

**Executive Summary – Enforcement Matter – Case No. 63281**

**City of Huntington**

**RN101184638**

**Docket No. 2022-1479-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three repeated enforcement actions (or two orders with nuisance violations) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

No

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

City of Huntington PWS, 1950 Old Homer Alto Road, Lufkin, Angelina County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 23, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$3,375

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

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$3,375

Name of SEP: PWS Well Improvements (Compliance)

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**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:** October 3, 2022 through October 14, 2022

**Date(s) of NOE(s):** October 14, 2022

**Executive Summary – Enforcement Matter – Case No. 63281**

**City of Huntington**

**RN101184638**

**Docket No. 2022-1479-PWS-E**

***Violation Information***

Failed to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By November 3, 2022, the Respondent returned to compliance with the maximum contaminant level for total trihalomethanes at the Facility.

**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:** Mason Demasi, Enforcement Division, Enforcement Team 5, MC R-13, (210) 657-8425; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** Adena Crider, Litigation Division, MC 175, (512) 239-0648

**Respondent:** The Honorable Todd Ricks, Mayor, City of Huntington, P.O. Box 349, Huntington, Texas 75949

Bill Stewart, City Administrator, City of Huntington, P.O. Box 349, Huntington, Texas 75949

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	17-Oct-2022	<b>Screening</b>	21-Oct-2022	<b>EPA Due</b>	31-Dec-2022
	<b>PCW</b>	21-Oct-2022				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Huntington
<b>Reg. Ent. Ref. No.</b>	RN101184638
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	63281	<b>No. of Violations</b>	1
<b>Docket No.</b>	2022-1479-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Nick Lohret-Froio
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,500
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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.

<b>Compliance History</b>	45.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$1,125
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Notes: Enhancement for one agreed order containing a denial of liability and one agreed order without a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$250
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$208  
Estimated Cost of Compliance: \$5,000  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$3,375
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$3,375
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$3,375
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$3,375
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<b>Screening Date</b>	21-Oct-2022	<b>Docket No.</b>	2022-1479-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of Huntington			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	63281			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN101184638			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Nick Lohret-Froio			

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	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)** 45%

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

N/A

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

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

N/A

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

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for one agreed order containing a denial of liability and one agreed order without a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 45%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 45%

<b>Screening Date</b>	21-Oct-2022	<b>Docket No.</b>	2022-1479-PWS-E	<b>PCW</b>	
<b>Respondent</b>	City of Huntington	<i>Policy Revision 5 (January 28, 2021)</i>			
<b>Case ID No.</b>	63281	<i>PCW Revision February 11, 2021</i>			
<b>Reg. Ent. Reference No.</b>	RN101184638				
<b>Media</b>	Public Water Supply				
<b>Enf. Coordinator</b>	Nick Lohret-Froio				
<b>Violation Number</b>	1				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)				
<b>Violation Description</b>	<p>Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the locational running annual average. Specifically, the locational running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts ("DBP2") at Site 2 were 0.103 mg/L for the first quarter of 2022, 0.099 mg/L for the second quarter of 2022, and 0.092 mg/L for the third quarter of 2022.</p>				
		<b>Base Penalty</b>	\$5,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Release</b>	<b>Harm</b>			
		Major      Moderate      Minor			
	Actual	x			
	Potential		<b>Percent</b>	50.0%	
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%
Matrix Notes	Exceeding the MCL for TTHM caused persons served by the Facility to be exposed to a significant amount of contaminants which did not exceed levels protective of human health.				
		<b>Adjustment</b>	\$2,500		
			\$2,500		
<b>Violation Events</b>					
Number of Violation Events		1	272	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual	x			
	single event				
		<p>One annual event is recommended.</p>			
<b>Good Faith Efforts to Comply</b>		10.0%	<b>Reduction</b>		\$250
	Before NOE/NOV      NOE/NOV to EDPRP/Settlement Offer				
	Extraordinary				
	Ordinary		x		
	N/A				
	Notes	The Respondent achieved compliance by November 3, 2022.			
		<b>Violation Subtotal</b>	\$2,250		
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		\$208	<b>Violation Final Penalty Total</b>		\$3,375
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$3,375	

# Economic Benefit Worksheet

**Respondent** City of Huntington  
**Case ID No.** 63281  
**Reg. Ent. Reference No.** RN101184638  
**Media** Public Water Supply  
**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)	\$5,000	31-Mar-2022	3-Nov-2022	0.59	\$10	\$198	\$208
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: The other (as needed) cost includes the estimated amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for TTHM, calculated from the last day of the first quarter of noncompliance to 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 \$5,000

**TOTAL** \$208



# Compliance History Report

Compliance History Report for CN606068690, RN101184638, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN606068690, City of Huntington **Classification:** NOT APPLICABLE **Rating:** N/A

**Regulated Entity:** RN101184638, CITY OF HUNTINGTON **Classification:** NOT APPLICABLE **Rating:** N/A

**Complexity Points:** N/A **Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 1950 OLD HOMER ALTO ROAD NEAR LUFKIN, ANGELINA COUNTY, TEXAS

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 0030002

**Compliance History Period:** September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

**Date Compliance History Report Prepared:** January 24, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 24, 2019 to January 24, 2024

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Nick Lohret-Froio **Phone:** (512) 239-4495

## 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? YES
- 3) Who is the current owner/operator? N/A
- 4) Who was/were the prior owner(s)/operator(s)?  
City of Huntington, OWNER, 10/14/2022 to 10/15/2022  
City of Huntington, OWNER, 10/14/2022 to 10/15/2022

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

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

- 1 Effective Date: 06/02/2020 ADMINORDER 2019-0927-MLM-E (1660 Order-Agreed Order With Denial)  
Classification: Minor  
Citation: 2B TWC Chapter 11, SubChapter A 11.1272(c)  
30 TAC Chapter 288, SubChapter B 288.20(c)  
30 TAC Chapter 288, SubChapter C 288.30(5)(B)  
Description: Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier,  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)  
Description: Failed to obtain a sanitary control easement for all land within 150 feet of the Facility's Well No. 2  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(I)  
Description: Failed to maintain a thorough and up-to-date plant operations manual of sufficient detail to provide the operator with routine maintenance and repair procedures, with protocols to be utilized in the event of a natural or man-made catastrophe, as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)  
Description: Failed to maintain water works operation and maintenance records and make them readily available

for review by the Executive Director upon request

Classification: Minor

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

30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failed to maintain an up-to-date chemical and microbiological monitoring plan at each water treatment plant that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements

Classification: Major

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

5A THSC Chapter 341, SubChapter A 341.033(a)

Description: Failed to operate the production, treatment, and distribution facilities at the public water system at all times under the direct supervision of a water works operator who holds an applicable, valid license issued by the Executive Director

Classification: Minor

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

Description: Failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code,

Classification: Minor

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

Description: Failed to provide adequate containment facilities for all liquid chemical storage tanks

Classification: Minor

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

Description: Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)

Description: Failed to provide a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage which is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency,

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B)

Description: Failed to properly house the gas chlorine cylinders so that they are protected from adverse weather conditions and vandalism

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failed to provide a well casing vent that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failed to ensure all overflows are not subject to submergence

Classification: Minor

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

Description: Failed to calibrate the Facility's three well meters at least once every three years

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(i)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide two or more wells having a total capacity of 0.6 gallon per minute ("gpm") per connection, in .

2 Effective Date: 01/27/2022 ADMINORDER 2020-1548-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)

Description: GWR Triggered Source MR Violation 08/2020 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)

Description: GWR Triggered Source MR Violation 05/2020 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)

Description: DBP2 TTHM OEL Reporting 3Q2020 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes at 151 CR 291 (DBP2-01) within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)



30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RT MR 1st 6M2020 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 01/01/2020 to 06/30/2020 within the required timeline.

Classification: Moderate

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

Description: LCR RT MR 2nd 6M2019 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 07/01/2019 to 12/31/2019 within the required timeline.

Classification: Moderate

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

Description: LCR RT MR 1st 6M2019 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 01/01/2019 to 06/30/2019 within the required timeline.

Classification: Moderate

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

Description: LCR RT MR 2nd 6M2018 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 07/01/2018 to 12/31/2018 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(n)

Description: LCR WQP MR 1st 6M2020 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 1st 6M2020 at entry point location 1211 N 8TH ST/ 2109 Plant (PBCU002), and 1950 Old Homer Alto RD/Fuller Springs PL (PBCU003) and the distribution system.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(n)

Description: LCR WQP MR 2nd 6M2019 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 2nd 6M2019 at entry point location 1211 N 8TH ST/ 2109 Plant (PBCU002), 1950 Old Homer Alto RD/Fuller Springs PL (PBCU003), and the distribution system.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(n)

Description: LCR WQP MR 1st 6M2019 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 1st 6M2019 at entry point location 1211 N 8TH ST/ 2109 Plant (PBCU002), 1950 Old Homer Alto RD/Fuller Springs PL (PBCU003) and the distribution system.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(n)

Description: LCR WQP MR 2nd 6M2018 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 2nd 6M2018 at entry point location 1211 N 8TH ST/ 2109 Plant (PBCU002), 1950 Old Homer Alto RD/Fuller Springs PL (PBCU003), and the distribution system.

## **B. Criminal convictions:**

N/A

## **C. Chronic excessive emissions events:**

N/A

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

Item 1	March 25, 2022	(1794871)
Item 2	May 03, 2022	(1810734)

## **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:**

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

## Appendix A

### All NOV's Issued During Component Period 1/24/2019 and 1/24/2024

Page 5

7	Date:	05/14/2020	(1645919)		
	Self Report?	NO		Classification:	Moderate
	Citation:				
		30 TAC Chapter 290, SubChapter D 290.46(m)(4)			
	Description:	Failure by the City of Huntington to maintain all distribution lines in a watertight condition.			
8	Date:	08/21/2020	(1691845)		
	Self Report?	NO		Classification:	Moderate
	Citation:				
		30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)			
		30 TAC Chapter 290, SubChapter F 290.117(h)			
		30 TAC Chapter 290, SubChapter F 290.117(i)(1)			
	Description:	LCR RT MR 1st 6M2020 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 01/01/2020 to 06/30/2020 within the required timeline.			
9	Date:	09/11/2020	(1691845)		
	Self Report?	NO		Classification:	Moderate
	Citation:				
		30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)			
	Description:	GWR Triggered Source MR Violation 05/2020 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.			
10	Date:	10/08/2020	(1691845)		
	Self Report?	NO		Classification:	Moderate
	Citation:				
		30 TAC Chapter 290, SubChapter F 290.117(n)			
	Description:	LCR WQP MR 1st 6M2020 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 1st 6M2020 at entry point location 1211 N 8TH ST/ 2109 Plant (PBCU002), and 1950 Old Homer Alto RD/Fuller Springs PL (PBCU003) and the distribution system.			
11	Date:	11/10/2020	(1691845)		
	Self Report?	NO		Classification:	Moderate
	Citation:				
		30 TAC Chapter 290, SubChapter F 290.115(e)(2)			
	Description:	DBP2 TTHM OEL Reporting 3Q2020 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes at 151 CR 291 (DBP2-01) within the required timeline.			
12	Date:	11/20/2020	(1691845)		
	Self Report?	NO		Classification:	Moderate
	Citation:				
		30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)			
	Description:	GWR Triggered Source MR Violation 08/2020 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.			
13	Date:	01/21/2022	(1848094)		
	Self Report?	NO		Classification:	Moderate
	Citation:				
		30 TAC Chapter 290, SubChapter F 290.115(f)(1)			
	Description:	TTHM LRAA MCL 1Q2022 - During the 1st quarter of 2022 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.103 mg/L at 151 CR 291, Huntington (DBP2-02). ETT Point Value = 5			

Date: 04/18/2022 (1801978)

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(4)		
Description:	Failure by the City of Huntington to maintain all distribution lines in a watertight condition.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(p)(2)		
Description:	Failure by the City of Huntington to provide the executive director with a list of all the operators the public water system uses.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)		
Description:	Failure by the City of Huntington to have operational records accessible for review during inspections.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(II)		
Description:	Failure by the City of Huntington to maintain a complete record of the amount of water distributed each day.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II)		
Description:	Failure by the City of Huntington to maintain a complete record of the amount of each chemical used each day.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure by the City of Huntington to maintain plant equipment in a good working condition.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)		
Description:	Failure by the City of Huntington to maintain a complete record of the dates that dead-end mains were flushed.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(2)		
Description:	Failure by the City of Huntington to maintain an up-to-date distribution map.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.110(f)(1)		
Description:	Failure by the City of Huntington to obtain all samples used for compliance at the designated sampling sites listed in the monitoring plan.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)		
Description:	Failure by the City of Huntington to maintain an up-to-date monitoring plan.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure by the City of Huntington to maintain plant equipment in a good working condition.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure by the City of Huntington to maintain all pressure maintenance facilities and related appurtenances in a watertight condition.		

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure by the City of Huntington to maintain all intruder resistant fences.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(3)		
Description:	Failure by the City of Huntington to provide an overflow pipe that is sized to handle the maximum possible fill rate without exceeding the capacity of the overflow.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(3)		
Description:	Failure by the City of Huntington to provide an overflow cover that fits tightly over the overflow pipe with no gap over 1/16-inch.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure by the City of Huntington to maintain all intruder resistant fences.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure by the City of Huntington to maintain all plant equipment in a good working condition and appearance.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)		
Description:	Failure by the City of Huntington to provide a fan which is located at and draws air in through the top vent for enclosures containing more than one operating 150-pound cylinder of chlorine.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure by the City of Huntington to maintain all intruder resistant fences.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure by the City of Huntington to maintain all intruder resistant fences.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(j)		
Description:	Failure by the City of Huntington to certify that all chemicals used in treatment of water conform to American National Standards Institute (ANSI)/National Sanitation Foundation (NSF) Standard 61 for Drinking Water System Components.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(2)		
Description:	Failure by the City of Huntington to have operational records available upon request.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)		
Description:	Failure by the City of Huntington to ensure that chemical disinfectant residual analyzers are properly calibrated.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.110(f)(1)		
Description:	Failure by the City of Huntington to obtain all samples used for compliance at sampling sites designated in the monitoring plan.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)		
Description:	Failure by the City of Huntington to maintain adequate distribution disinfection residual records.		
Self Report?	NO	Classification:	Minor
Citation:			

30 TAC Chapter 290, SubChapter D 290.46(m)  
 Description: Failure by the City of Huntington to maintain all intruder resistant fences.

15 Date: 04/21/2022 (1848094)  
 Self Report? NO Classification: Moderate  
 Citation:  
 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
 Description: TTHM LRAA MCL 2Q2022 – During the 2nd quarter of 2022 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.099 mg/L at 151 CR 291, Huntington (DBP2-02). ETT Point Value = 5

16\* Date: 09/02/2022 (1848094)  
 Self Report? NO Classification: Moderate  
 Citation:  
 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
 Description: TTHM LRAA MCL 3Q2022 – During the 3rd quarter of 2022 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.092 mg/L at 151 CR 291, Huntington (DBP2-02). ETT Point Value = 5

\* NOV's applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

## Appendix B

### All Investigations Conducted During Component Period January 24, 2019 and January 24, 2024

Item 1	June 24, 2019**	(1557844)
Item 2	November 30, 2020**	(1691845)
Item 3	December 04, 2020**	(1692313)
Item 4	December 09, 2021**	(1763065)
Item 5*	March 25, 2022**	(1794871)
Item 6	April 14, 2022**	(1801978)
Item 7*	May 03, 2022**	(1810734)
Item 8	October 12, 2022**	(1848094)
Item 9	October 14, 2022**	(1852306)
Item 10	November 21, 2023	(1943642)

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF HUNTINGTON  
RN101184638**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2022-1479-PWS-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 Huntington (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent 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 public water supply located at 1950 Old Homer Alto Road near Lufkin, Angelina County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 1,316 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(73).
2. During a record review for the Facility conducted from October 3, 2022 through October 14, 2022, an investigator documented the locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts ("DBP2") at Site 2 were 0.103 milligrams per liter ("mg/L") for the first quarter of 2022, 0.099 mg/L for the second quarter of 2022, and 0.092 mg/L for the third quarter of 2022.
3. The Executive Director recognizes that by November 3, 2022, the Respondent returned to compliance with the maximum contaminant level ("MCL") for TTHM at the Facility.



## **II. CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with the MCL of 0.080 mg/L for TTHM, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), 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.
4. An administrative penalty in the amount of \$3,375 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b).

Pursuant to TEX. WATER CODE § 7.067, \$3,375 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 Huntington, Docket No. 2022-1479-PWS-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 II, Conclusion of Law No. 4. The amount of \$3,375 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 Facility operations referenced in this Order.
5. 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.
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 in this Order.
7. 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.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission

-----  
Date

*Krista Mello-Jurack*  
-----  
For the Executive Director

06/24/2025  
-----

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]*  
-----  
Signature

*April 7, 2025*  
-----  
Date

*Bill Stewart*  
-----  
Name (Printed or typed)  
Authorized Representative of  
City of Huntington

*City Administrator*  
-----  
Title

☐ 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: 2022-1479-PWS-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Huntington
<b>Penalty Amount:</b>	\$3,375
<b>SEP Offset Amount:</b>	\$3,375
<b>Type of SEP:</b>	Compliance
<b>Project Name:</b>	<i>PWS Well Improvements</i>
<b>Location of SEP:</b>	Angelina County

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

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its public water supply (the “Facility”) which are described in this Agreed Order. This Agreed Order cites violations at Respondent’s Facility.

**1. Project Description**

*A. Project*

Respondent shall hire a contractor to purchase a new filtration media for the well at the Facility. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for the filtration media (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement or invitation for bids, including publication, related to the SEP must include the enforcement statement as stated below in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP. The Commission’s approval and issuance of this Agreed Order shall not itself be construed to authorize any activity for which Respondent is required by statute or rule to obtain authorization from the Commission.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

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

*B. Environmental Benefit*

This SEP will ensure that drinking water is properly treated and safe. Safe, reliable drinking water is necessary for human health and household sanitation. Untreated water may harbor 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. Safe water is also necessary in the home for bathing, flushing toilets, washing hands, and cooking.

*C. Minimum Expenditure*

Respondent shall spend at least the SEP Offset Amount to complete the project described above in Section 1.A and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project. Costs in excess of the SEP Offset Amount shall not be grounds to relieve Respondent of its obligations to perform this SEP.

**Estimated Cost Schedule**

<b>Item</b>	<b>Total</b>
Filtration Media	\$4,000
<b>Total</b>	<b>\$4,000</b>

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 365 days after the effective date of this Agreed Order.

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

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

**3. Records and Reporting**

*A. Progress Report*

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to TCEQ describing actions performed to date to implement the Project. Within 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 365-day timeframe set forth above in Section 2, Performance Schedule. Thereafter, Respondent shall submit progress reports to TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth below in the Reporting Schedule table:

### **Reporting Schedule**

<b>Days from Effective Order Date</b>	<b>Information Required</b>
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
270	Actions completed during previous 90-day period
365	Notice of SEP completion

#### ***B. Final Report***

Within 365 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to TCEQ, which shall include the following:

1. An itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
4. Copies of proof of advertisement of invitation for bids, if applicable;
5. A certified statement of SEP completion and document authentication;
6. A detailed map showing the specific location of the project site(s);
7. Dated photographs of the purchased materials and supplies and;
8. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

#### ***C. Submittals***

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

#### **4. Additional Information and Access**

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

#### **5. Failure to Fully Perform**

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

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice

of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to the SEP Coordinator at the address provided above.

**6. Publicity**

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

**7. Recognition**

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

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

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