

City of Hearne  
Agreed Order - Attachment A

Texas Association of RC&D Areas, Inc.  
Ken Awtrey, Executive Director  
P.O. Box 635067  
Nacogdoches, Texas 75963-5067

### **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:

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 SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP. The Respondent 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. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

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

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

943

\*\* TEXAS ASSOCIATION OF RC&amp;D AREAS, INC. \*\*

017987

09/28/2015

DATE	I.D.	PO #	DESCRIPTION	AMOUNT
09/09/2015	201509280098		HOUSEHOLD HAZARDOUS WASTE COLL	10,800.00
SEP - HOUSEHOLD HAZARDOUS WASTE COLLECTION				
DOCKET #2013-1282-MWD-E				

CHECK TOTAL 10,800.00

LCK851191BP DATA FLOW 806-371-7310

PRINTED IN U.S.A.

THIS DOCUMENT HAS LINEMARK™ LINES IN THE PAPER - HOLD TO LIGHT TO VIEW.

CITY OF HEARNE  
ACCOUNTS PAYABLE  
209 CEDAR STREET  
HEARNE, TX 77859  
(979) 279-3461

FIRST STAR BANK  
P.O. BOX 938  
HEARNE, TEXAS 77859

88-967/1119

17987

BANK	VENDOR I.D. #	DATE	CHECK #	NET AMOUNT
FSB	1943	09/28/2015	017987	\$***10,800.00

----- TEN THOUSAND EIGHT HUNDRED &amp; 00/100 DOLLARS -----

\*\* TEXAS ASSOCIATION OF RC&D AREAS, INC. \*\*  
JERRY PEARCE , EXECUTIVE DIREC  
P. O. BOX 2533  
VICTORIA, TX 77902

*Anna Florida*  
*Paul Pearce*

PAY  
HE  
ER  
OF

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

⑈017987⑈ ⑆111909676⑆ 59 8567 6⑈

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS  
COUNTY OF TRAVIS  
I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY  
OF A TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
DOCUMENT, WHICH IS FILED IN THE PERMANENT RECORDS  
SEP 17 2015  
OF THE COMMISSION, GIVEN UNDER MY HAND AND THE  
SEAL OF OFFICE ON  
*Bridget C. Bohan*  
BRIDGET C. BOHAN, CHIEF CLERK  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF HEARNE  
RN102835162

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

AGREED ORDER  
DOCKET NO. 2013-1582-MWD-E

I. JURISDICTION AND STIPULATIONS

On SEP 09 2015, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Hearne ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a waste water treatment facility located at the end of Farm-to-Market Road 50, approximately 7,500 feet south-southwest of the intersection of United States Highway 190 and United States Highway 79 and State Highway 6 in Robertson 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 August 20, 2013.
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 Forty Thousand Five Hundred Dollars (\$40,500) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). Eight Thousand One Hundred Dollars (\$8,100) 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-Two Thousand Four Hundred Dollars (\$32,400) 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 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.
10. 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.
11. 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 limits, 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. WQ0010046002 Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on July 31, 2013 and shown in the table below:

Violation Table

Date	CBOD5 Daily Average Conc. 10 mg/L	CBOD5 Max. Conc. 25 mg/L	CBOD5 Average Loading 100 lbs/day	NH3N Daily Average Conc. 2 mg/L	NH3N Daily Max. Conc. 10 mg/L	NH3N Daily Average Conc. 20 lbs/day	<i>E. coli</i> Daily Max. 394 CFU/ 100 mL	Total Suspended Solids Daily Average Conc. 15 mg/L	Total Suspended Solids Daily Max. Conc. 40 mg/L
July 2012	C	C	C	C	C	C	1299.0	C	C
Dec 2012	C	C	C	C	C	C	1732.9	15.4	41
Mar 2013	55.5	409.2	231.98	12.1	66	46.88	2419.6	22.9	409.2
April 2013	C	C	C	C	C	C	2419.6	C	C
May 2013	C	C	C	4	22	22.23	461.1	C	C

CBOD5 = carbonaceous biochemical oxygen demand (five-day)  
mg/L = milligrams per liter mL = milliliter C = compliant  
Max. = maximum *E. coli* = *Escherichia coli*  
NH3N = Ammonia Nitrogen Conc. = concentration  
lbs/day = pounds per day  
CFU = colony forming units

### 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 Hearne, Docket No. 2013-1582-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 a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Thirty-Two Thousand Four Hundred Dollars (\$32,400) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachments A, B and C incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010046002, including specific correction actions that were implemented at the facility to achieve compliance and copies of the most current DMRs, demonstrating at least three consecutive months of compliance with all permitted 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  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826

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 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 TEX. GOV'T CODE § 2001.144, 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 9-15-15  
For the Commission

Pamela Marie J  
For the Executive Director

7/17/15  
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.

Pee Wee Drake  
Signature

03/23/2015  
Date

Pee Wee Drake  
Name (Printed or typed)  
Authorized Representative of  
City of Hearne

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 B  
Docket Number: 2013-1582-MWD-E  
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Hearne
Penalty Amount:	Thirty-Two Thousand Four Hundred Dollars (\$32,400)
SEP Offset Amount:	Ten Thousand Eight Hundred Dollars (\$10,800)
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>Household Hazardous Waste Collection</i>
Location of SEP:	Robertson County - Brazos River Basin, Carrizo-Wilcox 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 B.

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 *Household Hazardous Waste ("HHW") Collection* project. 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 (collectively known as "Partner Entities") to conduct events for residents to bring in HHW such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers for proper disposal (the "Project"). Where possible, the Project may also offer electronics collection, disposal, and recycling. The Third-Party Administrator shall work with Partner Entities to determine exactly which materials will be accepted and how they will be disposed of or recycled.

The Third-Party Administrator shall ensure that individuals qualified to make determinations regarding receiving, handling, and temporarily storing HHW are present at each event. The Third-Party Administrator shall use only licensed haulers and authorized disposal sites.

City of Hearne  
Agreed Order - Attachment B

The Third-Party Administrator shall ensure that, at least 45 days before each Collection Event, Form TCEQ-20459 Notification for a Household Hazardous Waste Collection Event (attached as Exhibit 3), as may be amended, is submitted to TCEQ in accordance with Chapter 335, Texas Administrative Code. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used 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 made 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 will provide a means of properly disposing of HHW which might otherwise be disposed of in regular landfills, storm drains, sewer systems, or other means detrimental to the environment. This SEP will provide assistance to help rid communities of the dangers and health threats associated with HHW, and will provide for proper and protective disposal or recycling of collected materials.

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.  
Ken Awtrey, Executive Director  
P.O. Box 635067  
Nacogdoches, Texas 75963-5067

### **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:

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 B, 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:

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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. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

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

The SEP Offset Amount identified in this Attachment B 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.

CITY OF HEARNE

17988

943

\*\* TEXAS ASSOCIATION OF RC&amp;D AREAS, INC. \*\*

017988

09/28/2015

DATE	I.D.	PO #	DESCRIPTION	AMOUNT
09/09/2015	201509280099		SEP-WASTEWATER TREATMENT ASSIS	10,800.00
SEP-WASTEWATER TREATMENT ASSISTANCE				
DOCKET #2013-1282-MWDE-E				

CHECK TOTAL 10,800.00

LCK851191BP

DATA FLOW 806-371-7310

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THIS DOCUMENT HAS LINEMARK™ LINES IN THE PAPER • HOLD TO LIGHT TO VIEW.

## CITY OF HEARNE

## ACCOUNTS PAYABLE

209 CEDAR STREET  
HEARNE, TX 77859  
(979) 279-3461FIRST STAR BANK  
P.O. BOX 938  
HEARNE, TEXAS 77859

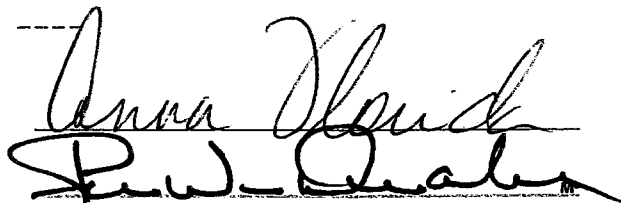
88-967/1119

17988

BANK	VENDOR I.D. #	DATE	CHECK #	NET AMOUNT
FSB	1943	09/28/2015	017988	\$***10,800.00

----- TEN THOUSAND EIGHT HUNDRED &amp; 00/100 DOLLARS -----

\*\* TEXAS ASSOCIATION OF RC&D AREAS, INC. \*\*  
JERRY PEARCE , EXECUTIVE DIREC  
P. O. BOX 2533  
VICTORIA, TX 77902



SECURITY FEATURES INCLUDED. DETAILS ON BACK.



⑈017988⑈ ⑆111909676⑆ 59 8567 6⑈

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS  
COUNTY OF TRAVIS  
I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY  
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*Bridget C. Bohan*  
BRIDGET C. BOHAN, CHIEF CLERK  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN  
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§ BEFORE THE  
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AGREED ORDER  
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2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
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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.
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10. 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.
11. 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.

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CBOD5 = carbonaceous biochemical oxygen demand (five-day) mg/L = milligrams per liter    mL = milliliter    C = compliant    Conc. = concentration Max. = maximum <i>E. coli</i> = <i>Escherichia coli</i> lbs/day = pounds per day NH3N = Ammonia Nitrogen    CFU = colony forming units									

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### IV. ORDERING PROVISIONS

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Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Thirty-Two Thousand Four Hundred Dollars (\$32,400) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachments A, B and C incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010046002, including specific correction actions that were implemented at the facility to achieve compliance and copies of the most current DMRs, demonstrating at least three consecutive months of compliance with all permitted 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  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826

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 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 TEX. GOV'T CODE § 2001.144, 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 9-15-15  
For the Commission

Pam Moniz  
For the Executive Director

7/17/15  
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.

Pee Wee Drake  
Signature

03/23/2015  
Date

Pee Wee Drake  
Name (Printed or typed)  
Authorized Representative of  
City of Hearne

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 C  
Docket Number: 2013-1582-MWD-E  
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Hearne
Penalty Amount:	Thirty-Two Thousand Four Hundred Dollars (\$32,400)
SEP Offset Amount:	Ten Thousand Eight Hundred Dollars (\$10,800)
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:	Wastewater Treatment Assistance
Location of SEP:	Robertson County - Brazos River Basin, Carrizo-Wilcox 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 C.

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 *Wastewater Treatment Assistance* project. 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 to repair or replace failing or inadequately designed on-site wastewater treatment systems such as septic systems for low-income households (the "Project"). Low-income households fall at or below the 80 percent median income level for households in the county where they live.

The Third-Party Administrator shall ensure that all repairs, replacements, and installations are performed in compliance with local, state, and federal rules relating to on-site wastewater treatment systems. The Third-Party Administrator shall ensure that only properly licensed contractors are utilized for repair of existing on-site wastewater treatment systems and installation of new on-site wastewater treatment systems.

City of Hearne  
Agreed Order - Attachment C

An on-site wastewater treatment system is a system of treatment devices or disposal facilities that (1) is used for the disposal of domestic sewage, excluding liquid waste resulting from the processes used in industrial and commercial establishments; (2) is located on the site where the sewage is produced; and (3) produces not more than 5,000 gallons of waste a day. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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 will provide a benefit to the environment by preventing the release of sewage into the environment and by protecting human health. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (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. People can be exposed through sewage in drinking water sources, direct contact from water in lawns or streets, and inhalation and skin absorption.

Sewage overflows may cause damage to the environment. Sewage overflows may reach rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause algae blooms, and kill fish and other organisms in aquatic habitats.

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

City of Hearne  
Agreed Order - Attachment C

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.  
Ken Awtrey, Executive Director  
P.O. Box 635067  
Nacogdoches, Texas 75963-5067

### **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:

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 C, 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.     Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

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

The SEP Offset Amount identified in this Attachment C 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.



43

\*\* TEXAS ASSOCIATION OF RC&amp;D AREAS, INC. \*\*

017987

09/28/2015

DATE	I.D.	PO #	DESCRIPTION	AMOUNT
09/09/2015	201509280098		HOUSEHOLD HAZARDOUS WASTE COLL	10,800.00
SEP - HOUSEHOLD HAZARDOUS WASTE COLLECTION				
DOCKET #2013-1282-MWD-E				

CHECK TOTAL 10,800.00

LCK851191BP

DATA FLOW 806-371-7310

PRINTED IN U.S.A.

THIS DOCUMENT HAS LINEMARK™ LINES IN THE PAPER • HOLD TO LIGHT TO VIEW.

## CITY OF HEARNE

## ACCOUNTS PAYABLE

209 CEDAR STREET  
HEARNE, TX 77859  
(979) 279-3461FIRST STAR BANK  
P.O. BOX 938  
HEARNE, TEXAS 77859

88-967/1119

17987

BANK	VENDOR I.D. #	DATE	CHECK #	NET AMOUNT
FSB	1943	09/28/2015	017987	\$***10,800.00

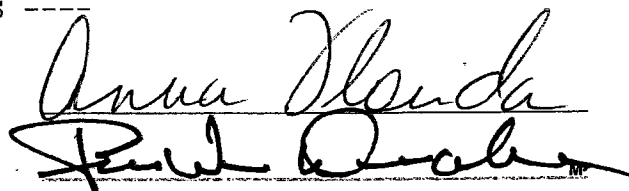
----- TEN THOUSAND EIGHT HUNDRED &amp; 00/100 DOLLARS -----

\*\* TEXAS ASSOCIATION OF RC&amp;D AREAS, INC. \*\*

JERRY PEARCE , EXECUTIVE DIREC

P. O. BOX 2533

VICTORIA, TX 77902



SECURITY FEATURES INCLUDED. DETAILS ON BACK.

⑈017987⑈ ⑆111909676⑆ 59 8567 6⑈

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS  
COUNTY OF TRAVIS  
I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY  
OF A TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
DOCUMENT, WHICH IS FILED IN THE PERMANENT RECORDS  
SEP 17 2015  
OF THE COMMISSION, GIVEN UNDER MY HAND AND THE  
SEAL OF OFFICE ON  
*Bridget C. Bohan*  
BRIDGET C. BOHAN, CHIEF CLERK  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF HEARNE  
RN102835162

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

AGREED ORDER  
DOCKET NO. 2013-1582-MWD-E

I. JURISDICTION AND STIPULATIONS

On SEP 09 2015, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Hearne ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a waste water treatment facility located at the end of Farm-to-Market Road 50, approximately 7,500 feet south-southwest of the intersection of United States Highway 190 and United States Highway 79 and State Highway 6 in Robertson 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 August 20, 2013.
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 Forty Thousand Five Hundred Dollars (\$40,500) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). Eight Thousand One Hundred Dollars (\$8,100) 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-Two Thousand Four Hundred Dollars (\$32,400) 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 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.
10. 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.
11. 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 limits, 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. WQ0010046002 Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on July 31, 2013 and shown in the table below:

Violation Table

Date	CBOD5 Daily Average Conc. 10 mg/L	CBOD5 Max. Conc. 25 mg/L	CBOD5 Average Loading 100 lbs/day	NH3N Daily Average Conc. 2 mg/L	NH3N Daily Max. Conc. 10 mg/L	NH3N Daily Average Conc. 20 lbs/day	<i>E. coli</i> Daily Max. 394 CFU/ 100 mL	Total Suspended Solids Daily Average Conc. 15 mg/L	Total Suspended Solids Daily Max. Conc. 40 mg/L
July 2012	C	C	C	C	C	C	1299.0	C	C
Dec 2012	C	C	C	C	C	C	1732.9	15.4	41
Mar 2013	55.5	409.2	231.98	12.1	66	46.88	2419.6	22.9	409.2
April 2013	C	C	C	C	C	C	2419.6	C	C
May 2013	C	C	C	4	22	22.23	461.1	C	C
CBOD5 = carbonaceous biochemical oxygen demand (five-day) mg/L = milligrams per liter    mL = milliliter    C = compliant    Conc. = concentration max. = maximum <i>E. coli</i> = <i>Escherichia coli</i> lbs/day = pounds per day NH3N = Ammonia Nitrogen    CFU = colony forming units									

### 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 Hearne, Docket No. 2013-1582-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 a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Thirty-Two Thousand Four Hundred Dollars (\$32,400) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachments A, B and C incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010046002, including specific correction actions that were implemented at the facility to achieve compliance and copies of the most current DMRs, demonstrating at least three consecutive months of compliance with all permitted 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  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826

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 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 TEX. GOV'T CODE § 2001.144, 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 9-15-15  
For the Commission

Pamela Manning  
For the Executive Director

7/17/15  
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.

Pee Wee Drake  
Signature

03/23/2015  
Date

Pee Wee Drake  
Name (Printed or typed)  
Authorized Representative of  
City of Hearne

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 B  
Docket Number: 2013-1582-MWD-E  
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Hearne
Penalty Amount:	Thirty-Two Thousand Four Hundred Dollars (\$32,400)
SEP Offset Amount:	Ten Thousand Eight Hundred Dollars (\$10,800)
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>Household Hazardous Waste Collection</i>
Location of SEP:	Robertson County - Brazos River Basin, Carrizo-Wilcox 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 B.

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 *Household Hazardous Waste ("HHW") Collection* project. 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 (collectively known as "Partner Entities") to conduct events for residents to bring in HHW such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers for proper disposal (the "Project"). Where possible, the Project may also offer electronics collection, disposal, and recycling. The Third-Party Administrator shall work with Partner Entities to determine exactly which materials will be accepted and how they will be disposed of or recycled.

The Third-Party Administrator shall ensure that individuals qualified to make determinations regarding receiving, handling, and temporarily storing HHW are present at each event. The Third-Party Administrator shall use only licensed haulers and authorized disposal sites.



The Third-Party Administrator shall ensure that, at least 45 days before each Collection Event, Form TCEQ-20459 Notification for a Household Hazardous Waste Collection Event (attached as Exhibit 3), as may be amended, is submitted to TCEQ in accordance with Chapter 335, Texas Administrative Code. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used 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 made 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 will provide a means of properly disposing of HHW which might otherwise be disposed of in regular landfills, storm drains, sewer systems, or other means detrimental to the environment. This SEP will provide assistance to help rid communities of the dangers and health threats associated with HHW, and will provide for proper and protective disposal or recycling of collected materials.

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.  
Ken Awtrey, Executive Director  
P.O. Box 635067  
Nacogdoches, Texas 75963-5067

### **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:

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 B, 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. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

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

The SEP Offset Amount identified in this Attachment B 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.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
For the Executive Director

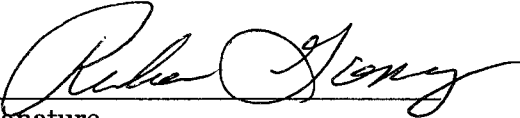
\_\_\_\_\_  
Date

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.

  
Signature

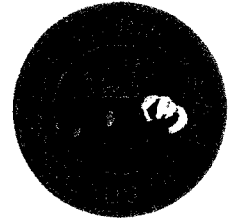
\_\_\_\_\_  
9/8/15  
Date

Ruben Gomez  
Name (Printed or typed)  
Authorized Representative of  
City of Hearne

\_\_\_\_\_  
Mayor  
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.

# City of Hearne



October 20, 2015

Deanna Dunseith  
Order Compliance Team  
TCEQ Enforcement Division

RE: Agreed Order Docket No. 2013-1582-MWD-E

Ms. Dunseith:

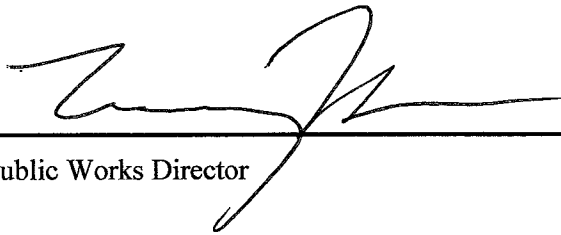
In 2013, we had effluent violations that were caused by a septic hauler dumping waste from Sanderson Farms from Easterly, Texas. Since then, we no longer accept waste from that facility; and we have not had any other problems. We have also been working on our I & I problems replacing sewer lines and fixing manholes. If any additional information is required, please contact me at 979-412-0132.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Thomas", is written over a horizontal line.

Terry Thomas  
Public Utilities Director  
[TThomas@cityofhearne.com](mailto:TThomas@cityofhearne.com)  
979/279-3461

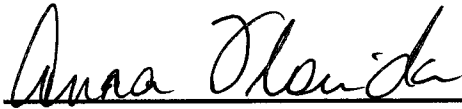
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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."



Public Works Director

Date 10/20/15

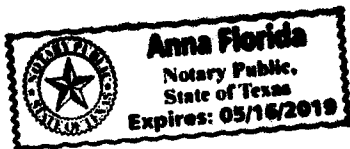
Sworn and Subscribed before me by Terry Thomas on 10/20/2015



Notary Signature

Anna Florida

Printed Name



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## Submission Confirmation - d686190c-bec5-4deb-b24b-32975e3e457d

Your submission has been received.

Permit ID	Facility	Permitted Feature	Discharge #	Discharge Description	Monitoring Period End Date	DMR Due Date	View COR	Download COR	Download COR Signature
TX0025879	CITY OF HEARNE	001	001-A	DOMESTIC FACILITY - 001	07/31/15	08/20/15			
WWTP 2									

## Expand Header

Form NODI:

Code	Parameter	Monitoring Location	Season #	Param. NOD1	Qualifier 1	Value 1	Qualifier 2	Value 2	Units	Qualifier 1	Value 1	Qualifier 2	Value 2	Qualifier 3	Value 3	Units	# of Ex.	Frequency of Analysis	San. Ty
00300	Oxygen, dissolved [DO]	1-Effluent Gross	0	<input type="checkbox"/> Sample <input type="checkbox"/> Permit Req. <input type="checkbox"/> Value NOD1	<input type="checkbox"/> 1	<input type="checkbox"/> 22.82 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Req Mon Daily Average	MGD	<input type="checkbox"/> 1	<input type="checkbox"/> 6 >= 5 Monthly Minimum	<input type="checkbox"/> 2	<input type="checkbox"/> 0.1 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 10 >= 40 Daily Maximum	mg/L	<input type="checkbox"/> 1	Twice Every Week	GR
00400	pH	1-Effluent Gross	0	<input type="checkbox"/> Sample <input type="checkbox"/> Permit Req. <input type="checkbox"/> Value NOD1	<input type="checkbox"/> 1	<input type="checkbox"/> 7.51 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Req Mon Daily Average	MGD	<input type="checkbox"/> 1	<input type="checkbox"/> 6 >= 5 Monthly Minimum	<input type="checkbox"/> 2	<input type="checkbox"/> 0.1 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 10 >= 40 Daily Maximum	mg/L	<input type="checkbox"/> 1	Twice Every Week	GR
00530	Soils, total suspended	1-Effluent Gross	0	<input type="checkbox"/> Sample <input type="checkbox"/> Permit Req. <input type="checkbox"/> Value NOD1	<input type="checkbox"/> 1	<input type="checkbox"/> 22.82 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Req Mon Daily Average	MGD	<input type="checkbox"/> 1	<input type="checkbox"/> 6 >= 5 Monthly Minimum	<input type="checkbox"/> 2	<input type="checkbox"/> 0.1 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 10 >= 40 Daily Maximum	mg/L	<input type="checkbox"/> 1	Twice Every Week	GR
00610	Nitrogen, ammonia total [as N]	1-Effluent Gross	0	<input type="checkbox"/> Sample <input type="checkbox"/> Permit Req. <input type="checkbox"/> Value NOD1	<input type="checkbox"/> 1	<input type="checkbox"/> 0.39 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Req Mon Daily Average	MGD	<input type="checkbox"/> 1	<input type="checkbox"/> 6 >= 5 Monthly Minimum	<input type="checkbox"/> 2	<input type="checkbox"/> 0.1 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 10 >= 40 Daily Maximum	mg/L	<input type="checkbox"/> 1	Twice Every Week	GR
50050	Flow, in conduit or thru treatment plant	1-Effluent Gross	0	<input type="checkbox"/> Sample <input type="checkbox"/> Permit Req. <input type="checkbox"/> Value NOD1	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Req Mon Daily Maximum	MGD	<input type="checkbox"/> 1	<input type="checkbox"/> 6 >= 5 Monthly Minimum	<input type="checkbox"/> 2	<input type="checkbox"/> 0.1 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 10 >= 40 Daily Maximum	mg/L	<input type="checkbox"/> 1	Twice Every Week	GR
50050	Flow, in conduit or thru treatment plant	1-Effluent Gross	0	<input type="checkbox"/> Sample <input type="checkbox"/> Permit Req. <input type="checkbox"/> Value NOD1	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Req Mon Daily Maximum	MGD	<input type="checkbox"/> 1	<input type="checkbox"/> 6 >= 5 Monthly Minimum	<input type="checkbox"/> 2	<input type="checkbox"/> 0.1 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 10 >= 40 Daily Maximum	mg/L	<input type="checkbox"/> 1	Twice Every Week	GR
50050	Flow, in conduit or thru treatment plant	1-Effluent Gross	0	<input type="checkbox"/> Sample <input type="checkbox"/> Permit Req. <input type="checkbox"/> Value NOD1	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Req Mon Daily Maximum	MGD	<input type="checkbox"/> 1	<input type="checkbox"/> 6 >= 5 Monthly Minimum	<input type="checkbox"/> 2	<input type="checkbox"/> 0.1 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 10 >= 40 Daily Maximum	mg/L	<input type="checkbox"/> 1	Twice Every Week	GR
50050	Flow, in conduit or thru treatment plant	1-Effluent Gross	0	<input type="checkbox"/> Sample <input type="checkbox"/> Permit Req. <input type="checkbox"/> Value NOD1	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Req Mon Daily Maximum	MGD	<input type="checkbox"/> 1	<input type="checkbox"/> 6 >= 5 Monthly Minimum	<input type="checkbox"/> 2	<input type="checkbox"/> 0.1 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 10 >= 40 Daily Maximum	mg/L	<input type="checkbox"/> 1	Twice Every Week	GR
50050	Flow, in conduit or thru treatment plant	1-Effluent Gross	0	<input type="checkbox"/> Sample <input type="checkbox"/> Permit Req. <input type="checkbox"/> Value NOD1	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Req Mon Daily Maximum	MGD	<input type="checkbox"/> 1	<input type="checkbox"/> 6 >= 5 Monthly Minimum	<input type="checkbox"/> 2	<input type="checkbox"/> 0.1 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 10 >= 40 Daily Maximum	mg/L	<input type="checkbox"/> 1	Twice Every Week	GR
50050	Flow, in conduit or thru treatment plant	1-Effluent Gross	0	<input type="checkbox"/> Sample <input type="checkbox"/> Permit Req. <input type="checkbox"/> Value NOD1	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Req Mon Daily Maximum	MGD	<input type="checkbox"/> 1	<input type="checkbox"/> 6 >= 5 Monthly Minimum	<input type="checkbox"/> 2	<input type="checkbox"/> 0.1 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 10 >= 40 Daily Maximum	mg/L	<input type="checkbox"/> 1	Twice Every Week	GR
50050	Flow, in conduit or thru treatment plant	1-Effluent Gross	0	<input type="checkbox"/> Sample <input type="checkbox"/> Permit Req. <input type="checkbox"/> Value NOD1	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Req Mon Daily Maximum	MGD	<input type="checkbox"/> 1	<input type="checkbox"/> 6 >= 5 Monthly Minimum	<input type="checkbox"/> 2	<input type="checkbox"/> 0.1 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 10 >= 40 Daily Maximum	mg/L	<input type="checkbox"/> 1	Twice Every Week	GR
50050	Flow, in conduit or thru treatment plant	1-Effluent Gross	0	<input type="checkbox"/> Sample <input type="checkbox"/> Permit Req. <input type="checkbox"/> Value NOD1	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Req Mon Daily Maximum	MGD	<input type="checkbox"/> 1	<input type="checkbox"/> 6 >= 5 Monthly Minimum	<input type="checkbox"/> 2	<input type="checkbox"/> 0.1 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 10 >= 40 Daily Maximum	mg/L	<input type="checkbox"/> 1	Twice Every Week	GR
50050	Flow, in conduit or thru treatment plant	1-Effluent Gross	0	<input type="checkbox"/> Sample <input type="checkbox"/> Permit Req. <input type="checkbox"/> Value NOD1	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Req Mon Daily Maximum	MGD	<input type="checkbox"/> 1	<input type="checkbox"/> 6 >= 5 Monthly Minimum	<input type="checkbox"/> 2	<input type="checkbox"/> 0.1 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 10 >= 40 Daily Maximum	mg/L	<input type="checkbox"/> 1	Twice Every Week	GR
50050	Flow, in conduit or thru treatment plant	1-Effluent Gross	0	<input type="checkbox"/> Sample <input type="checkbox"/> Permit Req. <input type="checkbox"/> Value NOD1	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Req Mon Daily Maximum	MGD	<input type="checkbox"/> 1	<input type="checkbox"/> 6 >= 5 Monthly Minimum	<input type="checkbox"/> 2	<input type="checkbox"/> 0.1 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 10 >= 40 Daily Maximum	mg/L	<input type="checkbox"/> 1	Twice Every Week	GR
50050	Flow, in conduit or thru treatment plant	1-Effluent Gross	0	<input type="checkbox"/> Sample <input type="checkbox"/> Permit Req. <input type="checkbox"/> Value NOD1	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Average	<input type="checkbox"/> 1	<input type="checkbox"/> 0.47 Req Mon Daily Maximum	MGD										



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## Submission Confirmation - 0584b657-885a-4566-b77d-531ec5a517eb

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TX0025879	CITY OF HEARNE WWTP 2	001	001-A	DOMESTIC FACILITY - 001	08/31/15	09/20/15			

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# Submission Confirmation - a39c4609-26ce-4d39-a99c-f84bdfef1a4e1

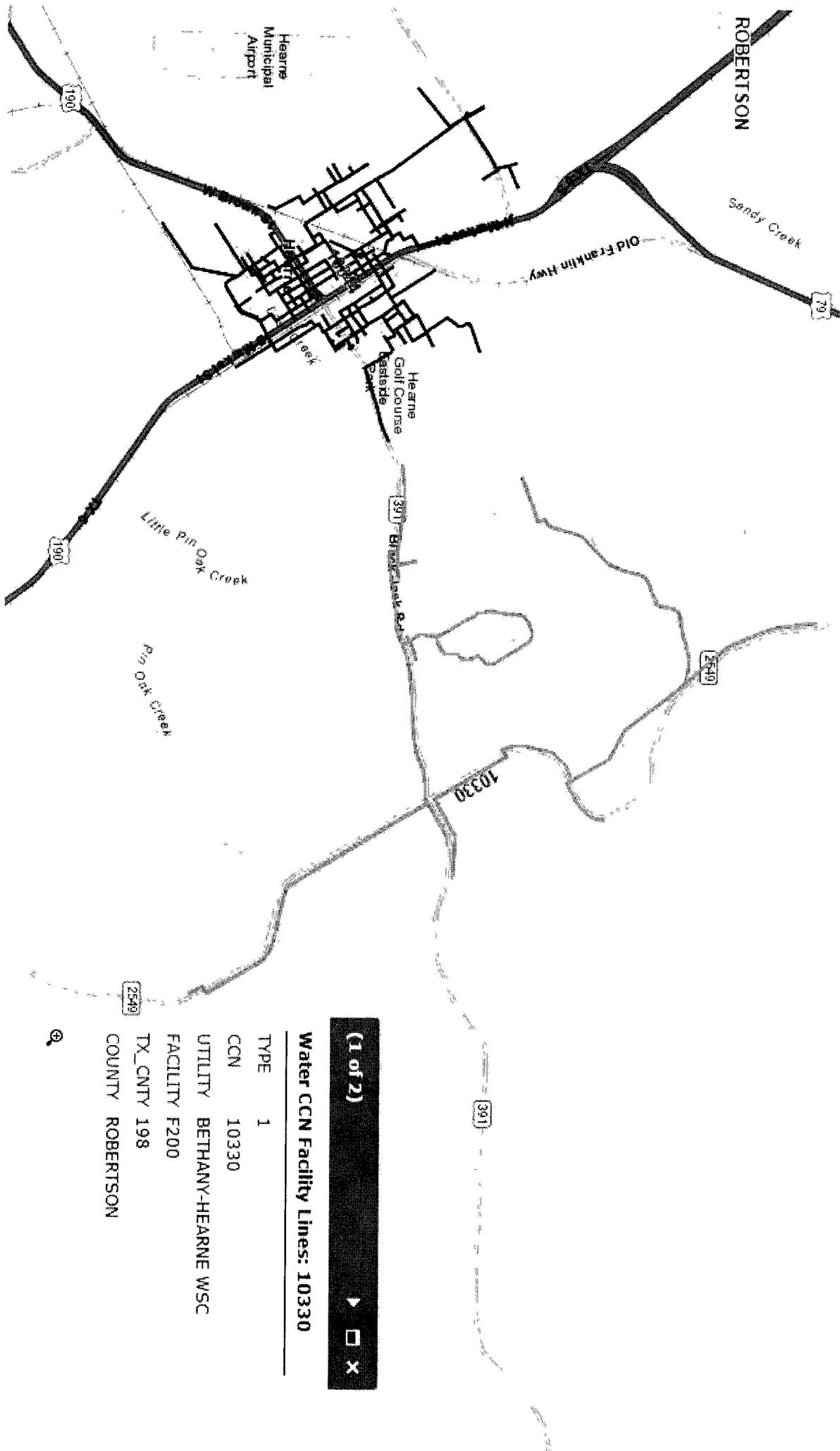
Your submission has been received.

<u>Permit ID</u>	<u>Facility</u>	<u>Permitted Feature</u>	<u>Discharge #</u>	<u>Discharge Description</u>	<u>Monitoring Period End Date</u>	<u>DMR Due Date</u>	<u>View COR</u>	<u>Download COR</u>	<u>Download COR Signature</u>
TX0025879	CITY OF HEARNE	001	001-A	DOMESTIC FACILITY - 001	09/30/15	10/20/15	<a href="#">View COR</a>	<a href="#">Download COR</a>	<a href="#">Download COR Signature</a>
	WWTP 2								



### **Attachment C - Mapping**

Upon Meeting with PUC team leader, Lisa Fuentes, on 2/3/16, she agreed for this STM application, it is sufficient to use a map from the PUC viewer and field notes are not required.



(1 of 2)



Water CCN Facility Lines: 10330

TYPE	1
CCN	10330
UTILITY	BETHANY-HEARNE WSC
FACILITY	F200
TX_CNTY	198
COUNTY	ROBERTSON



City of Heame  
 Water Service Area (Bounded Area and Facilities + 200 Feet)  
 CCN No. 10344  
 Application No. 36125-S (Transferred and Cancelled CCN No. 12405 from Humble Addition WSC)  
 Robertson County

Robertson County WSC  
 CCN 10860

City of Heame  
 CCN 10344  
 Fac. + 200'

Bethany-Heame WSC  
 CCN 10330  
 Fac. + 200'

City of Heame  
 CCN 10344  
 (Transferred Area)

OSR WSC  
 CCN 11896

3000 0 3000 Feet  
 1 inch = 3,000 feet



Map by S. Jaster 4/5/2009  
 Data path: c:\gis\project\ah\applications\36125-s\ahp  
 and 36125-s\fac.shp  
 Project path: c:\gis\project\ah\applications\36125-s\ahp

