

Control Number: 44892



Item Number: 29

Addendum StartPage: 0

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PUC DOCKET NO. 44892

APPLICATION OF CITY OF LUBBOCK §
TO AMEND A CERTIFICATE OF §
CONVENIENCE AND NECESSITY §
IN LUBBOCK COUNTY §
§

PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

CITY OF LUBBOCK
RESPONSE TO COMMISSION STAFF'S
FIRST REQUEST FOR INFORMATION TO CITY OF LUBBOCK
QUESTION NO. STAFF 1-1

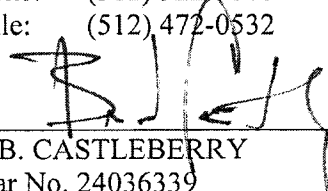
Pursuant to 16 Tex. Admin. Code § 22.144, comes now the City of Lubbock (the "City" or "Lubbock"), by and through its undersigned attorneys of record, and files this Response to the Public Utility Commission ("Commission") Staff's First Request for Information to LUBBOCK QUESTION NO. STAFF 1-1 ("RFI"). This response may be treated by all parties as if it was filed under oath.

Dated August 4, 2016

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 322-5800
Facsimile: (512) 472-0532



BRAD B. CASTLEBERRY
State Bar No. 24036339
bcastleberry@lglawfirm.com

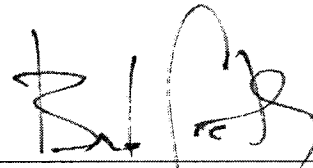
ASHLEIGH K. ACEVEDO
State Bar No. 24097273
aacevedo@lglawfirm.com

**ATTORNEYS FOR APPLICANT
CITY OF LUBBOCK**

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record on August 4, 2016, in accordance with 16 Tex. Admin. Code § 22.74.

Ralph J. Daigneault
Attorney, Legal Division
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
Ralph.Daigneault@puc.texas.gov

A handwritten signature in black ink, appearing to read "Brad B. Castleberry", is written over a horizontal line.

BRAD B. CASTLEBERRY

PUC DOCKET NO. 44892

**LUBBOCK'S RESPONSE TO COMMISSION STAFF'S FIRST REQUEST FOR
INFORMATION TO CITY OF LUBBOCK
QUESTION NO. STAFF 1-1**

QUESTION NO. STAFF 1-1:

Please provide an explanation of how each of these compliance violations and Enforcement cases were resolved or how the City is working towards resolution.

RESPONSE: Please see the information provided in the column below titled "Status / Resolution." For those items with pending resolutions and/or forthcoming documentation, the City will supplement this response in accordance with 16 Tex. Admin. Code § 22.144(i).

WATER SYSTEM			
NOV Date	Citation / Requirement Provision	Allegation	Status / Resolution
6/24/2016	30 TAC Chapter 290, Subchapter D 290.46(s)(1) (Not applicable to CH)	Failure to calibrate all flow-measuring devices, rate-of-flow controllers, and well meters.	With the exception of the well meters, the City provided all required meter calibration documentation during the investigation. A sample of this documentation is attached hereto as Exhibit 1. The City is currently preparing a written action plan for submission to TCEQ Region 2 for the periodic calibration of over 100 well meters located in the City's well field to resolve the remainder of the violation. Prepared by: Aubrey Spear Sponsored by: Aubrey Spear
6/24/2016	30 TAC Chapter 290, Subchapter D 290.44(d)(2) (Not applicable to CH)	Failure to obtain an exception to utilize booster pumps taking suction from distribution.	Following a violation review meeting held on July 13, 2016, TCEQ Region 2 removed the violation relating to the Hillcrest Booster Station from this violation. A copy of the revised Summary of Investigation Findings and the accompanying transmittal letter are attached hereto as Exhibit 2. To resolve the remaining violation relating to Pump Station # 12, the City and TCEQ Region 2 have scheduled a second violation

		review meeting for Monday, August 8, 2016.
		Prepared by: Aubrey Spear Sponsored by: Aubrey Spear

WASTEWATER			
NOV Date	Citation / Requirement Provision	Allegation	Status / Resolution
4/15/2016	30 TAC Chapter 335, Subchapter A 335.4 ; 30 TAC Chapter 335, Subchapter A 335.5 ; 30 TAC Chapter 335, Subchapter A 335.6(a)	Failure to notify the TCEQ prior to storage, processing, or disposal of industrial solid waste (cattle carcasses) or provide for the proper collection, handling, storage, processing, or disposal of industrial solid waste (cattle carcasses) at the Hancock Land Application Site (HLAS).	The cattle carcasses were buried on the site on March 5, 2015. Additionally, the City is currently preparing documents for recordation in Lynn County that will provide the requisite notification to TCEQ under 30 Tex. Admin. Code § 335.6 for the disposal of cattle carcasses on the City's property. The City anticipates recording these documents the week of August 8, 2016. Prepared by: Aubrey Spear
4/15/2016	30 TAC Chapter 305, Subchapter F 305.125(5); PERMIT Operational Requirement 1.	Failure to maintain the Southeast Water Reclamation Plant (SEWRP) Plant 3 clarifiers in regards to the sludge rake and accumulations of sludge/scum, as required by Operational Requirement 1 of Permit No. WQ0010353002.	The skimmer arm for each of the Plant 3 clarifiers are currently being repaired and rehabilitated. Pictures of the repairs will be provided to TCEQ Region 2 upon completion of the repairs. Prepared by: Aubrey Spear
3/31/16, 2/29/16, 1/31/16, 12/31/15, 11/30/15, 9/30/15, 8/31/15, 7/31/15, 4/30/15, 3/31/15, 2/28/15, 1/31/15, 12/31/14, 11/30/14, 10/31/14, 2/28/14, 1/31/14, 6/30/13, 5/31/13, 4/30/13, 3/31/13, 1/4/13, 6/30/12, 5/31/12, 4/30/12, 3/31/12, 2/29/12, 1/31/12, 12/31/11, 11/30/11, 10/31/11, 7/31/11, 6/30/11, 4/30/11, 3/31/11, 2/28/11, 1/31/11, 12/31/10, 11/30/10, 10/31/10, 9/30/10	2D TWC Chapter 26, Subchapter A 26.121(a) ; 30 TAC Chapter 305, Subchapter F 305.125(1)	Failure to meet the limit for one or more permit parameter	These violations are currently being addressed in accordance with the terms of Agreed Order Docket No. 2015-0599-MWD-E, dated February 3, 2016, between the City and TCEQ. Accordingly, following the May 6, 2016 violation review meeting with TCEQ Region 2, this violation was withdrawn. A copy of the revised Summary of Investigation Findings and the accompanying transmittal letter are attached hereto as Exhibit 2. A copy of the Agreed Order is attached hereto as Exhibit 3. Prepared by: Aubrey Spear Sponsored by: Aubrey Spear

COMPLIANCE AGREEMENT

Effective Date	Citation / Requirement Provision	Violation Allegation	Status / Resolution
5/12/2016	2D TWC Chapter 26, Subchapter A 26.121(a)(1) ; PERMIT Permit Condition 2.g. (Not applicable to CH)	Failed to prevent the unauthorized discharge of wastewater. Specifically, the City has reported 21 unauthorized discharges during the period between July 2014 and June 2015. The majority of these discharges were due to grease and root blockages and infiltration/inflow impacts on the system.	Pursuant to the terms of the Sanitary Sewer Overflow (SSO) Initiative Agreement, the City is currently monitoring compliance with the terms of the Agreement and will submit its first progress report to TCEQ on or before December 31, 2016. A copy of the executed Agreement is attached hereto as Exhibit 4 . Prepared by: Aubrey Spear Sponsored by: Aubrey Spear

ADMINISTRATIVE ORDER				
Effective Date	Docket Number	Citation / Requirement Provision	Violation Allegation	Status / Resolution
2/4/2016	2015- <u>0599-</u> <u>MWD-</u> <u>E</u>	2D TWC Chapter 26, Subchapter A 26.121(a)(1) ; 30 TAC Chapter 305, Subchapter F 305.125(1) ; PERMIT Effluent Limits (Not applicable to CH)	Failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE §26.121(a)(1), 30 TEX. ADMIN. CODE §305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010353002, Effluent Limitations and Monitoring Requirements No. 1.	The 2016 Agreed Order specifically addresses the effluent violations referenced herein and acknowledges major upgrades to the South East Water Reclamation Plant ("SEWRP") that will address previous effluent violations. A copy of the 2016 Agreed Order is attached hereto as Exhibit 3 . The City Council approved the upgrades in 2007; a copy of the Capital Improvements Summary totaling approximately \$112.7 million and detailing the various phases and objectives of each phase is attached hereto as Exhibit 5 . Currently, Phases I and II are completed and Part 2 of Phase III is nearing completion. The City expects completion of Phase III by September 2017. In negotiating the terms of the Agreed Order, the City held meetings with TCEQ Headquarters, in part, to explain the scope of the construction upgrades and how the alleged violations that ultimately resulted in the Agreed Order would be resolved with the upgrades. Thus, the terms of the

ADMINISTRATIVE ORDER				
Effective Date	Docket Number	Citation / Requirement Provision	Violation Allegation	Status / Resolution
				<p>Agreed Order were determined with the TCEQ's full knowledge and understanding of the extent of the major construction work to be completed at the SEWRP and how those upgrades related to the identified violations.</p> <p>Prepared by: Aubrey Spear Sponsored by: Aubrey Spear</p>
11/30/2012	<u>2012-1903-MWD-E</u>	TWC Chapter 26 26.121 (Not applicable to CH)	Failure to operate and maintain the permitted facility within the terms and condition of Permit No. 10353-002.	<p>The referenced order is an Order to Terminate the November 16, 1989 Agreed Order between the City and the TCEQ's predecessor agency. The outstanding violations from the 1989 Agreed Order were incorporated in the City's TPDES Permit No. WQ0010353002, and the City was in compliance with its permit. Accordingly, the 2012 Order terminated the 1989 Agreed Order and did not require any further action from the City. Thus, there are no outstanding violations or actions pursuant to the 2012 Order. A copy of the 2012 Order is attached hereto as Exhibit 6.</p> <p>Prepared by: Aubrey Spear Sponsored by: Aubrey Spear</p>

Exhibit 1

Calibration Documentation

new meter
S/N - 982883
Reading 000057

14.16
well #161

old meter
S/N 282116
Reading 042410



CERTIFIED TEST REPORT

CUSTOMER: WESTERN INDUSTRIAL SUPPLY CO

MODEL NO: ML12-04

METER SERIAL NO: 982883

CONFIGURATION

METER INSIDE DIAMETER: 4

DIAL: GAL X 100 500 GPM

GEARS: 17 / 47

TOTALIZER GEARS: 40B+ / 24W

ACTUAL METER INDEX: 0 0806

TEST FACILITY: Volumetric

As Calibrated

CALIBRATION DATA

	FLOW RATE GPM	% ACCURACY
1	548.91	99.66
2	225.90	100.97
3	62.89	99.18

TEST DATE: 12/18/2015

CERTIFIED BY: Paul Hobbs

PRINT DATE: 12/18/2015

This calibration was performed on a gravimetric or volumetric test facility traceable to the National Institute of Standards and Technology USA. The estimated flow measurement uncertainty of the calibration facilities are:
Gravimetric +/- 0.15% Volumetric +/- 0.5%



3255 WEST STETSON AVENUE
HEMET, CA 92545 USA

PHONE (951) 652-6811 / FAX (951) 652-3078

WEB SITE: <http://www.mccrometer.com> E-MAIL: customerservice@mccrometer.com

982883
982883

Printed by Danie Perez
12/18/2015 3:09:01 PM
Version 1.0 (3/9/2007)

ML12-04 Configuration Record

METER 4" NON-FLNGD ML IND/TOT

Serial Number: 982883

Item Number ML12-04

Sales Order: 0

Sold To: WESTERN INDUSTRIAL SUPPLY CO

Address Number

Ship To: CITY OF LUBBOCK (WTP)

Address Number

Schedule Date: 9/15/1998

FLOW TEST

DP 12/18/15

Configuration Data

Tube			
Pipe ID	INCHES	Velocity Type	STANDARD
Pipe OD	INCHES	Temperature Type	STANDARD
Drop Pipe Length	INCHES	Chemical Type	
		Propeller OD	3-3/4"
Total Unit	GAL	Propeller Type	POLY
Rate Unit	GPM	Propeller Style	THREAD-ON
Total Ratio	0	Gearbox Length	3-3/16"
Total Multiplier	100	Gearbox & Trim Type	STANDARD
Full Scale	500		
		Transmitter	TR16 4-20MA TR16 W/ MTR ONLY
Std Pipe ID	4	Reg Transmitter	
Std Index	0 0829	Reg Orientation	HORIZONTAL
Special Pipe ID		Reg Extension	
New Index		Instrument	
		Guarantee	5 YRS
Gears	17 / 47	Gear Ratio	0 3617
% As Geared	100 0019	Actual Meter Index	0 0806
Totalizer Gears	40B+ / 24W	Register Index	0 2228
Test Time	12.0 SEC		
Tested Accuracy	103 8800	Established Index	0 0829
Desired Accuracy	101 0000	New Adjusted Index	0 0806

Notes

Carolina Garcia (12/11/2015 1 16 53 PM) MRP-ML11-04 & MRP-TR16 UNDER RA#37727 SO#271807

Carolina Garcia (7/25/2014 8 07 49 AM) MRP UNDER RA#32808 SO#245938

Ismael Merihue (2/13/2012 12 30 11 PM) MRP METER TEST & CALIBRATE W/CERT (RA # 23928) SO#196506

Continues on next page



982883

Exhibit 2

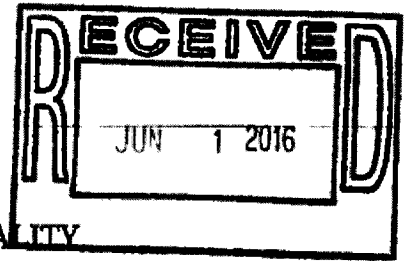
**Revised Summary of Investigation Findings
for April 20, 2016 Investigation**

Bryan W. Shaw, Ph.D., P.E., Chairman

Toby Baker, Commissioner

Jon Niermann, Commissioner

Richard A. Hyde, P.E., Executive Director



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 27, 2016

CERTIFIED MAIL # 7012 1640 0001 7267 2640

RETURN RECEIPT REQUESTED

The Honorable Glen Robertson, Mayor

City of Lubbock

P.O. Box 2000

Lubbock, Texas 79457-2000

Re: Mr. Jay Keith Consideration of Violations (Violation Review Meeting):
City of Lubbock Southeast Water Reclamation Plant, Lubbock (Lubbock County), Texas
RN101609949, TCEQ Additional ID: WQ0010353002

Dear Mayor Robertson:

Thank you for meeting with Texas Commission on Environmental Quality Region 2 staff on May 6, 2016 to review the alleged violations issued in a Notice of Violation ("NOV") letter dated April 15, 2016. After reviewing the information you provided, we have determined that Tracking Nos. 599378, 599382, and 599458, in the Summary of Investigation Findings are formally rescinded. Violation Nos. 599379, 599402, 599403, along with the section of 599398 which dealt with marked piping, have not been rescinded. In addition, Tracking No. 599376 was resolved as an Area of Concern in Investigation number 1321923. Please find a revised Summary of Investigation Findings attached.

Please be aware the City of Lubbock is required to adhere to the compliance schedule included in the Summary of Investigation Findings. Failure to do so may result in formal enforcement action.

To request further review of alleged violations Nos. 599379, 599402, 599403, along with the section of 599398 which dealt with marked piping in the April 15, 2016 NOV, you must contact the Lubbock Regional Director at 806-796-7092 within 7 days from the date of this letter. We appreciate your cooperation in this matter. Should you have any questions about the determination in this letter, you may contact me at 806-796-7605.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Keith".

Jay Keith
Section Manager
Lubbock Region 2 Office

JHK/JLH/pah

Enclosure: Summary of Investigation Findings

cc: Mr. Aubry Spear, Director of Water Utilities, P.O. Box 2000, Lubbock, Texas, 79457-2000
Mr. Randy Ammons, Area Director, North Central and West Texas Area, TCEQ
Mr. Gary Shipp, Region Director, Lubbock Region Office, TCEQ

TCEQ Region 2 • 5012 50th St., Ste 100 • Lubbock, Texas 79414-3426 • 806-796-7092 • Fax 806-796-7107

Summary of Investigation Findings

SOUTHEAST WATER RECLAMATION PLANT

Investigation # 1335426

3603 E GUAVA ST

Investigation Date: 05/20/2016

LUBBOCK, LUBBOCK COUNTY, TX 79457

Additional ID(s): TX01D6071

TXRNEP644

TXR05CH74

WQ0010353002

OUTSTANDING ALLEGED VIOLATION(S)

Track No: 599379

Compliance Due Date: 09/12/2016

30 TAC Chapter 305.125(5)

PERMIT WQ0010353002, Operational Requirement 1.

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Alleged Violation:

Investigation: 1321923

Comment Date: 03/29/2016

Failure to maintain the Southeast Water Reclamation Plant (SEWRP) Plant 3 clarifiers in regards to the sludge rake and accumulations of sludge/scum, as required by Operational Requirement 1 of Permit No. WQ0010353002. Significant floating sludge/scum accumulation was noted within the clarifiers, indicating a growth problem of floc, possibly due to nitrification with dispersed growth and filamentous bulking, denitrification causing sludge blanket flotation, nutrient deficiency with poor sludge settling and filamentous bulking, sulfide toxicity from septage disposal, in-house anaerobic digester flows, or anaerobic conditions. In addition, the sludge rake was noted to not extend above the water surface along the entire length of the rake, decreasing the effectiveness of the treatment unit.

Investigation: 1335426

Comment Date: 05/27/2016

A File Review was conducted on May 20, 2016. No changes regarding this alleged violation or the corrective action schedule are being made at this time.

Recommended Corrective Action: Conduct a thorough facility operational evaluation and implement appropriate corrective action measures to ensure proper operation and maintenance of the facility clarifiers in order to achieve optimum efficiency of treatment capability. Documentation describing the elected corrective action, including supporting documentation, is to be submitted to the TCEQ Region 2 Office at 5012 50th Street, Suite 100, Lubbock, TX 79414.

Track No: 599403

Compliance Due Date: 09/12/2016

30 TAC Chapter 335.4

30 TAC Chapter 335.5

30 TAC Chapter 335.6(a)

Alleged Violation:

Investigation: 1321923

Comment Date: 04/14/2016

Failure to notify the TCEQ prior to storage, processing, or disposal of industrial solid waste (cattle carcasses) or provide for the proper collection, handling, storage, processing, or disposal of industrial solid waste (cattle carcasses) at the Hancock Land Application Site (HLAS). At the time of the investigation, there were numerous cattle carcasses in various stages of decomposition near HLAS Pond 1. Since the required notification was not made and the open storage of carcasses has the potential to both create and maintain a nuisance condition and endanger public health and welfare, this storage is unauthorized. As required by Title 30 TAC §335.6(a), any person who intends to store, process, or dispose of industrial solid waste without a permit, as authorized by §335.2(d), (e), (f), or (h) of this title (relating to Permit Required) or §335.24 of this title (relating to Requirements for Recyclable Materials

SOUTHEAST WATER RECLAMATION PLANT

Investigation # 1335426

and Nonhazardous Recyclable Materials) shall notify the executive director in writing or using electronic notification software provided by the executive director, that storage, processing, or disposal activities are planned, at least 90 days prior to engaging in such activities. As required by Title 30 TAC §335.5(a), no person may cause, suffer, allow, or permit the disposal of industrial solid waste or municipal hazardous waste in a landfill prior to recording in the county deed records of the county or counties in which the disposal takes place. In addition, as required by Title 30 TAC §335.4, no person may cause, suffer, allow, or permit the collection, handling, storage, processing, or disposal of industrial solid waste in such a manner so as to cause the creation and maintenance of a nuisance or the endangerment of the public health and welfare.

Investigation: 1335426

Comment Date: 05/27/2016

A File Review was conducted on May 20, 2016. No changes regarding this alleged violation or the corrective action schedule are being made at this time.

Recommended Corrective Action: Compliance documentation indicating that the current carcasses and all historic industrial solid waste have been disposed of at a properly authorized disposal facility, including waste manifests describing where the carcasses were taken, must be submitted. As an alternative, please provide proper notification of proposed waste management and disposal means including documentation that the current cattle carcasses have been properly buried, documentation that all current and historical disposal areas have been properly deed recorded, photographs of the site after proper carcass disposal, as well as a statement regarding the future means of disposing of carcasses, must be submitted to the TCEQ Region 2 Office. The TCEQ may require submission of information necessary to determine whether storage, processing, or disposal is compliant with the applicable regulations. Required information may include, but is not limited to, information concerning waste composition, waste management methods, facility engineering plans and specifications, or the geology where the facility is located. The storage and/or disposal of carcasses must not create and maintain a nuisance condition or endanger public health and welfare.

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 599398

30 TAC Chapter 210.25(a)

30 TAC Chapter 317.7(d)

Alleged Violation:

Investigation: 1321923

Comment Date: 03/29/2016

Failure to provide adequately marked piping or adequate hose bibs for all beneficial reclaimed water use within the boundaries of the Southeast Water Reclamation Plant (SEWRP). Only a portion of the exposed piping at the facility was purple in color and the required warning was not stenciled on all piping. Hose bibs at the facility were not designed to prevent connection to a standard water hose and some hose bibs were not painted purple in color. Hose bibs were not located in locked, below grade vaults which are clearly labeled as being of non-potable quality nor were the hose bibs placed in a non-lockable service boxes which can only be operated by a special tool.

Investigation: 1335426

Comment Date: 05/27/2016

A File Review was conducted on May 20, 2016 to amend and resolve this alleged violation.

Recommended Corrective Action: As required by 30 TAC §210.25(a), all hose bibs and faucets shall be painted purple and designed to prevent connection to a standard water hose and hose bibs shall be located in locked, below grade vaults which shall be clearly labeled as being of non-potable quality. As an alternative to the use of locked, below grade vaults with standard hose bibs services, hose bibs may be placed in a non-lockable service box which can only be operated by a special tool so long as the hose bib is clearly labeled as non-potable water, in accordance with 30 TAC §210.25(b). For facilities constructed prior to August 28, 2008, all yard hydrants and outlets installed are required to be properly marked "UNSAFE WATER" and all underground and exposed piping shall be identified with a proper color coding and stenciled "UNSAFE WATER" or "NON-POTABLE WATER", as specified by Title 30 TAC §317.7(g). For facilities constructed after August 28, 2008, each hydrant and outlet for non-potable water must have signs in both English and Spanish reading "NON-POTABLE

SOUTHEAST WATER RECLAMATION PLANT

Investigation # 1335426

WATER, DO NOT DRINK" and "NO BEBA EL AGUA" and non-potable water pipe must be painted purple and be stenciled "NON-POTABLE WATER, DO NOT DRINK" and "NO BEBA EL AGUA", as specified by Title 30 TAC §217.327 and §217.329. Documentation describing how this corrective action has been implemented, including photos of the piping and hose bibs, shall be submitted to the TCEQ Region 2 Office at 5012 50th Street, Suite 100, Lubbock, TX 79414.

Resolution: Following a Violation Review Meeting and Region 2 discussions with the TCEQ Enforcement Division and Water Quality 210 permitting personnel, this alleged violation is being amended and resolved. The portion of the alleged violation regarding Title 30 Texas Administrative Code (30 TAC) §210.25(b) is hereby withdrawn. Based on photographs previously submitted to the TCEQ Region 2 Office, the remaining portion of the alleged violation is resolved.

Track No: 599402

30 TAC Chapter 305.125(1)

TWC Chapter 26.121

PERMIT WQ0010353002, Operational Requirement 1.

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Alleged Violation:

Investigation: 1321923

Comment Date: 03/29/2016

Failure to maintain the Hancock Land Application Site (HLAS) in regards to a leaking valve mechanism/piping near Pond 1, as required by Operational Requirement 1 of Permit No. WQ0010353002. A significant leak was noted from a valve mechanism and/or piping near Pond 1 which had accumulated on the ground surface and had flowed overland several hundred feet.

Investigation: 1335426

Comment Date: 05/27/2016

A File Review was conducted on May 20, 2016 to resolve this alleged violation.

Recommended Corrective Action: Conduct a thorough evaluation of the leaking pumps and implement appropriate corrective action measures to ensure the cessation of the leaks and proper operation and maintenance. Documentation describing the elected corrective action, including supporting documentation, is to be submitted to the TCEQ Region 2 Office at 5012 50th Street, Suite 100, Lubbock, TX 79414.

Resolution: Photographs presented during the May 6, 2016 Violation Review Meeting indicated the leak had been repaired. Based on the information obtained, this alleged violation is being resolved.

WITHDRAWN VIOLATION(S)

Track No: 599378

Compliance Due Date: To Be Determined

30 TAC Chapter 305.125(5)

PERMIT WQ0010353002, Operational Requirement 1.

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Alleged Violation:

Investigation: 1321923

Comment Date: 04/15/2016

Failure to maintain the Southeast Water Reclamation Plant (SEWRP) Plant 3 aeration chambers in regards to foaming, as required by Operational Requirement 1 of Permit No. WQ0010353002. Significant foaming was noted at the aeration chambers, spilling out of the aeration chambers onto the walkway and potentially the surrounding areas. Foaming in the activated sludge process is a common operational problem in many wastewater treatment plants, possibly due to the presence of surfactants (such as household detergents), high recent biochemical oxygen demand (BOD) loading, industrial waste shock loads, anaerobic conditions within the aeration basin, nutrient-limited conditions, hydraulic washout, or proliferation of filamentous organisms such as *Nocardia* and/or *Microthrix parvicella*. Foam floats and accumulates on top of the tanks, which takes up a large fraction of solids inventory.

SOUTHEAST WATER RECLAMATION PLANT

Investigation # 1335426

and reactor volume, thus decreasing the effluent quality and control of sludge retention time.

Investigation: 1335426

Comment Date: 05/27/2016

A File Review was conducted on May 20, 2016 to withdraw this alleged violation.

Recommended Corrective Action: Conduct a thorough facility operational evaluation and implement appropriate corrective action measures to ensure proper operation and maintenance of the facility aeration chambers in order to achieve optimum efficiency of treatment capability. Documentation describing the elected corrective action, including supporting documentation, is to be submitted to the TCEQ Region 2 Office at 5012 50th Street, Suite 100, Lubbock, TX 79414.

Withdrawal Comments: Following a Violation Review Meeting, Region 2 discussions with the TCEQ Enforcement Division, and review of Agreed Order #2015-0599-MWD-E, dated February 3, 2016; this alleged violation is being withdrawn.

Track No: 599382 **Compliance Due Date:** To Be Determined

30 TAC Chapter 305.125(1)

PERMIT WQ0010353002, Effluent Limitations

Discharge limitations at Outfall 001 for BOD are 10 mg/l daily average, 15 mg/l 7-day average, 25 mg/l daily max, and 35 mg/l single grab.

Alleged Violation:

Investigation: 1321923

Comment Date: 04/08/2016

Failure to meet effluent quality requirements, as required by Effluent Limitations of Permit No. WQ0010353002. A grab sample was collected during this investigation on March 3, 2016 at Outfall 001 prior to commingling with the natural stream flow and was analyzed by the TCEQ contract laboratory, Trace Analysis, Inc. for Biochemical Oxygen Demand. The sample analysis result, Field Code 03032016-Grab, was 42.6 mg/l, which is noncompliant with the maximum single grab limit of 35 mg/l. This sampling event was witnessed by Mr. Craig Henderson, who was verbally notified of the sampling event multiple times during the course of this wastewater investigation.

Investigation: 1335426

Comment Date: 05/27/2016

A File Review was conducted on May 20, 2016 to withdraw this alleged violation.

Recommended Corrective Action: Conduct a thorough facility operational evaluation and implement appropriate corrective action measures to ensure proper operation and maintenance of the treatment facility in order to achieve optimum efficiency of treatment capability. Submit a description of the corrective action that has been taken or is underway to become compliant with the effluent quality permit limits to the TCEQ Region 2 Office at 5012 50th Street, Suite 100, Lubbock, TX 79414.

Withdrawal Comments: Following a Violation Review Meeting, Region 2 discussions with the TCEQ Enforcement, and review of Agreed Order #2015-0599-MWD-E, dated February 3, 2016; this alleged violation is being withdrawn.

Track No: 599458 **Compliance Due Date:** To Be Determined

30 TAC Chapter 305.125(1)

TWC Chapter 26.121

PERMIT WQ0010353002, Operational Requirement 1.

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Alleged Violation:

Investigation: 1321923

Comment Date: 03/30/2016

Failure to maintain the Southeast Water Reclamation Plant (SEWRP) in regards to leaking pumps located just north of Plant 3 on the eastern portion of the facility, as required by Operational Requirement 1 of Permit No. WQ0010353002. Significant leaks were noted from multiple pumps which had accumulated on the ground surface and had flowed overland several feet toward the eastern boundary of the facility.

Investigation: 1335426

Comment Date: 05/27/2016

A File Review was conducted on May 20, 2016 to withdraw this alleged violation.

Recommended Corrective Action: Conduct a thorough evaluation of the leaking pumps and implement appropriate corrective action measures to ensure the cessation of the leaks and proper operation and maintenance. Documentation describing the elected corrective action, including supporting documentation, is to be submitted to the TCEQ Region 2 Office at 5012 50th Street, Suite 100, Lubbock, TX 79414.

Withdrawal Comments: Following a Violation Review Meeting and Region 2 discussions with the TCEQ Enforcement, this alleged violation is being withdrawn. This alleged violation was originally resolved based on photographs of the pumps; presented by the City of Lubbock on April 5, 2016; which indicated they had been repaired.

Exhibit 3

2016 Agreed Order

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

FEB 08 2016



OF THE COMMISSION GIVEN UNDER MY HAND AND THE
SEAL OF OFFICE ON

Bridget C. Baker
BRIDGET C. BAKER, CLERK
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF LUBBOCK
RN101609949

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

AGREED ORDER
DOCKET NO. 2015-0599-MWD-E

I. JURISDICTION AND STIPULATIONS

On **FEB 03 2016**, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Lubbock ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Mr. Brad Castleberry of the law firm of Lloyd Gosselink Attorneys at Law, together stipulate that:

1. The Respondent owns and operates a water reclamation plant located at 3603 Guava Avenue at the eastern terminus of East 38th Street, south of the Fort Worth and Denver Railroad bridge crossing of the North Fork Double Mountain Fork Brazos River, approximately one mile northwest of the intersection of State Highway-Loop 289 and Farm-to-Market Road 835 (Buffalo Spring Lake Road), in the southeastern portion of Lubbock in Lubbock County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 15, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Thirty-Eight Thousand Five Hundred Eighty-Seven Dollars (\$38,587) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Seven Thousand Seven Hundred Seventeen Dollars (\$7,717) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Thirty Thousand Eight-Hundred Seventy Dollars (\$30,870) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. 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.
8. 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).
9. The Executive Director recognizes that in 2007, the Respondent adopted a strategic water supply plan that has four phases, which includes upgrades to the Facility in order to produce stream quality effluent for possible reuse. Phases I, II, and Part 1 of Phase III are complete. Part 2 of Phase III has been initiated and consists of the rehabilitation of the solids handling building. Phase IV involves improvements to the Facility's activated sludge basins and is in the Respondent's future capital project plan.
10. 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 Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010353002, Effluent Limitations and Monitoring Requirements No. 1 for Outfall Nos. 001, 002, and 003, as documented during a record review conducted on April 1, 2015, and shown in the violation table below:

Effluent Parameter Violation Table								
Monitoring Period	Outfall 001				Outfall 002		Outfall 003	
	BOD (5-day)		TSS	<i>E. coli</i>	BOD (5-day)		BOD (5-day)	
	Daily Avg. Conc.	Daily Max. Conc.	Daily Max. Conc.	Daily Max. Conc.	Daily Avg. Conc.	Daily Max. Conc.	Daily Avg. Conc.	Daily Max. Conc.
	Limit = 10 mg/L	Limit = 25 mg/L	Limit = 40 mg/L	Limit = 399 CFU/100 ml	Limit = 60 mg/L	Limit = 70 mg/L	Limit = 60 mg/L	Limit = 70 mg/L
February 2014	11	c	c	c	c	92	c	c
October 2014	c	c	c	c	c	150	c	154
November 2014	c	c	c	411	c	132	c	183
December 2014	c	c	c	c	66	187	65	161
January 2015	c	32	83	c	84	192	80	183

BOD = Biochemical Oxygen Demand
TSS = Total Suspended Solids
E. coli = *Escherichia coli*
Avg. = Average
Max. = Maximum

Conc. = Concentration
mg/L = milligrams per liter
CFU = colony forming units
ml = milliliters
c = compliant

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Lubbock, Docket No. 2015-0599-MWD-E" to:

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

2. The Respondent shall implement and complete an SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Thirty Thousand Eight-Hundred Seventy Dollars (\$30,870) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall, within 365 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0010353002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and 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:

Water Section Manager
Lubbock Regional Office
Texas Commission on Environmental Quality
5012 50th Street, Suite 100
Lubbock, Texas 79414-3421

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed 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 Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed 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.
7. This Agreed 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 Agreed 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.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed 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 Agreed 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.
9. Pursuant to 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142, 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

Bryan W. Shaw
For the Commission

2-4-16

Ronnie R. Rouse
For the Executive Director

12/18/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

James W. Loomis
Signature

09-01-2015
Date

James Loomis
Name (Printed or typed)
Authorized Representative of
City of Lubbock

City Manager
Title

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

Attachment A
Docket Number: 2015-0599-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Lubbock
Penalty Amount:	Thirty Thousand Eight Hundred Seventy Dollars (\$30,870)
SEP Offset Amount:	Thirty Thousand Eight Hundred Seventy Dollars (\$30,870)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Cleanup of Unauthorized Trash Dumpsites</i>
Location of SEP:	Lubbock County - Brazos River Basin, Ogallala Aquifer

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset 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 Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D") for the *Cleanup of Unauthorized Trash Dumpsites*. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to coordinate with city and county government officials and private entities ("Partner Entities") to clean up sites where trash, tires, or other materials have been illegally disposed of (the "Project").

The Third-Party Administrator shall ensure that collected debris and waste is properly transported to and disposed of at an authorized disposal facility. If a licensed hauler is needed for tires or other waste collected from sites, the Third-Party Administrator shall ensure that only properly licensed haulers are used for transport and disposal of tires and other waste. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

City of Lubbock
Agreed Order - Attachment A

All dollars contributed will be used solely for the direct cost of 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 in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP shall rid communities of the dangers and health threats associated with non-regulated dumping and will provide removal of waste that contaminates air, soil, and water, and harbors disease-carrying animals and insects.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the 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 the Third-Party Administrator. The Respondent shall make the check payable to Texas Association of RC&D SEP and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Attn.: Jerry Pearce, Executive Director
P.O. Box 2533
Victoria, Texas 77902

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 the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

City of Lubbock
Agreed Order - Attachment A

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, as 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, the 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 Project, 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.

6. Recognition

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

City of Lubbock
Agreed Order - Attachment A

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.

Exhibit 4

SSO Initiative Agreement

Resolution No. 2016-R0162

Item No. 5.13

May 13, 2016

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the Mayor of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock, an Agreement regarding the participation in a Sanitary Sewer Overflow initiative plan, by and between the City of Lubbock and the Texas Commission on Environmental Quality, and related documents. Said Agreement is attached hereto and incorporated in this resolution as if fully set forth herein and shall be included in the minutes of the City Council.

Passed by the City Council on May 12, 2016.



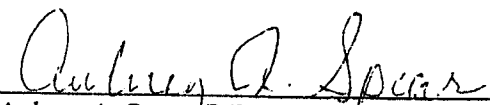
GLEN C. ROBERTSON, MAYOR

ATTEST:



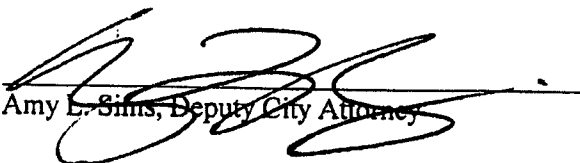
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Aubrey A. Spear, P.E., Director of Water Utilities

APPROVED AS TO FORM:



Amy L. Sims, Deputy City Attorney

Texas Commission on Environmental Quality

Agreement

City of Lubbock
RN101609949
Enforcement Case No. 50829
Lubbock County, Texas

The Texas Commission on Environmental Quality ("Commission" or "TCEQ") is the state agency charged with enforcing TEX. WATER CODE chs. 7 and 26 (the "Code") and the regulations promulgated pursuant to the Code.

City of Lubbock (the "City") owns and operates a water reclamation plant (the "Plant") located at 3603 Guava Avenue at the eastern terminus of East 38th Street, south of the Fort Worth and Denver Railroad bridge crossing of the North Fork Double Mountain Fork Brazos River, approximately one mile northwest of the intersection of State Highway-Loop 289 and Farm-to-Market Road 835 (Buffalo Spring Lake Road), in the southeastern portion of the City of Lubbock in Lubbock County, Texas with an associated wastewater collection system that consists of 31 lift stations and approximately 1,003 miles of collection lines.

The City has reported 21 unauthorized discharges during the period between July 2014 and June 2015. The majority of these discharges were due to grease and root blockages and infiltration/inflow ("I/I") impacts on the system. The City will be required to rehabilitate the system to ensure a reduction of risk to the public health and environment and to comply with the commission requirements.

Provisions

In response to these deficiencies and in an effort to eliminate the potential threat to public health, the City and the Commission have entered into an agreement. This agreement formalizes the commitment made by the City in its letter to the TCEQ dated June 26, 2015 and incorporated a 10-year Sanitary Sewer Overflow ("SSO") initiative plan (See Attachment A) to rehabilitate the system.

The provisions of this Agreement are as follows:

1. The Executive Director recognizes that the City has completed the following projects:
 - a. By December 31, 2014, updated its fats, oils, and grease ("FOG") ordinance; and
 - b. By October 22, 2015, developed the grease hauler database and began populating it with trip ticket data.

2. By December 31, 2016, and on an annual basis thereafter, the City shall:
 - a. Clean a minimum of 665,300 linear feet of the Plant's sanitary sewer lines and manholes. The amount to be cleaned shall collectively be ten percent per year when incorporating the amount cleaned the years before divided by the number of years this agreement has been effective;
 - b. Inspect a minimum of 145,000 linear feet of the Plant's sanitary sewer lines and manholes. The amount to be inspected shall collectively be ten percent per year when incorporating the amount inspected the years before divided by the number of years this agreement has been effective;
 - c. Replace and/or rehabilitate a minimum of 1,000 linear feet of the Plant's sanitary sewer line piping. The amount to be replaced and/or rehabilitated shall collectively be ten percent per year when incorporating the amount repaired and/or rehabilitated the years before divided by the number of years this agreement has been effective;
 - d. Replace a minimum of 400 sewer lateral lines and taps of the Plant's sanitary sewer system. The amount to be replaced shall collectively be ten percent per year when incorporating the amount replaced the years before divided by the number of years this agreement has been effective;
 - e. Prioritize all necessary repairs, rehabilitations, or replacements identified during the inspections conducted under Provision No. 2.b., and as designated in Attachment A of this agreement;
 - f. Begin necessary repairs, rehabilitations, replacements, preliminary engineering, design, and/or construction of the Capital Improvement Projects listed in Attachment A, Appendix A of this agreement and any additional Capital Improvement Projects indicated in the biennial report under Provision No. 4.;
 - g. Populate the grease hauler database from trip tickets obtained from the pumping of grease and grit interceptors. Report number of trip tickets processed and number of site visits made by Industrial Waste Monitoring & Pretreatment ("IWMP") personnel;
 - h. Report the number of citizen complaints and problems reported by Wastewater Collection crews, and noted problems when sampling and inspecting facilities that IWMP personnel responded to;
 - i. Submit a report to the Commission that contains information regarding the implementation of the Residential FOG Education Program. The report shall contain the following information:
 - 1) The amount and names of venues where information booths that contained Residential FOG Education Program materials were distributed;

- 2) The dates educational flyers were mailed to the customers of the Plant. The dates which these flyers were mailed should be as close to six-months apart as possible;
 - 3) The amount and names of schools where Residential FOG Education Program information was presented; and
 - 4) The amount and names of community and business associations and groups and groups where Residential FOG Education Program information was presented;
- j. Educate and demonstrate best management practices for reducing FOG entering the sewer system to at least 90 percent of food establishment applications for new construction and major modifications to existing food establishment facilities.
3. The City shall evaluate the effectiveness of its corrective actions by documenting the location and volume of any unauthorized discharges which occur each year, comparing the location of current discharges to previous discharges, and submitting this information to the TCEQ in the annual report outlined in Provision No. 5.
 4. By December 31, 2016, and on a biennial basis thereafter, the City shall update Attachment A, Appendix A with new Capital Improvement Projects.
 5. By December 31, 2016, and on an annual basis thereafter, the City shall submit a report to the Commission that contains information regarding the progress of the corrective actions contained in Provision No. 2. and the evaluation required in Provision No. 3. In accordance with the attached TCEQ SSO Agreement Annual Progress Report Form No. TCEQ-20595 (Attachment B), the reports shall include:
 - a. Specific corrective actions that were completed during the reporting period; and
 - b. Any proposed corrective actions that were delayed or not completed, including the reason(s) or explanation(s) of why the actions were delayed or not completed.
 6. By December 31, 2017, begin updating the Wastewater Master Plan.
 7. By December 31, 2020, complete the updates to the Wastewater Master Plan.
 8. By December 31, 2026, the City shall submit a written Final Report that contains the following:
 - a. A summary of all corrective actions that have been completed in accordance with the Provisions in this Agreement;

- b. A summary of all Provisions in this Agreement that were not completed, including reasons why specific corrective actions were delayed or not completed; and
 - c. A description of the overall improvement the corrective actions had on the Plant.
9. The Executive Director may grant an extension or modification to any provision of this agreement, upon a written and substantiated showing of good cause. All requests for extensions or modifications by the City shall be made in writing to the TCEQ. Extensions or modifications are not effective until the City receives written approval from the TCEQ. The determination of what constitutes good cause rests solely with the TCEQ.
10. This agreement shall terminate ten years from the effective date.
11. The City shall submit copies of all correspondence, reports, and documentation required by provision Nos. 2 through 9, except submit only examples of letters and information required by provision Nos. 2.g. through 2.i. 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:


Water Section Manager
Lubbock Regional Office
Texas Commission on Environmental Quality
5012 50th Street, Suite 100
Lubbock, Texas 79414-3421

In return for the City's agreement and adherence to these terms, the Commission will withhold further enforcement actions related to the noted deficiencies addressed by this agreement. Should unforeseen circumstances indicate a need to alter the above mentioned schedule, the City must immediately notify the Commission so that an amendment can be discussed.

The effective date of this agreement is the signature date of the City's authorized representative. Acceptance of the terms of this agreement is indicated by the signatures below.


EXECUTED as of the Effective Date hereof.

CITY OF LUBBOCK



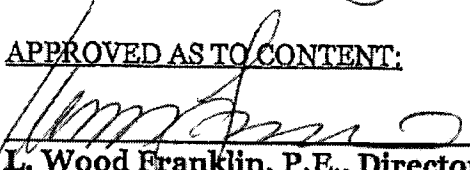
Glen C. Robertson, Mayor

May 12, 2016
Date

ATTEST:


Rebecca Garza, City Secretary

May 12, 2016
Date

APPROVED AS TO CONTENT:


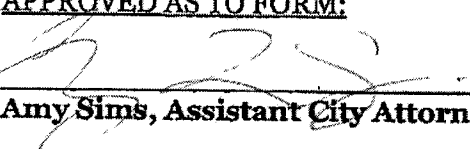
L. Wood Franklin, P.E., Director of Public Works

5/2/16
Date



Aubrey A. Spear, P.E., Director of Water Utilities


5/2/16
Date

APPROVED AS TO FORM:


Amy Sims, Assistant City Attorney

5/2/16
Date

TCEQ



Bryan Sinclair, Director
Enforcement Division

4/29/2016
Date

ATTACHMENT A

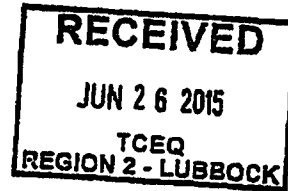
Contents

Sanitary Sewer Overflow Outreach Initiative Corrective Action Plan

AGREEMENT



ORIGINAL



**Sanitary Sewer Overflow Plan
for the
City of Lubbock, Texas**

**HAND^{sh}
DELIVERED**



**Water Utilities
P.O. Box 2000
Lubbock TX, 79457**

June 26, 2015

Sanitary Sewer Overflow Plan

City of Lubbock, Texas

1.0 Program Overview

The City of Lubbock (City) is committed to the reduction of sanitary sewer overflows (SSOs) in its wastewater collection system. Part of this commitment includes the development and implementation of programs that will facilitate the reduction of sanitary sewer overflows (SSOs). The City has developed this SSO Plan that covers the municipal collection system as a ten (10) year action plan with a goal to improve the collection system operation and reduce SSOs. Program elements described in the SSO Plan include:

- causes of SSOs
- an evaluation of the sewer system
- interim mitigation measures to minimize the effects of SSOs
- long-term corrective measures to address SSOs
- measuring SSO Program progress
- measuring SSO Program effectiveness
- program to monitor permit compliance
- sources for funding

2.0 Causes of Sanitary Sewer Overflows

After completing an evaluation of historical SSO events in the City's wastewater collection system, the City has determined that the primary causes of dry weather SSOs are related to main stoppages caused by grease buildup, lodged obstructions, piping failures due to age related degradation, and intrusion of roots. Wet weather SSOs are primarily related to storm water inflows aggravated by piping segments having insufficient capacity. The historical evaluation of SSOs does not include SSOs related to service lines on private property or SSOs associated with the treatment of the wastewater at the Southeast Water Reclamation Plant.

The City of Lubbock recorded a total of 134 SSOs during the period of January 2010 through December 2014 with a total volume recorded at 12,430 gallons. This number includes all instances, regardless of volume, where sewage left the confines of the collection system. In all but 4 of the 134 recorded instances the sewage overflow was contained and cleaned up without reaching a playa lake or other watercourse. Of the SSOs where sewage left the confines of a containment area, there were no detrimental environmental impacts such as fish kills or negative impacts on public health. Table 2.1 includes a summary of the causes of SSOs reported by City crews. In 90% of the cases, the SSOs in Lubbock's collection system are the result of main stoppages, blocked service lines or cut sewer lines. Figure 2.1 graphically depicts the causes of SSOs in Lubbock's wastewater collection systems.

	Grease Blockages	Rag Blockages	Other Blockages	Pipeline Failures	Miscellaneous Causes	Total
2014	7	5	4	3	0	19
2013	9	7	1	1	0	18
2012	14	8	1	0	0	23
2011	14	14	2	1	0	31
2010	13	18	4	2	6	43

Table 2.1: SSOs in City of Lubbock Collection System (2010-2014)

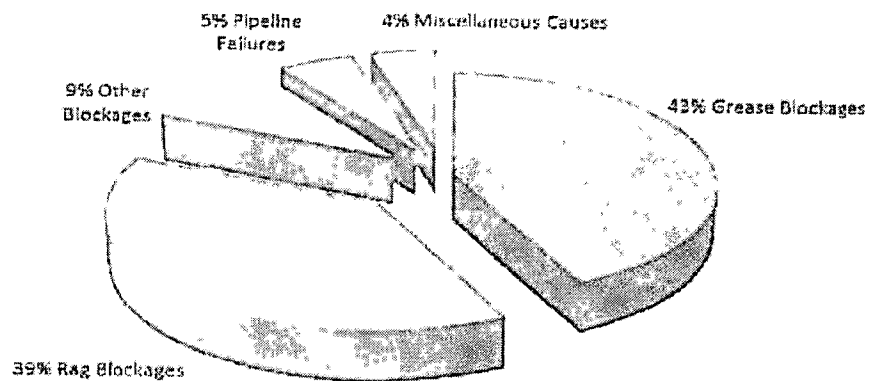


Figure 2.1: Causes of SSOs in City of Lubbock Collection System (2010-2014)

3.0 Sewer System Evaluation

The City completed a Wastewater Master Plan (Master Plan) in August 2009. The Master Plan included an evaluation of the sanitary sewer collection system. The Master Plan objectives included the identification of improvements necessary to reduce SSOs and to provide planning-level options for expanded capacity of the system as growth occurs. The 2009 Master Plan is available for review at the Water Utilities offices in

Lubbock. The process of updating the Master Plan is scheduled to begin in 2016 as discussed under Section 5.0 below.

4.0 Interim Mitigation Measures

The City will implement the following interim measures in order to mitigate the effect of continuing SSOs until the long-term measures described in Section 5.0 below can be implemented.

- Reduce grease entering the collection system through continued monitoring of known contributors, improved customer relations with known contributors and enforcement of the current Industrial Wastewater Ordinance with known grease contributors.
- Prioritize pipeline and manhole rehabilitation projects to those areas known to contribute to SSOs.
- Schedule increased routine cleaning of segments that develop multiple stops.
- Conduct smoke testing to identify areas requiring further inspection and areas in need of rehabilitation.
- Monitor the condition of the Canyon Lakes Interceptor to check for infrastructure and manhole problems along the Canyon Lakes until Interceptor improvements have been implemented.

5.0 Long Term Corrective Measures

While the effectiveness of its efforts will be measured in part by the frequency of SSOs from its system, the City will monitor results of the collection system operations and maintenance (O&M) program to help assess effectiveness of its SSO Program. The City presently inspects, cleans, and replaces portions of its collection system in a planned and ongoing basis. The City updated its fats, oils, and grease (FOG) ordinance in 2014 in an effort to more aggressively address blockage in the sewer mains which can result in SSOs. Through an improved O&M program and the implementation of strategic capital improvements projects, the City will more effectively address the causes of SSOs from its system. The goal of the City's SSO Program is to focus on corrective measures for those areas of its wastewater collection system which experience SSOs. Corrective SSO measures planned for implementation by the City include additional O&M activities that monitor these corrective measures throughout the period covered by the SSO Plan.

5.1 Operations & Maintenance (O&M) Activities

Collection System Cleaning and Inspection Program

The City presently conducts an aggressive collection system cleaning and inspection program. This program consists of:

- cleaning a minimum of 580,000 feet of collection system piping annually;

- inspecting a minimum of 135,000 feet of collection system piping annually; and
- screening potential problem areas with smoke testing and direct inspection in order to identify areas where further CCTV inspections are needed.

The CCTV equipment is used to detect conditions which contribute to SSOs as well as to identify sections needing to be cleaned. CCTV equipment is also used to provide post-cleaning follow-up inspection. Problems in the collection system and areas in need of cleaning or rehabilitation detected during the City's ongoing inspection program are cataloged and prioritized. An up-to-date prioritized list of areas in the system in need of cleaning is maintained by the Wastewater Collection Group within the Water Utilities Department.

Corrective measures implemented throughout the ten (10) year SSO Program period by the City will include:

- cleaning of approximately 6,653,000 feet of collection system piping; and
- inspection of approximately 1,450,000 feet of collection system

It is anticipated that implementation of the improved Operations and Maintenance Program discussed below will result in a more structured approach for establishing areas within the collection system for cleaning.

Collection System Rehabilitation and Replacement Program

The City will continue to implement its sewer collection system rehabilitation and replacement program. This program consists of evaluating the cleaning and inspection results described above and prioritizing which sewer lines are in need of rehabilitation, repairs or replacement.

Rehabilitation and replacement measures implemented throughout the ten (10) year SSO Program period by the City will include:

- replacing and/or rehabilitating approximately 10,000 feet of collection system piping; and
- replacing approximately 4,000 sewer lateral lines and taps.

5.2 Administrative/Planning Measures

Operations and Maintenance Program

The City will develop and implement an improved Operations and Maintenance (O&M) Program for the ongoing identification, evaluation and correction of collection system issues. This program will include:

- details on collection system operation;

- maintenance and management practices;
- collection system capacity evaluation/testing practices;
- inspection practices; and
- rehabilitation criteria.

The Program will be available for review by the Texas Commission on Environmental Quality ("TCEQ") upon request.

Residential Fats, Oils, and Grease (FOG) Education Program

- The City will increase efforts to educate the general City population regarding the proper handling and disposal of FOG in a residential setting. The City will use a variety of outreach methods including:
 - a.) Setting up information booths at community gatherings such as the annual Home & Garden Show and/or other relevant venues;
 - b.) Inserting educational flyers into our customers' wastewater bills periodically;
 - c.) Incorporating FOG education into presentation made at local schools; and/or
 - d.) Speaking to community and business associations and groups about proper FOG handling.

Industrial Waste Monitoring and Pretreatment Program

- The City will increase efforts to implement their Industrial Waste Monitoring Program (IWMP) program to better control FOG entering the collection system. The Industrial Waste Monitoring & Pretreatment (IWMP) office will work to limit the amount of FOG discharged into the City sewer lines by:
 - a.) Working in conjunction with Building Inspection to review plans for new facilities and the remodeling of existing facilities.
 - b.) Requiring commercial kitchens that are discharging FOG to install grease interceptors and sample ports as well as properly maintain these facilities.
 - c.) Receiving notifications from Environmental Health when they believe there is an issue with a grease interceptor and/or sample port at a facility.
 - d.) Randomly collecting FOG samples from food establishments to determine compliance with the City ordinance limit of 250 mg/l.
 - e.) Requiring grease haulers to submit a copy of the trip tickets obtained from the pumping of grease and grit interceptors. This information will be used to build a database to determine who is in compliance with the minimum pumping schedule specified in the City ordinance. IWMP personnel will also perform site visits to facilities that have not met the minimum pumping requirements.
 - f.) Responding to citizen complaints, responding to problems in the City sewer collection system as reported by Wastewater Collection crews, and responding to problems noted when sampling and inspecting facilities that produce grease waste.

- g.) Educating food establishments on how to reduce the amount of FOG entering the City sewer system by encouraging them to use best practices in their kitchens and to maintain grease interceptor pumping schedules.
- h.) Issuing warning notices when necessary, which will include the required actions and recommendations to bring facilities with FOG violations back into compliance with the City ordinance.

Wastewater Master Plan Update

The Wastewater Master Plan is used by the City to plan for wastewater system expansion, rehabilitation, and capacity improvements. The current Wastewater master Plan was updated in 2009. The City will begin the process of updating the 2009 Plan during 2017. The Master Plan will include an updated flow study, recalibrated hydraulic model, and updated capital improvement project recommendations. It should be noted that timing of completion of the Master Plan will be contingent in part on sufficient rainfall during the evaluation period.

5.3 Capital Improvements Measures

Through its ongoing collection system inspection program described in Section 5.0, and through the most recent Master Plan described in Section 3.0, the City has identified and continues to identify capital improvements projects in its collection system including areas in need of repair, rehabilitation or replacement, and large interceptors in need of specialized cleaning. A current and preliminary list of capital improvements under consideration to address SSOs is presented in Appendix A. Corrective measures implemented by the City as part of the SSO Program will include rehabilitation, repair or replacement of at least 10,000 feet of collection system piping throughout the ten (10) year SSO Program period.

6.0 Measuring SSO Plan Progress

Progress in implementing the corrective measures described above will be assessed every two (2) years by the City. At a minimum the list of capital improvement projects summarized in Appendix A will be updated with new projects, evaluated and reprioritized every two (2) years based on the City's ongoing collection system inspection program described in Section 5.0, and based on the updated Wastewater Collection System Master Plan.

7.0 Evaluating SSO Plan Effectiveness

The City will conduct an SSO Program review and provide written reports to the TCEQ. The effectiveness of the SSO Program will be evaluated based on performance measures consisting of:

- Feet of lines cleaned, reviewed and reported every two (2) years:
- Feet of lines inspected, reviewed and reported every to (2) years:

- Feet of lines rehabilitated, repaired, or reviewed and reported every two (2) years; and
- Administrative/Planning Measures, reported as outlined in Section 5.2

8.0 Operations and Maintenance Program to Monitor Permit Compliance

The City of Lubbock will develop an improved Operations and Maintenance Program after entering into the SSO Initiative with TCEQ under which it will manage, operate and maintain its sewage collection system. The stated goal of the City's improved O&M program will be:

To better manage, operate, and maintain its wastewater collection system; to evaluate capacity constrained areas of the collection system; to proactively reduce SSOs, and to respond to SSO events.

The City's entire O&M program will be available for review in its entirety at the Water Utilities Administration offices. Elements of the City's improved O&M program include the following:

- details on collection system operation;
- maintenance and management practices;
- collection system capacity evaluation/testing practices;
- inspection practices; and
- rehabilitation criteria.

9.0 Sources for Funding

The Water Utilities Department derives all operations, maintenance and capital improvements funding through the Water and Wastewater Funds which are enterprise funds separate from the General Fund utilized by most other City departments. Revenue for the Water and Wastewater Enterprise Funds are primarily derived from water and sewer charges including rates and fees for services provided. The City of Lubbock Water Utilities Department also relies on certificates of obligation (COs) and long term bonds to finance capital improvements.

The O&M Activities (Collection System Cleaning, Inspection, replacement, and rehabilitation Programs) and Administrative/Planning Measures (Operations and Maintenance Program, FOG Program and Wastewater Master Plan Update) described in Section 5.0 are funded through specific Wastewater Fund cost center annual budgets. This annual budget includes annual expenditures such as payroll, safety and personal equipment, fleet and equipment expenses, parts and materials, and miscellaneous expenses. This annual operating budget is prepared by staff, reviewed and adjusted by the city manager and adopted by the city council each fiscal year.

The Water Utilities Department manages an internal Capital Improvement Program (CIP) which follows the same process used by the City for General Funds Capital Improvement

Program. Section 5.0 discusses some of the capital improvement measures associated with the CIP. Through its CIP, the Water Utilities Department prepares an annual Capital Improvements Plan which summarizes all capital improvements projects proposed for the Water Department, which includes the wastewater collection system. The Capital Improvements Plan is submitted to the city manager for approval. After approval by the city manager, the annual Water Utilities Capital Improvement Plan is submitted to the city council for final approval.

A current and preliminary list of capital improvements under consideration for the wastewater collection system CIP is shown in Appendix A. The information in Appendix A will be updated and projects will be reprioritized every two (2) years, as stated in Section 6.0, throughout the SSO Plan's ten year period.

Appendix A
Preliminary List of Capital Improvements under Consideration
June 26, 2015

Note: The information provide in this appendix is the most current information available as of the date shown. This information is preliminary and lists anticipated projects as of the date shown. Throughout the SSO Plan's life, this information will be updated and adjustments may be made to prioritize the implantation of projects.

Wastewater Collection System Preliminary List of Capital Improvements under Consideration

Through its ongoing collection system inspection program, City staff has identified preliminary anticipated improvements needed within the wastewater collection system likely to help reduce SSOs. The anticipated improvements listed may be completed during the 10-year SSO Plan period. However, because projects will be evaluated periodically, which could include current projects as well as new projects, the projects listed could become less important to reducing SSOs and could be removed from the list and replaced with projects with a better likelihood of reducing SSOs. A map depicting the location of these capital improvements is attached.

Lift Station Rehabilitation #41

The City anticipates the replacement of the Camelot Lift Station #41 by December 2017. This replacement will increase the size of the wet well and update electrical controls. This will reduce the potential for sewer overflows with increase growth of the City in this area.

Northwest Water Reclamation Plant

This project includes the preliminary engineering, design, and construction of a new northwest water reclamation plant as recommended by the 2009 Sewer Collection System Master Plan. This project will relieve the surcharge of sewer mains serving North Lubbock and will reduce the potential for sewer overflows. The Northwest Plant is anticipated to be operational by January 2019.

Canyon Lakes Interceptor Rehabilitation

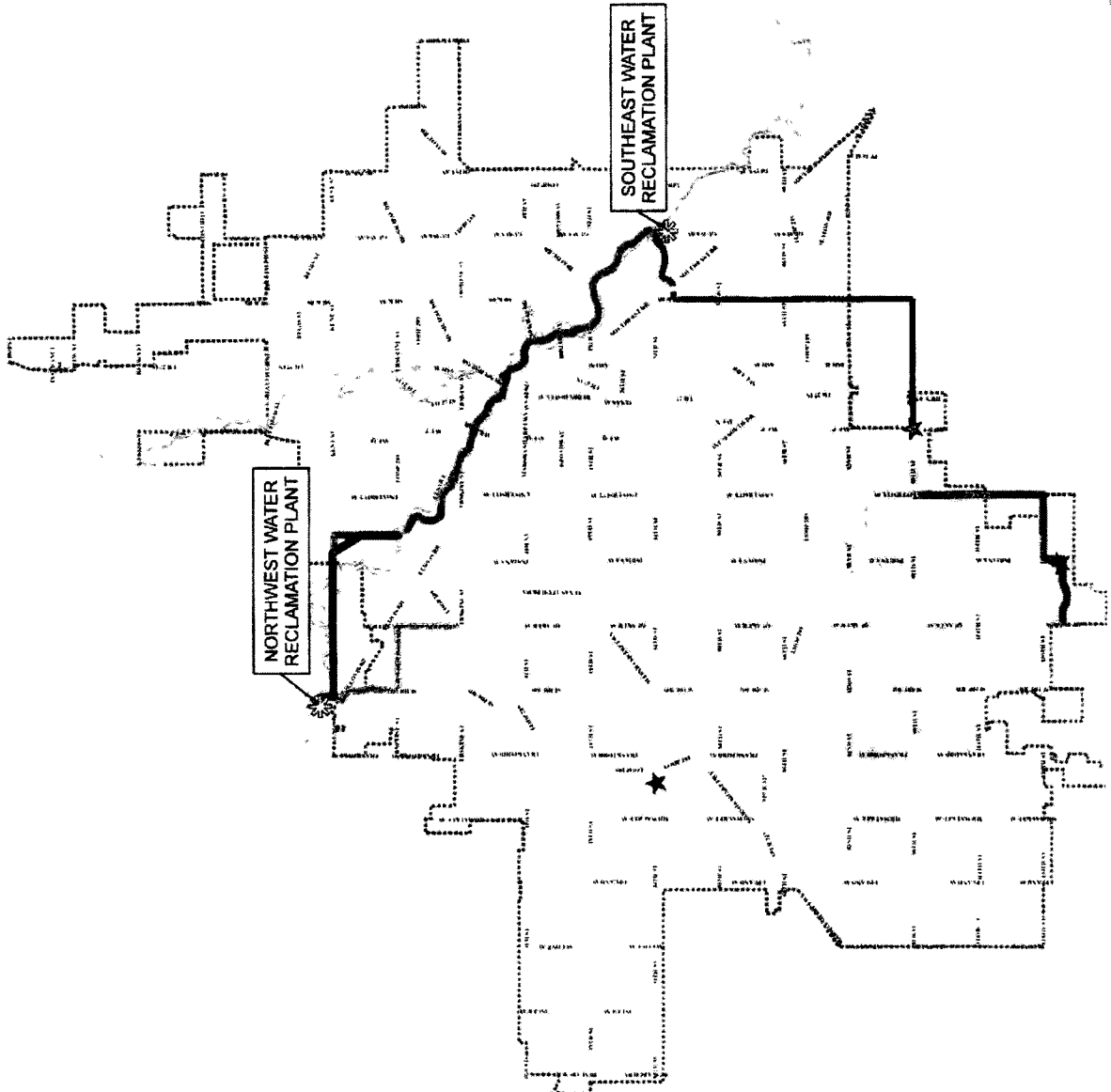
This project is for the rehabilitation of the Canyon Lakes Interceptor that collects and delivers sewage to the Southeast Water Reclamation Plant. The rehabilitation and/or replacement of large portions of the interceptor and the rehabilitation and/or the replacement of all manholes on this interceptor will greatly reduce structural issues and reduce the potential for sewer overflows. This rehabilitation is anticipated be completed by June 2022.

South Lubbock Sanitary Sewer System Expansion Phase I

Design and construction of a large diameter sewer main in South Lubbock as recommended by the 2009 Sewer Collection Master Plan. This project relieves the surcharge of sewer mains currently servicing multiple sewer sheds in South Lubbock, abandons one lift station, and helps alleviate potential sewer overflows. This project is anticipated to be completed by June 2016.

South Lubbock Sanitary Sewer System Expansion Phase II

This project provides sanitary sewer to newly annexed areas in South and Southwest Lubbock. This project will reduce potential sewer overflows by abandoning one lift station and creating gravity flow to the Southeast Water Reclamation Plant. This project is anticipated to be completed by June 2022.



Current CIP Projects

June 2015

Legend

- ★ LIFT STATION #63 TO BE DEMOLISHED 1585 AND INDIANA
- ★ LIFT STATION #41 NEW LIFT STATION 6001 34TH
- ★ LIFT STATION #43 TO BE DEMOLISHED 98TH AND AVE P
- NORTH WEST WATER RECLAMATION PLANT OUTFALL LINE
- NORTH WEST WATER RECLAMATION PLANT DIVERSION LINE
- SOUTH LUBBOCK SANITARY SEWER LINE PHASE 1-A
- SOUTH LUBBOCK SANITARY SEWER LINE PHASE 1-B
- SOUTH LUBBOCK SANITARY SEWER LINE PHASE 2
- CANYON LAKE SANITARY SEWER LINE
- CANYON LAKE
- LUBBOCK CITY LIMITS



City of Lubbock
18223

As per city SEC 0141, Chapter 2001, Subchapter 2001.1, Proposition 5, 2001, the City of Lubbock, Texas, is hereby authorized to issue bonds for the purpose of financing the construction of the North West Water Reclamation Plant and the South Lubbock Sanitary Sewer Line. The bonds shall be issued in the amount of \$10,000,000.00. The bonds shall be payable in 20 years. The bonds shall be secured by the full faith and credit of the City of Lubbock, Texas. The bonds shall be subject to the approval of the City Council. The bonds shall be subject to the approval of the City Council. The bonds shall be subject to the approval of the City Council.

ATTACHMENT B

CONTENTS

Semi-Annual and Annual Progress Report

AGREEMENT