Executive Summary – Enforcement Matter – Case No. 65484
City of Lufkin
RN101609964
Docket No. 2024-0641-MWD-E

Order Type:
Findings Agreed Order
Findings Order Justification:
People or environmental receptors have been exposed to pollutants which exceed levels that are protective.
Media:
MWD
Small Business:
No
Location(s) Where Violation(s) Occurred:
Hurricane Creek Plant, located at 3510 Southwood Drive, Lufkin, Angelina County
Type of Operation:
Wastewater treatment facility
Other Significant Matters:
Additional Pending Enforcement Actions: No
Past-Due Penalties: No
Past-Due Fees: No
Other: N/A
Interested Third-Parties: None
Texas Register Publication Date: July 3, 2026
Comments Received: No

Penalty Information

Total Penalty Assessed: $75,000
Amount Deferred for Expedited Settlement: $0
Total Paid to General Revenue: $0
Total Due to General Revenue: $0
Payment Plan: N/A
Supplemental Environmental Project ("SEP") Conditional Offset: $75,000
Name of SEP: Facility Improvements (Compliance)
Compliance History Classifications:
Person/CN - Satisfactory
Site/RN - Satisfactory
Major Source: Yes
Statutory Limit Adjustment: N/A
Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): August 28, 2023
Complaint Information: Alleges that a fish kill event took place on August 28, 2023 in Mill Creek, Lufkin, Texas which runs through property owned by the complainant.
Date(s) of Investigation: August 29, 2023 through September 12, 2023
Date(s) of NOE(s): October 26, 2023

Violation Information

Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state [30 TEX. ADMIN. CODE § 305.125(1) and (4), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010214001, Permit Conditions No. 2.g].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By August 31, 2023, the Respondent implemented the following corrective measures at the Facility:

a. Ceased unauthorized discharges, unclogged, cleaned, and repaired both pumps at the lift station;

b. Submitted noncompliance notification forms to the Beaumont Regional Office and a work order showing the lift station pumps are both operational; and

c. Cleaned, removed sewage debris, and disinfected the area by flushing the unnamed tributary and Mill Creek with approximately 200,000 gallons of water from a Public Drinking Water ground storage tank situated adjacent to the discharge.

Technical Requirements:

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Jennifer Graves, Enforcement Division, Enforcement Backlog Team, MC R-15, (956) 430-6023; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548
TCEQ SEP Coordinator: Adena Crider, SEP Coordinator, Litigation Division, MC 175, (512) 239-0648
Respondent: Mark Hicks, Mayor, City of Lufkin, P.O. Box 190, Lufkin, Texas 75902
Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

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

DATES					
Assigned	31-Oct-2023				
PCW	7-Jan-2025	**Screening**	14-Feb-2024	**EPA Due**	

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Lufkin		
Reg. Ent. Ref. No.	RN101609964		
Facility/Site Region	10-Beaumont	**Major/Minor Source**	Major

CASE INFORMATION			
Enf./Case ID No.	65484	**No. of Violations**	1
Docket No.	2024-0641-MWD-E	**Order Type**	Findings
Media Program(s)	Water Quality	**Government/Non-Profit**	Yes
Multi-Media		**Enf. Coordinator**	Jennifer Graves
		EC's Team	Enforcement Team 1
Admin. Penalty $ Limit Minimum	$0	**Maximum**	$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)			***Subtotal 1***	**$50,000**
ADJUSTMENTS (+/-) TO SUBTOTAL 1				
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.				
Compliance History	**75.0%**	Adjustment	***Subtotals 2, 3, & 7***	**$37,500**
Notes	Enhancement for nine months of self-reported effluent violations, one NOV with same/similar violations, and one order without a denial of liability.			
Culpability	No	**0.0%** Enhancement	***Subtotal 4***	**$0**
Notes	The Respondent does not meet the culpability criteria.			
Good Faith Effort to Comply Total Adjustments			***Subtotal 5***	**-$12,500**
Economic Benefit	**0.0%**	Enhancement*	***Subtotal 6***	**$0**
Total EB Amounts	$1,004	**Capped at the Total EB $ Amount*		
Estimated Cost of Compliance	$6,000			
SUM OF SUBTOTALS 1-7			***Final Subtotal***	**$75,000**
OTHER FACTORS AS JUSTICE MAY REQUIRE	**0.0%**		***Adjustment***	**$0**
Reduces or enhances the Final Subtotal by the indicated percentage.				
Notes				
			Final Penalty Amount	**$75,000**
STATUTORY LIMIT ADJUSTMENT			***Final Assessed Penalty***	**$75,000**
DEFERRAL	**0.0%**	Reduction	***Adjustment***	**$0**
Reduces the Final Assessed Penalty by the indicated percentage.				
Notes	No deferral is recommended for Findings Orders.			
PAYABLE PENALTY				**$75,000**

Screening Date	14-Feb-2024	**Docket No.** 2024-0641-MWD-E	**PCW**
Respondent	City of Lufkin		*Policy Revision 5 (January 28, 2021)*
Case ID No.	65484		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN101609964		
Media	Water Quality		
Enf. Coordinator	Jennifer Graves		

Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	10	50%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgments or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 75%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for nine months of self-reported effluent violations, one NOV with same/similar violations, and one order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 75%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 75%

Screening Date	14-Feb-2024	**Docket No.** 2024-0641-MWD-E	**PCW**
Respondent	City of Lufkin		*Policy Revision 5 (January 28, 2021)*
Case ID No.	65484		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN101609964		
Media	Water Quality		
Enf. Coordinator	Jennifer Graves		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (4), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010214001, Permit Conditions No. 2.g

Violation Description Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state. During an investigation at the Facility conducted on August 29, 2023 through September 12, 2023, an investigator documented from August 26, 2023 through August 29, 2023 there were two unauthorized discharges of untreated sewage wastewater due to clogged/inoperable pumps and pump servicing at the Ellen Trout Lift Station which resulted in an estimated total of 6,100 gallons sewage wastewater discharged and fish kill.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual	x		
	Potential			

Percent 100.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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

Adjustment $0

$25,000

Violation Events

Number of Violation Events 2 | 5 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $50,000

Two single events are recommended.

Good Faith Efforts to Comply

25.0% Reduction $12,500

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

Notes: The Respondent achieved compliance by August 31, 2023.

Violation Subtotal $37,500

Economic Benefit (EB) for this violation

Estimated EB Amount $1,004

Statutory Limit Test

Violation Final Penalty Total $75,000

This violation Final Assessed Penalty (adjusted for limits) $75,000

Economic Benefit Worksheet

Respondent City of Lufkin
Case ID No. 65484
Reg. Ent. Reference No. RN101609964
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal	$5,000	26-Aug-2023	31-Aug-2023	0.01	$3	n/a	$3
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Estimated Remediation/Disposal cost to cease the unauthorized discharges, unclog, clean and repair the pumps, report the unauthorized discharges, and flush the area with 200,000 gallons of drinking water from an adjacent Public Water Storage tank. The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs	ANNUALIZE avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)	$1,000	26-Aug-2023	31-Aug-2023	0.01	$1	$1,000	$1,001

Notes for AVOIDED costs: Estimated cost to recover and properly dispose of the dead fish, calculated from the date the discharge began to the date of compliance.

Approx. Cost of Compliance $6,000

TOTAL $1,004

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

Compliance History Report

Compliance History Report for CN600649115, RN101609964, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN600649115, City of Lufkin **Classification:** SATISFACTORY **Rating:** 8.61

Regulated Entity: RN101609964, HURRICANE CREEK PLANT **Classification:** SATISFACTORY **Rating:** 11.08

Complexity Points: 7 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: 3510 Southwood Drive, Lufkin, Angelina County, Texas

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

PRETREATMENT EPA ID TX0024309000
PRETREATMENT PERMIT WQ0010214001
STORMWATER PERMIT TXR05CS74
WASTEWATER PERMIT WQ0010214001
WASTEWATER EPA ID TX0024309

Compliance History Period: September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

Date Compliance History Report Prepared: January 07, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 07, 2020 to January 07, 2025

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Mark Gamble **Phone:** (512) 239-2587

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

1 Effective Date: 02/27/2024 ADMINORDER 2020-1536-MWD-E (Findings Order-Agreed Order Without Denial)
Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: PC No. 2(g), Pg. 9 PERMIT
Description: Failed to properly operate and maintain the systems of collection which resulted in an unauthorized discharge of municipal waste into or adjacent to any water in the state

B. Criminal convictions: N/A

C. Chronic excessive emissions events: N/A

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

Item 1	January 17, 2020	(1634298)	Item 9	September 30, 2020	(1680598)
Item 2	February 18, 2020	(1640914)	Item 10	October 16, 2020	(1693507)
Item 3	March 19, 2020	(1647433)	Item 11	November 17, 2020	(1713216)
Item 4	April 20, 2020	(1653773)	Item 12	December 15, 2020	(1713217)
Item 5	May 19, 2020	(1660355)	Item 13	January 19, 2021	(1713218)
Item 6	June 17, 2020	(1666868)	Item 14	February 18, 2021	(1726275)
Item 7	July 20, 2020	(1673819)	Item 15	April 01, 2021	(1701557)
Item 8	September 18, 2020	(1687164)	Item 16	April 14, 2021	(1726277)

Item 17	May 11, 2021	(1740444)	Item 30	September 16, 2022	(1856473)
Item 18	July 01, 2021	(1747719)	Item 32	October 14, 2022	(1862831)
Item 19	August 17, 2021	(1757416)	Item 33	November 15, 2022	(1869744)
Item 20	September 17, 2021	(1766514)	Item 34	December 15, 2022	(1875593)
Item 21	October 11, 2021	(1777085)	Item 35	February 09, 2023	(1890227)
Item 22	November 18, 2021	(1783875)	Item 36	March 28, 2023	(1893703)
Item 23	January 12, 2022	(1798695)	Item 37	April 13, 2023	(1905580)
Item 24	February 15, 2022	(1806571)	Item 38	May 09, 2023	(1859731)
Item 25	March 15, 2022	(1813637)	Item 39	May 16, 2023	(1912759)
Item 26	April 18, 2022	(1820207)	Item 40	June 19, 2023	(1919363)
Item 27	May 16, 2022	(1829048)	Item 41	July 12, 2023	(1926330)
Item 28	June 10, 2022	(1835339)	Item 42	August 09, 2023	(1909864)
Item 29	August 15, 2022	(1848673)	Item 43	March 25, 2024	(1980969)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 01/31/2024 (1977389)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

2 Date: 02/29/2024 (1983956)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

3 Date: 03/31/2024 (1990486)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

4 Date: 04/30/2024 (1996942)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

5 Date: 05/31/2024 (2003897)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

6 Date: 06/03/2024 (1976652)
Self Report? NO Classification: Minor
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
MRR 7(b) i, Pg. 7 PERMIT
PC No. 2, (g), Pg. 10 PERMIT
Description: Failure by the City of Lufkin to prevent the discharge of wastewater or any other waste into or adjacent to water in the state.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(9)(A)
MRR 7(a), Pg. 7 PERMIT
Description: Failure by the City of Lufkin to report an unauthorized discharge in writing within five business days of becoming aware of the non-compliance to the Regional office and the Enforcement Division (MC 224).
Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(5)
OR No. 1, (C), Pg. 35 PERMIT
Description: Failure by the City of Lufkin to implement the enforcement response plan.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
MRR 3(b), Pg. 5 PERMIT
Description: Failure by the City of Lufkin to submit the requested records to the TCEQ Regional office.

7 Date: 06/30/2024 (2011453)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

8 Date: 07/31/2024 (2017048)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

9 Date: 08/31/2024 (2024069)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

10 Date: 09/30/2024 (2030191)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits: N/A

G. Type of environmental management systems (EMSs): N/A

H. Voluntary on-site compliance assessment dates: N/A

I. Participation in a voluntary pollution reduction program: N/A

J. Early compliance: N/A

Sites Outside of Texas: N/A

Component Appendices

Appendix A
All NOVs Issued During Component Period 1/7/2020 and 1/7/2025

1 Date: 02/28/2021 (1726276)

Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

2 Date: 03/12/2021 (1700456)

Self Report? NO Classification: Moderate
Citation:
PC 2g, Pg. 9 PERMIT
Description: Failure by the City of Lufkin to prevent the unauthorized discharge of wastewater.

Self Report? NO Classification: Moderate
Citation:
M&RR 7(a), Pg. 7 PERMIT
M&RR 7(b)(i), Pg. 7 PERMIT
Description: Failure by the City of Lufkin to properly report unauthorized discharges orally or by faximile to the Regional Office within 24 hours of becoming aware and in writing within 5 working days to the Regional Office and the Enforcement Division (MC 224).

Self Report? NO Classification: Moderate
Citation:
OpR 1, Pg. 13 PERMIT
Description: Failure by the City of Lufkin to ensure all systems of collection, treatment and disposal are properly operated and maintained.

3 Date: 06/03/2021 (1723005)

Self Report? NO Classification: Moderate
Citation:
PC No. 2g, Pg. 9 PERMIT
Description: Failure by the City of Lufkin (City) to prevent the unauthorized discharge of wastewater.

4 Date: 11/30/2021 (1790905)

Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

5 Date: 06/20/2022 (1811344)

Self Report? NO Classification: Moderate
Citation:
PC, No. 2(g), Pg.10 PERMIT
Description: Failure by the City of Lufkin (City), to prevent the unauthorized discharge of wastewater or any other waste into or adjacent to water in the state at any location not permitted as an outfall.

Self Report? NO Classification: Minor
Citation:
OpR, No. 1, Pg. 13 PERMIT
Description: Failure by the City of Lufkin (City), to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. (blower)

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 317 317.7(g)

Description: Failure by the City of Lufkin (City), to properly label or color code reclaim water lines.

Self Report? NO Classification: Minor

Citation:

OpR, No. 3(b), Pg. 13 PERMIT

Description: Failure by the City of Lufkin (City), to submit a closure plan for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by the permit.

Self Report? NO Classification: Minor

Citation:

OpR, No. 1, Pg. 13 PERMIT

Description: Failure by the City of Lufkin (City), to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. (LaMadra LS)

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 217, SubChapter C 217.63(c)
30 TAC Chapter 217, SubChapter C 217.63(d)

Description: Failure by the City of Lufkin (City), to provide an auto-dialer system, Supervisory Control and Data Acquisition (SCADA) system, or telemetering system connected to a continuously monitored location and self-testing capability at the control panel for the alarm system on lift stations constructed after August 2008.

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 217, SubChapter A 217.6(d)

Description: Failure by the City of Lufkin (City), to submit a summary transmittal letter to the executive director and a copy to the appropriate regional office for each collection system project and wastewater treatment facility project.

Self Report? NO Classification: Minor

Citation:

PC No. 1(a), Pg. 9 PERMIT

Description: Failure by the City of Lufkin (City), to submit relevant facts or submitted incorrect information in report to the Executive Director. (pH DMR)

Self Report? NO Classification: Minor

Citation:

D&SPC, No. 1(e), Pg. 3 PERMIT

Description: Failure by the City of Lufkin (City), to properly calculate the 2-hour peak flow.

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 217, SubChapter A 217.14(a)

Description: Failure by the City of Lufkin (City), to submit a Completion Notice upon completion of the construction of a collection system or wastewater treatment facility.

6 Date: 02/28/2023 (1898790)

Self Report? YES Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

7 Date: 07/31/2023 (1933287)

Self Report? YES Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

8 Date: 08/31/2023 (1939429)

Self Report? YES Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

9* Date: 09/08/2023 (1923924)

Self Report? NO Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
P.C. No. 2(g), pg. 10 PERMIT
Description: Failure by the City of Lufkin to prevent the discharge of wastewater into or adjacent to waters in the state.

10* Date: 09/30/2023 (1946277)

Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

11* Date: 10/31/2023 (1951967)

Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

12* Date: 11/30/2023 (1961737)

Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

13* Date: 12/31/2023 (1968329)

Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

14* Date: 01/31/2024 (1977389)

Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

15* Date: 02/29/2024 (1983956)

Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

16* Date: 03/31/2024 (1990486)

Self Report? YES Classification: Moderate
Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

17* Date: 04/30/2024 (1996942)

Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

18* Date: 05/31/2024 (2003897)

Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

19* Date: 06/03/2024 (1976652)

Self Report? NO Classification: Minor
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
MRR 7(b) i, Pg. 7 PERMIT
PC No. 2, (g), Pg. 10 PERMIT
Description: Failure by the City of Lufkin to prevent the discharge of wastewater or any other waste into or adjacent to water in the state.

Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(9)(A)
MRR 7(a), Pg. 7 PERMIT
Description: Failure by the City of Lufkin to report an unauthorized discharge in writing within five business days of becoming aware of the non-compliance to the Regional office and the Enforcement Division (MC 224).

Self Report? NO Classification: Minor
Citation:
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(5)
OR No. 1, (C), Pg. 35 PERMIT
Description: Failure by the City of Lufkin to implement the enforcement response plan.

Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 305, SubChapter F 305.125(11)(B)
MRR 3(b), Pg. 5 PERMIT
Description: Failure by the City of Lufkin to submit the requested records to the TCEQ Regional office.

20* Date: 06/30/2024 (2011453)

Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

21* Date: 07/31/2024 (2017048)

Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

22* Date: 08/31/2024 (2024069)

Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

23 Date: 09/30/2024 (2030191)
Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

* NOVs applicable for the Compliance History rating period 9/1/2019 to 8/31/2024

Appendix B
All Investigations Conducted During Component Period January 07, 2020 and January 07, 2025

Item 1*	January 17, 2020**	(1634298)
Item 2*	February 18, 2020**	(1640914)
Item 3*	March 19, 2020**	(1647433)
Item 4*	April 20, 2020**	(1653773)
Item 5*	May 19, 2020**	(1660355)
Item 6	May 22, 2020**	(1650492)
Item 7	May 29, 2020**	(1650548)
Item 8*	June 17, 2020**	(1666868)
Item 9*	July 20, 2020**	(1673819)
Item 10*	September 18, 2020**	(1687164)
Item 11*	September 30, 2020**	(1680598)
Item 12*	October 16, 2020**	(1693507)
Item 13*	November 17, 2020**	(1713216)
Item 14	November 20, 2020**	(1679502)
Item 15*	December 15, 2020**	(1713217)
Item 16	December 17, 2020**	(1692638)
Item 17*	January 19, 2021**	(1713218)
Item 18*	February 18, 2021**	(1726275)
Item 19	March 16, 2021**	(1726276)
Item 20*	April 01, 2021**	(1701557)
Item 21*	April 14, 2021**	(1726277)
Item 22*	May 11, 2021**	(1740444)
Item 23*	July 01, 2021**	(1747719)
Item 24*	August 17, 2021**	(1757416)
Item 25	August 25, 2021**	(1755720)
Item 26*	September 17, 2021**	(1766514)
Item 27*	October 11, 2021**	(1777085)
Item 28	October 12, 2021**	(1764699)
Item 29*	November 18, 2021**	(1783875)
Item 30	December 14, 2021**	(1790905)
Item 31*	January 12, 2022**	(1798695)
Item 32*	February 15, 2022**	(1806571)
Item 33*	March 15, 2022**	(1813637)
Item 34*	April 18, 2022**	(1820207)
Item 35*	May 16, 2022**	(1829048)

Item 36*	June 10, 2022**	(1835339)
Item 37	June 16, 2022**	(1811344)
Item 38*	August 15, 2022**	(1848673)
Item 39*	September 16, 2022**	(1856473)
Item 40*	October 14, 2022**	(1862831)
Item 41*	November 15, 2022**	(1869744)
Item 42*	December 15, 2022**	(1875593)
Item 43	January 05, 2023**	(1867024)
Item 44*	February 09, 2023**	(1890227)
Item 45	March 15, 2023**	(1898790)
Item 46*	March 28, 2023**	(1893703)
Item 47	March 29, 2023**	(1887610)
Item 48*	April 13, 2023**	(1905580)
Item 49*	May 09, 2023**	(1859731)
Item 50*	May 16, 2023**	(1912759)
Item 51*	June 19, 2023**	(1919363)
Item 52*	July 12, 2023**	(1926330)
Item 53*	August 09, 2023**	(1909864)
Item 54	August 17, 2023**	(1933287)
Item 55	September 18, 2023**	(1939429)
Item 56	October 16, 2023**	(1946277)
Item 57	November 20, 2023**	(1951967)
Item 58	December 14, 2023**	(1944856)
Item 59	December 19, 2023**	(1961737)
Item 60	January 19, 2024**	(1968329)
Item 61	February 16, 2024**	(1977389)
Item 62	February 20, 2024**	(1949598)
Item 63	March 19, 2024**	(1983956)
Item 64*	March 25, 2024**	(1980969)
Item 65	April 18, 2024**	(1990486)
Item 66	May 16, 2024**	(1996942)
Item 67	June 18, 2024**	(2003897)
Item 68	July 16, 2024**	(2011453)
Item 69	August 19, 2024**	(2017048)
Item 70	September 16, 2024	(2024069)
Item 71	October 18, 2024	(2030191)

* No violations documented during this investigation
**Investigation applicable for the Compliance History Rating period between 09/01/2019 and 08/31/2024.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	**§**	**BEFORE THE**
ENFORCEMENT ACTION	**§**	
CONCERNING	**§**	**TEXAS COMMISSION ON**
CITY OF LUFKIN	**§**	
RN101609964	**§**	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2024-0641-MWD-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Lufkin (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

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

It is further understood and agreed that this Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located at 3510 Southwood Drive, in Lufkin, Angelina County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).

2. During an investigation at the Facility conducted on August 29, 2023 through September 12, 2023, an investigator documented from August 26, 2023 through August 29, 2023 there were two unauthorized discharges of untreated sewage wastewater due to clogged/inoperable pumps and pump servicing at the Ellen Trout Lift Station which resulted in an estimated total of 6,100 gallons sewage wastewater discharged and fish kill.

3. The Executive Director recognizes that by August 31, 2023, the Respondent implemented the following corrective measures at the Facility:

    a. Ceased unauthorized discharges, unclogged, cleaned, and repaired both pumps at the lift station;

    b. Submitted noncompliance notification forms to the Beaumont Regional Office and a work order showing the lift station pumps are both operational; and

c. Cleaned, removed sewage debris, and disinfected the area by flushing the unnamed tributary and Mill Creek with approximately 200,000 gallons of water from a Public Drinking Water ground storage tank situated adjacent to the discharge.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.

2. As evidenced by Finding of Fact No. 2, the Respondent failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (4), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010214001, Permit Conditions No. 2.g.

3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

4. An administrative penalty in the amount of $75,000 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Pursuant to TEX. WATER CODE § 7.067, $75,000 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A" - incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Lufkin, Docket No. 2024-0641-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 the SEP as set forth in Section II, Conclusions of Law No. 4. The amount of $75,000 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.

3. All relief not expressly granted in this Order is denied.

4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.

5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.

7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

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

9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized

by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date
Kristie Mello-Jurack	07/25/2026
For the Executive Director	Date

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

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

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

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

Signature	6/15/2026 Date
Mark Hicks Name (Printed or typed) Authorized Representative of the City of Lufkin	MAYOR Title

☐ *If mailing address has changed, please check this box and provide the new address below:*

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

Attachment A

Docket Number: 2024-0641-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Lufkin
Penalty Amount:	$75,000
SEP Offset Amount:	$75,000
Type of SEP:	Compliance
Project Name:	*Facility Improvements*
Location of SEP:	Angelina County

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

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility (the "Facility") which are described in this Agreed Order. This Agreed Order cites violations at Respondent's Facility.

1. Project Description

A. Project

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

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

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by allowing prompt detection and response to anomalies, leaks, and flow rates that might result in wastewater discharges. Wastewater discharges can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera,

dysentery, infectious hepatitis, and severe gastroenteritis. Additional risks include occurrences of low dissolved oxygen, fish kills, algal bloom, and bacterial contamination in waterways.

C. Minimum Expenditure

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

Estimated Cost Schedule

Item	**Total**
Lift Station SCADA System	$1,873,023
Total	**$1,873,023**

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 45 days after the effective date of this Agreed Order.

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

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

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to TCEQ describing actions performed to date to implement the Project. Within 75 days Respondent shall submit a Final Report to the TCEQ containing detailed information on all actions completed on the project.

Reporting Schedule

Days from Effective Order Date	**Information Required**
30	Notice of Commencement describing actions taken to begin project
45	Notice of SEP completion

B. Final Report

Within 45 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to TCEQ, which shall include the following:

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

C. Submittals

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

4. Additional Information and Access

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

5. Failure to Fully Perform

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

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to the SEP Coordinator at the address provided above.

6. Publicity

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

7. Recognition

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

8. Other SEPs by TCEQ or Other Agencies

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