASSIFIE	D Rating:			
Complexity Points:	3	Repeat Violator: NO				
CH Group:	14 - Other					
Location:	214 W 9TH ST DALLAS, TX 75208-4417, DALLAS COUNTY					
TCEQ Region:	REGION 04 - DFW METROPLEX					
ID Number(s): PETROLEUM STORAGE TAN REGISTRATION 19509	K REGISTRATION					
Compliance History Peri	od: September 01, 2016 to August 31,	2021 Rating Year: 2021	Rating Date: 09/01/2021			
Date Compliance History	Report Prepared: April 29, 2022					
Agency Decision Requiri	ng Compliance History: Enforcer	nent				
Component Period Selec	ted: April 29, 2017 to April 29, 2022					
TCEQ Staff Member to Co	ontact for Additional Information	n Regarding This Compliance H	listory.			
Name: John Fennell		Phone: (512) 239-261	6			
Site and Owner/Operation	ator History:					
,	ce and/or operation for the full five year	the second se	YES			
, , ,	hange in ownership/operator of the site		YES			
3) Who is the current owner/o4) Who was/were the prior ow		elephone Company OWNER OPERATOF ern Bell Telephone Company, OWNER (
Components (Multime	dia) for the Site Are Listed in	Sections A - J				
A. Final Orders, court ju N/A	Idgments, and consent decrees:					

- B. Criminal convictions: N/A
- C. Chronic excessive emissions events: $$N\!/\!A$$
- D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 November 29, 2017 (1454420)

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. N/A

F. Environmental audits:

- G. Type of environmental management systems (EMSs): $_{\mbox{N/A}}$
- H. Voluntary on-site compliance assessment dates: $\ensuremath{\text{N/A}}$
- I. Participation in a voluntary pollution reduction program: \$N/A\$
- J. Early compliance: N/A

Sites Outside of Texas:

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Compliance History Report

Compliance History Report for CN605433374, RN102392875, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN605433374, Southwestern E Telephone Company	Classification	: SATISFACTORY	Rating: 2.36	
Regulated Entity:	RN102392875, CLAY DIAL BUI WK2318	LDING Classification	: UNCLASSIFIED	Rating:	
Complexity Points:	3	Repeat Violato	r: NO		
CH Group:	14 - Other				
Location:	1200 CLAY ST HOUSTON, TX 77002-7612, HARRIS COUNTY				
TCEQ Region:	REGION 12 - HOUSTON				
ID Number(s): PETROLEUM STORAGE TAN REGISTRATION 19576	K REGISTRATION				
Compliance History Peri	od: September 01, 2016 to Au	Igust 31, 2021 Rating Yea	ar: 2021 Rat	ing Date: 09/01/2021	
Date Compliance History	Report Prepared: April 2	29, 2022			
Agency Decision Requiri	ng Compliance History:	Enforcement			
Component Period Selec	ted: April 29, 2017 to April 2	9, 2022			
TCEQ Staff Member to C	ontact for Additional Info	rmation Regarding This C	Compliance Histo	ory.	
Name: John Fennell		Phone:	(512) 239-2616		
Site and Owner/Oper	ator History:				
1) Has the site been in exister	nce and/or operation for the full	five year compliance period?	YES		
2) Has there been a (known) of	change in ownership/operator of	the site during the compliance	period? YES		
3) Who is the current owner/o4) Who was/were the prior ow	(ner(s)/operator(s)? Sc	ern Bell Telephone Company OW outhwestern Bell Telephone Com 23/2018			

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 21, 2018 (1525671)

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. N/A

F. Environmental audits:

- G. Type of environmental management systems (EMSs): $_{\mbox{N/A}}$
- H. Voluntary on-site compliance assessment dates: $\ensuremath{\text{N/A}}$
- I. Participation in a voluntary pollution reduction program: $N\!/\!A$
- J. Early compliance:

N/A

Sites Outside of Texas:



Compliance History Report

Compliance History Report for CN605433374, RN102398351, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN605433374, Southwestern Telephone Company	Bell Classification: SATISFACTOR'	Y Rating: 2.36
Regulated Entity:	RN102398351, CHANNELVIEW GLENDALE 452 W76003	Classification: UNCLASSIFIED	Rating:
Complexity Points:	3	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	204 SHELDON RD CHANNELV	IEW, TX 77530-4214, HARRIS COUNTY	
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s): PETROLEUM STORAGE TAN REGISTRATION 49386	K REGISTRATION		
Compliance History Peri	od: September 01, 2016 to A	ugust 31, 2021 Rating Year: 2021	Rating Date: 09/01/2021
Date Compliance History	Report Prepared: April	29, 2022	
Agency Decision Requiri	ng Compliance History:	Enforcement	
Component Period Selec	ted: April 29, 2017 to April	29, 2022	
TCEQ Staff Member to Co	ontact for Additional Info	ormation Regarding This Compliance H	listory.
Name: John Fennell		Phone: (512) 239-261	6
Site and Owner/Operation	ator History:		
1) Has the site been in existen	ce and/or operation for the full	five year compliance period?	YES
2) Has there been a (known) of	hange in ownership/operator o	f the site during the compliance period?	YES
3) Who is the current owner/o	perator? Southwest	ern Bell Telephone Company OWNER OPERATOR	since 9/24/2018
4) Who was/were the prior ow		outhwestern Bell Telephone Company, OWNER (/23/2018	DPERATOR, 12/1/2015 to
	dia) for the Site Are Lindgments, and consent d		

- B. Criminal convictions: N/A
- C. Chronic excessive emissions events: $$N\!/\!A$$
- D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 September 10, 2018 (1504470)

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. N/A

F. Environmental audits:

- G. Type of environmental management systems (EMSs): $_{\mbox{N/A}}$
- H. Voluntary on-site compliance assessment dates: $\ensuremath{\text{N/A}}$
- I. Participation in a voluntary pollution reduction program: $_{N/A} \label{eq:N/A}$
- J. Early compliance: N/A

Sites Outside of Texas:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



§

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING SOUTHWESTERN BELL TELEPHONE COMPANY RN102392420, RN102392875, AND RN102398351 **BEFORE THE**

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0349-PST-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 Southwestern Bell Telephone Company (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, as defined in 30 TEX. ADMIN. CODE § 334.2(78) and (75), underground storage tank ("UST") systems that supply emergency generators at the following locations (collectively referred to as the "Facilities"):
 - a. 941 Co Whitehall Bldg T43115, 214 West 9th Street in Dallas, Dallas County, Texas ("Whitehall Facility");
 - b. Clay Dial Building WK2318, 1200 Clay Street in Houston, Harris County, Texas ("Clay Dial Facility"); and
 - c. Channelview Glendale 452 W76003, 204 Sheldon Road in Channelview, Harris County, Texas ("Glendale Facility").

The UST systems at the Facilities are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contains or contained a regulated petroleum substance as defined in the rules of the TCEQ.

- 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 \$11,576 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$4,631 of the penalty and \$2,315 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this

Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$4,630 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

- 1. During an investigation conducted on April 23, 2021 and a record review conducted on November 22, 2021 at the Whitehall Facility, an investigator documented that the Respondent failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days, in violation of 30 TEX. ADMIN CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1).
- 2. During an investigation conducted on November 9, 2021 at the Clay Dial Facility, an investigator documented that the Respondent:
 - a. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days, in violation of 30 Tex. ADMIN CODE § 334.50(b)(1)(A) and Tex. WATER CODE § 26.3475(c)(1).
 - b. Failed to provide release detection for the suction piping associated with the UST system, in violation of 30 TEX. ADMIN CODE § 334.50(b)(2)(B) and TEX. WATER CODE § 26.3475(b). Specifically, the Respondent had not conducted the triennial testing of the suction piping associated with the UST system.
 - c. Failed to assure that all UST recordkeeping requirements are met, in violation of 30 Tex. ADMIN CODE § 334.10(b)(2). Specifically, corrosion protection records were not available at the time of the investigation.

3. During an investigation conducted on October 5, 2021 at the Glendale Facility, an investigator documented that the Respondent failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days, in violation of 30 Tex. ADMIN CODE § 334.50(b)(1)(A) and Tex. WATER CODE § 26.3475(c)(1).

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: Southwestern Bell Telephone Company, Docket No. 2022-0349-PST-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 the SEP as set forth in Section I, Paragraph No. 4. The amount of \$4,630 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
- 3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days of the effective date of this Order, implement a method of release detection for the USTs at the Facilities, in accordance with 30 TEX. ADMIN. CODE § 334.50;
 - b. For Clay Dial Facility:
 - i. Immediately upon the effective date of this Order, begin maintaining UST records including, but not limited to, corrosion protection records, and make them immediately available for inspection upon request by agency personnel, in accordance with 30 Tex. ADMIN. CODE § 334.10; and
 - ii. Within 30 days after the effective date of this Order, conduct the triennial testing of the suction piping associated with the UST system, in accordance with 30 Tex. ADMIN. CODE § 334.50.
 - c. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos.

3.a and 3.b. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Waste Section Manager Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2309 Gravel Drive Fort Worth, Texas 76118-6951

and:

Waste Section Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Street, Suite H Houston, Texas 77023-1452

- 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 operations at the Facilities referenced in this Order.
- 6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and

substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.

- 8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Order may be executed in separate and multiple counterparts, which together shall 9. 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.

Southwestern Bell Telephone Company DOCKET NO. 2022-0349-PST-E Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

<u>12/5/2022</u> 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.

Signature res

Name (Printed or typed) Authorized Representative of Southwestern Bell Telephone Company

□ 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.

<u>30 Aug 2022</u> Date <u>Assistant Secr</u>etary Title

Attachment A

Docket Number: 2022-0349-PST-E SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Southwestern Bell Telephone Company		
Payable Penalty Amount:	\$9,261		
SEP Offset Amount:	\$4,630		
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP		
Third-Party Administrator:	Armand Bayou Nature Center, Inc.		
Project Name:	Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project		
Total Project Budget:	\$573,969		
Location of SEP:	Harris County		

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. **Project Description**

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the Armand Bayou Nature Center, Inc. for the Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project (the "Project"). The Project is to manage the Armand Bayou Nature Center ("ABNC"), which comprises of 2500 acres located in southeast Harris County. ABNC contains three unique and vanishing ecosystems: coastal tallgrass prairie, forested wetland, and the tidal marsh stream of Armand Bayou. Prescribed burning is one stewardship tool used to maintain a tallgrass prairie ecosystem. If the prairie is not maintained, it can be destroyed by invasive species, which primarily include the Chinese tallow tree and other woody plants. In addition, prescribed mowing shall be conducted on a rotational basis as needed for maintenance of native species and removal of nonnative species. The Third-Party Administrator shall propagate terrestrial and aquatic native plants and install them to restore the Coastal Prairie, Tidal Marsh, and Forested Wetlands. The Third-Party Administrator will pay for the labor and material costs associated with conducting prescribed burns, mowing, removing non-native trees, and for planting native trees and plants. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEO.

Southwestern Bell Telephone Company Docket No. 2022-0349-PST-E Agreed Order - Attachment A

All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

B. Environmental Benefit

The ecological services provided by the restoration and management of the Coastal Prairie, Tidal Marsh, and Forested Wetlands ecosystems working in concert will help minimize pollution, reduce the amount of pollutants reaching the environment, and enhance water quality and wildlife habitat.

Coastal prairie grasslands are considered fire-dependent plant communities and require frequent exposure to fire effects for full ecological function. Prescribed fire in prairies helps control invasive species, minimize accumulated grass thatch, promote enrichment of soil nutrients and improve prairie plant vigor. One additional benefit of controlled prescribed burns is the reduction of fuels and the prevention of wildfires. This is particularly critical in the urban environment to protect human life and property and to minimize the release of large amounts of particulate matter resulting from uncontrolled wildfires. This treatment ensures that these coastal prairie grasslands will perform at their highest ecological function and provide the maximum potential ecological service to benefit water quality.

Mowing and targeted application of specialized herbicides will also help manage prairie species and remove non-native species. Propagation and installation of native plants will restore the natural balance to these ecosystems, reduce erosion, and increase habitat for wildlife. Plant installation in the Forested Wetland and Tidal Marsh will improve water quality by restoring depleted oxygen levels, providing habitat and nourishment for aquatic organisms, and reclaiming the area for native plants.

Proper management and restoration of these ecosystems will maximize the ecological services that they provide to Armand Bayou and Galveston Bay.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to Third-Party Administrator. The Respondent shall make the check payable to **Armand Bayou Nature Center, Inc. SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southwestern Bell Telephone Company Docket No. 2022-0349-PST-E Agreed Order - Attachment A

> Armand Bayou Nature Center, Inc. Attention: Chris Smith, Biologist P.O. Box 58828 Houston, Texas 77258

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

> Texas Commission on Environmental Quality Enforcement Division Attention: SEP Coordinator, MC 219 P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the 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 and 3, above the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the 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, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the 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

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the 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.

Southwestern Bell Telephone Company Docket No. 2022-0349-PST-E Agreed Order - Attachment A

6. Recognition

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

7. 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 the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.