



The City of Liberty
City Council
Special Called Meeting
~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, May 24, 2016

6:00 PM

City Council Chambers

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Mayor Carl Pickett	☐	☐	☐	
Mayor Pro Tem Diane Huddleston	☐	☐	☐	
Councilperson Dennis Beasley	☐	☐	☐	
Councilperson Louie Potetz	☐	☐	☐	
Councilperson Libby Simonson	☐	☐	☐	
Councilperson David Arnold	☐	☐	☐	
Councilperson Paul Glazener	☐	☐	☐	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Public Comment is reserved for members of the public who would like to address the City Council regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Council may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comment with a factual statement or clarification. The City Council may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

III. PRESENTATIONS / REPORTS

1. Information Item (ID # 3523)

Proclamation-Motorcycle Safety Awareness Month - Mayor Pickett

- Motorcycle Safety Month 2016 (DOC)

2. Information Item (ID # 3524)

Project Updates - G. Broz, City Manager

3. Information Item (ID # 3526)

Recycling Report - Councilperson Huddleston

4. Information Item (ID # 3527)

Finance Report - N. Herrington, Finance Director

IV. REGULAR AGENDA**A. Regular Session****1. Council Action (ID # 3528)**

Consider an Agreement with the Liberty County Historical Commission regarding the Branch Cemetery located on Cypress Street, and take any action deemed necessary.

- Branch Cemetery Agreement (MSG)

2. Council Action (ID # 3532)

Consider ratifying the Liberty Community Development Corporation's expenditures for the Ruth Canfield Park and the Magnolia Street Pocket Park, and take any action deemed necessary.

- Park Information (PDF)
- Joy in the Park (PDF)

3. Council Action (ID # 3534)

Update and discussion of the Sam Rayburn Municipal Power Agency activities, and take any action deemed necessary.

4. Council Action (ID # 3529)

Consider the purchase of a command vehicle for the Fire Chief, and take any action deemed necessary.

- Fire Chief Vehicle Info (PDF)

5. Council Action (ID # 3530)

Consider the purchase of two (2) patrol vehicles for the Liberty Police Department, and take any action deemed necessary.

- Police Vehicle Info (PDF)

6. Council Action (ID # 3531)

Consider a Settlement Agreement with the Texas Commission on Environmental Quality for permit violations at the Wastewater Treatment Plant.

- TCEQ Information (PDF)

V. WORK SESSION**1. Work Session (ID # 3533)**

Presentation by HR Green Engineers regarding proposed wastewater improvements.

VI. ADJOURNMENT

Motion To: Adjourn

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 20th day of May, 2016 at 3:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.



Dianne Tidwell, City Secretary

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the _____ day of _____, 2016.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.1

Meeting: 05/24/16 06:00 PM

Department: Administration
Category: Proclamations

INFORMATION ITEM (ID # 3523)

DOC ID: 3523



PROCLAMATION

WHEREAS, today's society is finding more citizens involved in motorcycling on the roads of our country; and

WHEREAS, motorcyclists are roughly unprotected and much more likely to be injured or killed in a crash than other vehicle drivers; and

WHEREAS, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and most of all fatalities, through a comprehensive approach to motorcycle safety; and

WHEREAS, it is the responsibility of all who put themselves behind the wheel to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and

WHEREAS, the City of Liberty is urging everyone in our community to become aware of the inherent danger involved in operating a motorcycle and give the operator the respect on the road that they deserve.

NOW, THEREFORE, BE IT KNOWN, that I, Carl Pickett, Mayor of the City of Liberty do hereby proclaim the month of May, 2016 as:

"MOTORCYCLE SAFETY AND AWARENESS MONTH"

in the City of Liberty, advocating that all motor vehicle operators remain aware of motorcyclists, afford them the courtesies they deserve, and join in the effort to keep our roadways safe.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Liberty, Texas to be affixed on this 24th day of May, 2016.

Carl Pickett, Mayor
City of Liberty

ATTEST:

Dianne Tidwell, City Secretary
City of Liberty



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.2

Meeting: 05/24/16 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 3524)

DOC ID: 3524



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.3

Meeting: 05/24/16 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 3526)

DOC ID: 3526



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.4

Meeting: 05/24/16 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 3527)

DOC ID: 3527



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.1

Meeting: 05/24/16 06:00 PM

Department: Administration
Category: Misc.

COUNCIL ACTION (ID # 3528)

DOC ID: 3528 A

Dianne Tidwell

From: Dianne Tidwell <dtidwell@cityofliberty.org>
Sent: Monday, May 23, 2016 10:59 AM
To: Dianne Tidwell
Subject: Message from "COL-ADMINRICOH-NP0026737353A7"
Attachments: 20160523105900371.pdf

This E-mail was sent from "COL-ADMINRICOH-NP0026737353A7" (MP C3503).

Scan Date: 05.23.2016 10:59:00 (-0500)

Queries to: copier.pop.coladmin@cityofliberty.org

Attachment: Branch Cemetery Agreement (3528 : Branch Cemetery)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.2

Meeting: 05/24/16 06:00 PM

Department: Administration
Category: LCDC Misc.

COUNCIL ACTION (ID # 3532)

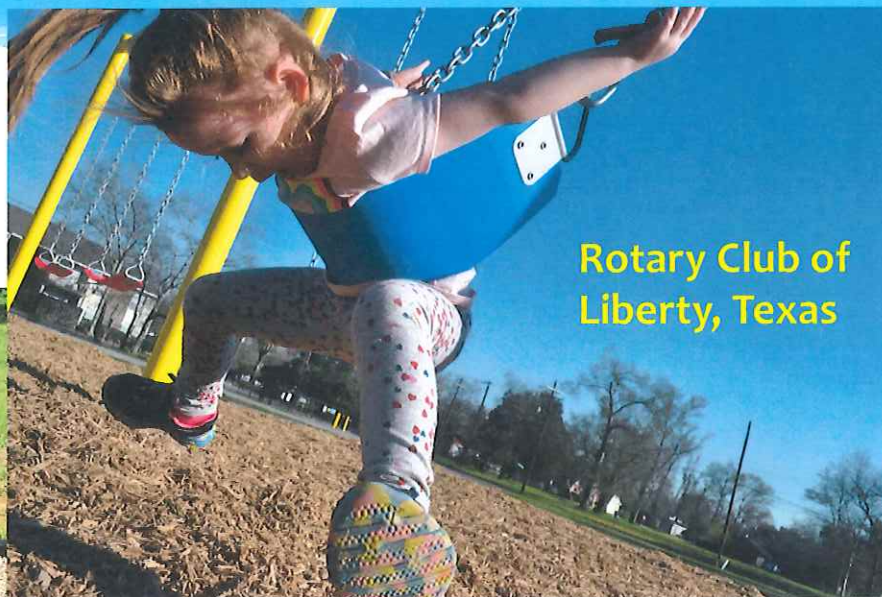
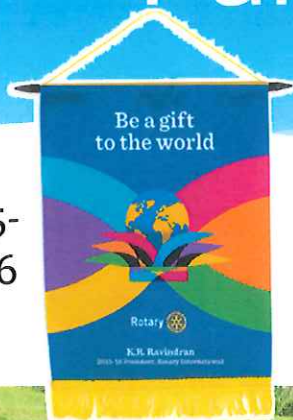
DOC ID: 3532

LCDC

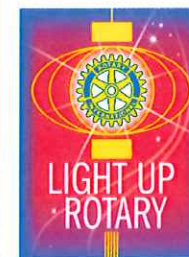
Magnolia St. Park	\$18,200.00
Canfield Park	\$48,079.00
Vinyl Fencing	<u>\$14,246.00</u>
	\$80,525.00

Pure Joy in the Park

2015-
2016



Rotary Club of
Liberty, Texas



2014-2015



2016-2017

The Ruth Canfield Park Rotary Pocket Park Expansion Plan

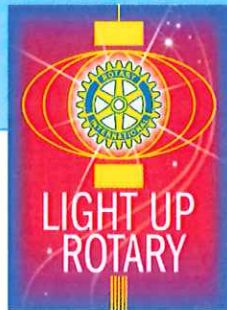
Rotary Club of Liberty, Texas

2016-2017 District 5910 Grant Project

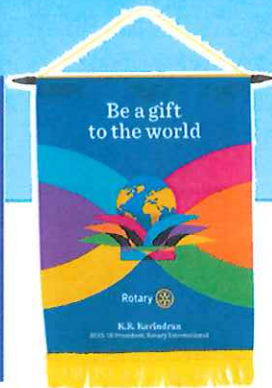
Whitney Weatherford, President Elect 3-24-16

Club President Lameka Trahan

Carol Skewes, Past President



2014-2015



2015-2016

Rotary



ROTARY
SERVING
HUMANITY

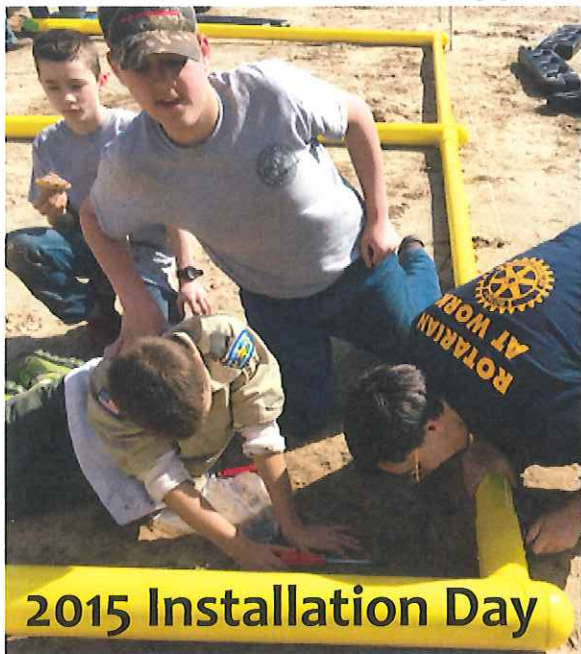
2016-2017

*“Close yours eyes and hear the kids playing, the birds singing,
it is a beautiful feeling.”*
George Mickelis



1998: It started with a gift from Patricia Mickelis.
The Rotary Pocket Park is located on land donated to the City of Liberty
by the children of Ruth Canfield, who say she loved the outdoors.

Larry
West
And
Stephen
Dugger



2015 Installation Day



January 2016

#13,572 VOL. 1

GIFT DEED

KNOW ALL PERSONS BY THESE PRESENTS

A. C. MICKELIS, of Harris County, Texas ("Grantor") to assist the City of Liberty, Texas improve the City of Liberty, Texas 77575, that certain tract of real property located and 60 of the Abshire Subdivision, Outer Block No. 4 of 11 subdivision recorded in Volume 1, Page 41 of the Map R, Texas.

together with any and all of the related rights and appurtenances collectively referred to as the "Property").

SAVE AND EXCEPT, and there is hereby reserved unto Grantor, his representatives, successors and assigns, all of the oil, gas, sulphur and other mineral

Thank you to all who helped us get this far ...

Additional Donors

- * Mary Cain & Chap Cain
- * Larry & Christine West and Sharon McLelland, Master Gardeners
- * Laurie Gonzales, Rotary Friends, Inc.
- * Biologist, Trinity River National Wildlife Refuge
- * M&M Rent All
- * Clawson Printing
- * Margie Lawrence
- * Texas A&M Agrilife, Liberty County Extension Agents
- * The City of Liberty
- * Trivium Club, Liberty Garden Club

Community Volunteers

- * Ashley Campbell, Design of Architectural Drawing
- * Three Rivers Council Boy Scouts of America Troop 56
- * Our House Learning Center, Friends and Neighbors
- * Clayton Bracey, Precision Lawns

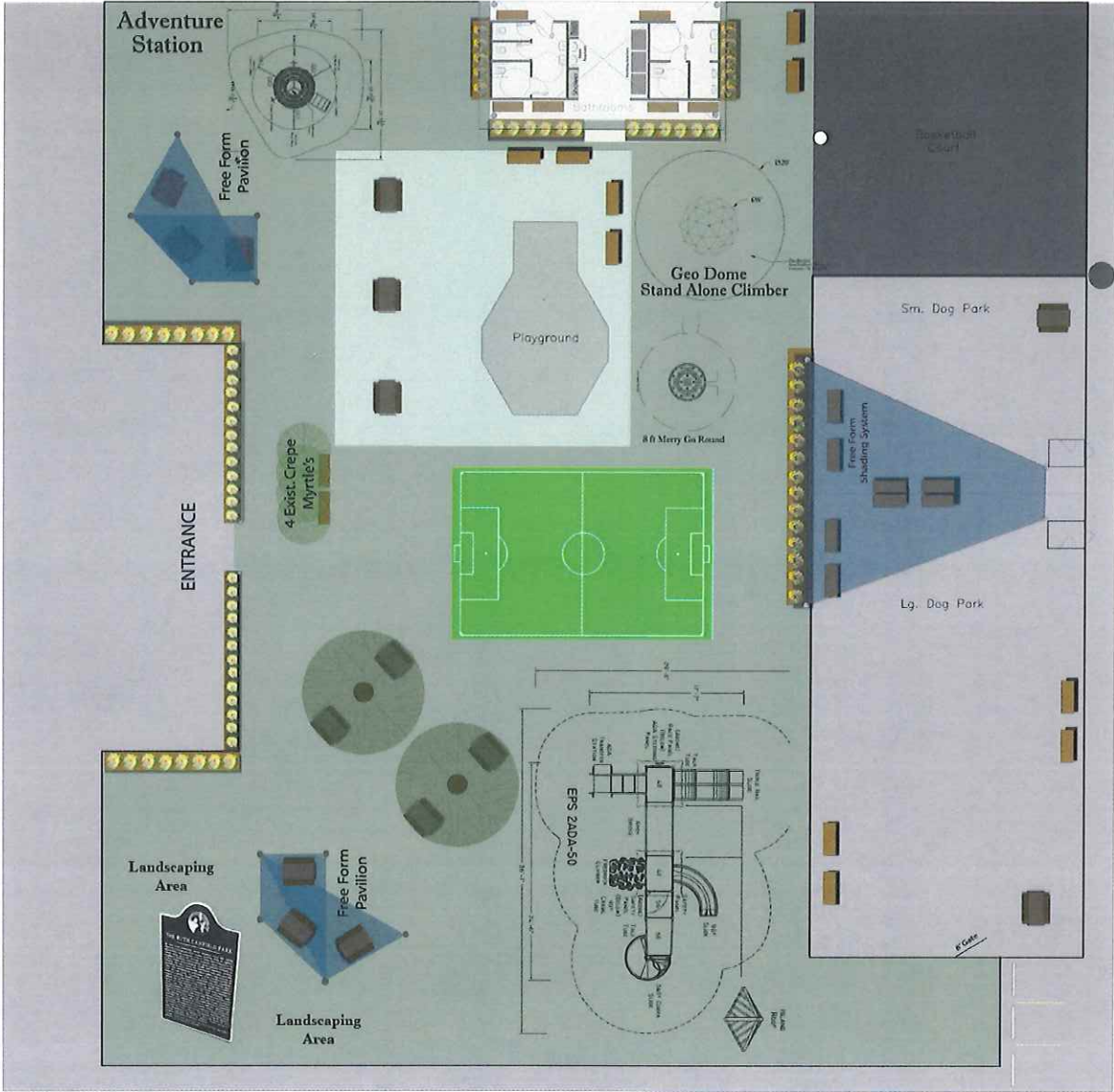
Current Magnolia St. Park



Current Magnolia St. Park



SUE STREET



GRAND AVE.

NTS
03.10.16

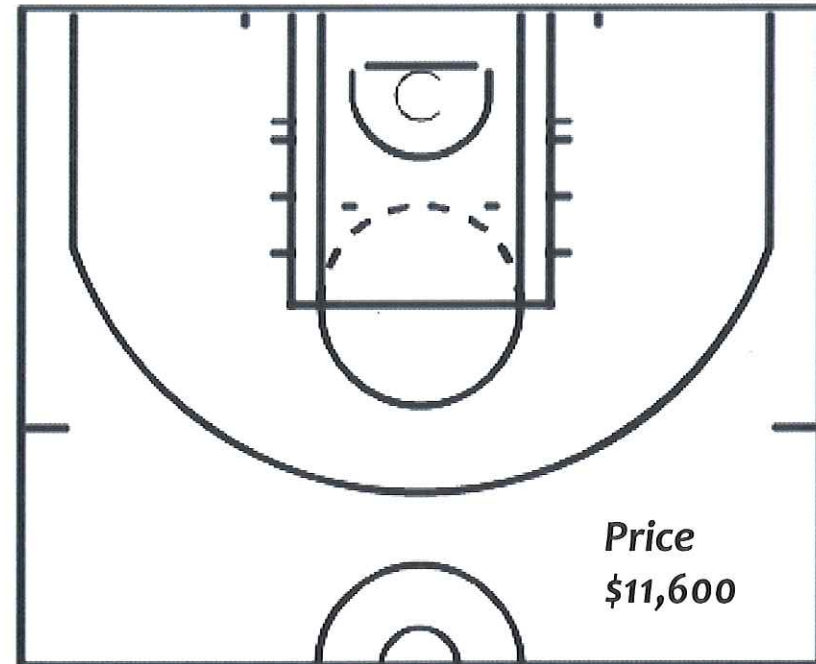
ROTARY - CANFIELD
PARK PROJECT

JPBELL
315

Dog Park



Half Basketball Court



Price
\$11,600

ADA 25 Play Station



ADA 91



EPS-3ADA-105

ADA 50



Regular Geo Dome

Geo Dome Stand Alone Climber

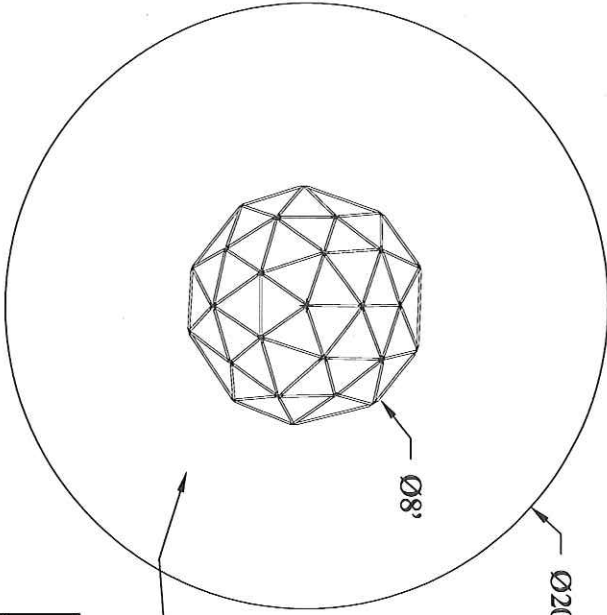
DATE: 06/07/10
ISSUED BY: GJV

ISSUED BY: A



Building Character & Learning Through Play

Play Box Area
Area Freedom : 390 Sq. Ft.
Perimeter : 70 Linear Ft.

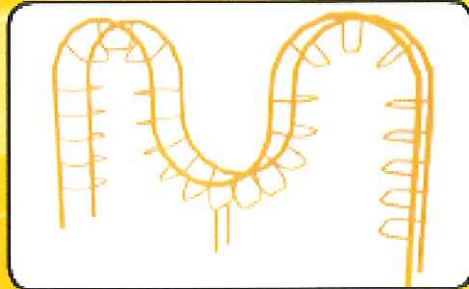


SUPER GEO DOME
DIMENSION: 17' DIAMETER
REGULAR GEO DOME
DIMENSION: 8' DIAMETER
JUNIOR GEO DOME
DIMENSION: 4' DIAMETER

Other Playground Options



ZIG ZAG BALANCE BEAM



HUMPTY DUMPTY CLIMBER



MERRY-GO-ROUND

Reinforced Shade Sails

(Pricing pending)



Canfield Park Proposed Expansion**Phase One:****Dog Park**

Benches	6 @ \$400	\$2,400
4' vinyl coated Fencing <i>includes Grand side.</i>		\$14,246
Entrance Pads 4x4	2 @ \$600	\$1,200
Equipment		\$3,000
Rules sign		\$600
Handicap Parking		<u>\$3,000</u>
		\$24,446

Basketball Court

Concrete 40'x50'		\$15,000
Goal		\$500
Benches	2	\$1,000
Paint		<u>\$100</u>
		\$16,600

Playground Equipment

Soccer Goals		\$6,152
Zig-Zag Balance Beam		\$600
Geo Dome		\$1,988
Humpty Dumpty Climber		\$2,008
Merry Go Round		\$3,432
Engineered Wood Fibert with border		<u>\$2,333</u>
		\$16,513
Shipping		5441

Total Phase One = \$63,000

In-Kind by City

Water Tap		\$250
Lighting		\$1,000
Trash Cans	10 @ \$50	\$500
Tree and Stump Removal	2 @ \$500	<u>\$1,000</u>
Total		\$2,750

Phase Two:**Park Area**

Pavilions / Shade Sails	\$30,000
ADA 91 Play Station	\$22,251
EPS 2ADA-25 Play Station	\$17,614
Shipping	<u>\$5,000</u>
Total Phase Two =	\$74,865

Phase Three:

EPS-2ADA-50	\$29,736
EPS-3ADA-105	\$25,113
Shipping	<u>\$5,000</u>
Total Phase Three:	\$59,849

In-Kind by City

Restrooms

Total**\$209,849****Magnolia Street Park Proposed Expansion****Phase One:**

Three 2-bay Sampson Swing sets	\$3,900
Engineered Wood Fiber with border and stakes	\$4,900
Cover 2 picnic tables	\$4,000
Benches	\$400
Replace basketball goal & pole	\$1,000
Zig-Zag Balance Beam	<u>\$4,000</u>
Total Phase One =	\$18,200

In-Kind by City

Paint	
Remove large tree stump	\$500
Remove car-shaped steel equipment	\$500
Repair Fencing and Replace Gate at Front	<u>\$1,000</u>
Total	\$2,000

Phase Two:

New playground EPS-ADA-50	\$30,000
Engineered wood fiber platform for monkey bars	\$1,000
Merry Go Round	\$3,432
Benches	\$400
Shipping	<u>\$3,000</u>

Total Phase Two = \$7,832

In-Kind by City

Upgrade lighting to LED (in kind)	\$6,500.00
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The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.3

Meeting: 05/24/16 06:00 PM

Department: Administration
Category: Electric

COUNCIL ACTION (ID # 3534)

DOC ID: 3534



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.4

Meeting: 05/24/16 06:00 PM

Department: Administration
Category: Vehicle Purchases

COUNCIL ACTION (ID # 3529)

DOC ID: 3529

Fire Chief Vehicle

	Expedition	Explorer	Tahoe
Passenger Volume	160.3 cuft	151.6 cuft	
Cargo Volume Behind First Row	108.3 cuft	81.7 cuft	94.7 cuft
Cargo Volume Behind Second Row	55.0 cuft	43.9 cuft	51.7 cuft
Cargo Volume Behind Third Row	18.6 cuft	21.0 cuft	15.3 cuft
Fuel Capacity	28 gal	18.6 gal	25 gal
Weight	5562 lbs	4443 lbs	
Mileage (estimate)		17/24	16/23

	BJ Expedition	BJ Explorer	STATE Tahoe
Base Vehicle	\$28,600.00	\$25,409.00	\$34,908.00
Paint (Red)	\$8,000.00	\$8,000.00	Included
Command Center	\$4,945.00	\$4,910.00	\$4,760.00
Graphics	\$1,200.00	\$1,200.00	\$1,200.00
Emergency Lights	\$7,500.00	\$7,200.00	\$6,600.00
Radio's	\$1,400.00	\$1,400.00	\$1,400.00
	<u>\$51,645.00</u>	<u>\$48,119.00</u>	<u>\$48,868.00</u>



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.5

Meeting: 05/24/16 06:00 PM

Department: Administration
Category: Vehicle Purchases

COUNCIL ACTION (ID # 3530)

DOC ID: 3530

Police Vehicles - 2 Dodge Chargers

	Liberty/Dayton	Defender (State)
Base Bid (Price per each)	\$32,514.00	\$31,588.00
Total for Two	\$65,028.00	\$63,176.00
Add Gun Racks	\$812.00	Included
Add Striping - (\$500 X 2)	Included	\$1,000.00
	\$65,840.00	\$64,176.00



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.6

Meeting: 05/24/16 06:00 PM

Department: Administration
Category: TCEQ Issues

COUNCIL ACTION (ID # 3531)

DOC ID: 3531

Bryan W. Shaw, Ph.D., P.E., *Chairman*
 Toby Baker, *Commissioner*
 Jon Niermann, *Commissioner*
 Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 15, 2016

The Honorable Carl Pickett
 Mayor of Liberty
 1829 Sam Houston Street
 Liberty, Texas 77575

Re: Revised Proposed Agreed Order
 City of Liberty
 RN102078128; TPDES Permit No. WQ0010108001
 Docket No. 2015-1549-MWD-E; Enforcement Case No. 51360
FOR SETTLEMENT PURPOSES ONLY

Dear Mayor Pickett:

In the cover letter for the proposed agreed order mailed out to the City of Liberty on January 4, 2016, the City of Liberty was given an opportunity to propose a Supplemental Environmental Project ("SEP") to offset the payable penalty. Your proposed SEP has been reviewed and has been incorporated in the enclosed revised proposed agreed order. The penalty calculation worksheet was revised to reflect the correct amount of NOVs and removal of Violation No. 1.

If you agree with the order as proposed, please sign and return this order with an original signature to:

Ms. Ronica Rodriguez, Enforcement Coordinator
 Water Enforcement Section, MC 169
 Enforcement Division
 Texas Commission on Environmental Quality
 P.O. Box 13087
 Austin, Texas 78711-3087

Once you agree and we are in receipt of the signed proposed agreed order, the City of Liberty may begin implementing the SEP. Enclosed for your convenience is a return envelope. If the signed order is not mailed and postmarked by within two weeks of the date of this letter, we will assume that you have elected to participate in the more extended enforcement process described in previous correspondence, and we will proceed accordingly. Your case will be forwarded to the Litigation Division and this settlement offer, and possibly the SEP, will no longer be available.

The Honorable Carl Pickett
Page 2
April 15, 2016

If you have any questions regarding these matters, please contact Ms. Rodriguez of my staff at (512) 239-2601.

Sincerely,



Sandy Van Cleave, Manager
Enforcement Division
Texas Commission on Environmental Quality

SV/rr

Enclosures: Revised Proposed Agreed Order, Revised Penalty Calculation Worksheet,
Effluent Violation Table, SEP

cc: Mr. Mark Reid, Water and Wastewater Director, City of Liberty, 1100 N. Main, Liberty,
Texas 77575

Attachment: TCEQ Information (3531 : TCEQ Settlement Agreement)

The Honorable Carl Pickett
Page 3
April 15, 2016

bcc: Manager, Water Section, Houston Regional Office
Ms. Ronica Rodriguez, Coordinator, Enforcement Division, MC 169
Central Records, MC 213, Building E, 1st Floor
MWD_WQ0010108001_CO_04-15-2016_Revised Proposed Agreed Order
Enforcement Division Electronic Reader File

Attachment: TCEQ Information (3531 : TCEQ Settlement Agreement)

City of Liberty
 TPDES Permit No. WQ0010108001
 Docket No. 2015-1549-MWD-E

Effluent Violation Table					
Monitoring Period	Permitted Effluent Limits				
	CBOD ₅ Daily Average Concentration Limit = 10 mg/L	Ammonia Nitrogen Daily Average Concentration Limit = 2 mg/L	Ammonia Nitrogen Daily Maximum Concentration Limit = 10 mg/L	Ammonia Nitrogen Daily Average Loading Limit = 42 lbs/day	<i>E. coli</i> Daily Maximum Concentration Limit = 394 CFU/100 ml
April 2015	c	4.13	12.4	47.66	1840
May 2015	c	c	c	c	1540
June 2015	11.4	c	c	63.01	4840

CBOD₅ = carbonaceous biochemical oxygen demand (five-day)

E. coli = *Escherichia coli*

mg/L = milligrams per liter

c = compliant

CFU/100 ml = colony forming units per 100 milliliters

lbs/day = pounds per day

Attachment: TCEQ Information (3531 : TCEQ Settlement Agreement)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF LIBERTY
RN102078128

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

AGREED ORDER
DOCKET NO. 2015-1549-MWD-E

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

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, 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 Agreed 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 settlement of the parties. 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. The duties and responsibilities imposed by this Agreed 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 plant located at 400 Farm-to-Market Road 3361, approximately 0.5 mile west of the intersection of Farm-to-Market

City of Liberty
DOCKET NO. 2015-1549-MWD-E
Page 2

Road 2684 and Farm-to-Market Road 3361 south of Liberty, in Liberty 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. During a record review conducted on August 26, 2015, TCEQ staff documented the following from self-reported discharge monitoring reports ("DMRs"):

Monitoring Period	Effluent Violation Table				
	Permitted Effluent Limits				
	CBOD ₅ Daily Average Concentration Limit = 10 mg/L	Ammonia Nitrogen Daily Average Concentration Limit = 2 mg/L	Ammonia Nitrogen Daily Maximum Concentration Limit = 10 mg/L	Ammonia Nitrogen Daily Average Loading Limit = 42 lbs/day	<i>E. coli</i> Daily Maximum Concentration Limit = 394 CFU/100 ml
April 2015	c	4.13	12.4	47.66	1840
May 2015	c	c	c	c	1540
June 2015	11.4	c	c	63.01	4840

CBOD₅ = carbonaceous biochemical oxygen demand (five-day)

E. coli = *Escherichia coli*

mg/L = milligrams per liter

c = compliant

CFU/100 ml = colony forming units per 100 milliliters

lbs/day = pounds per day

4. The Respondent received notice of the violations on September 20, 2015.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE

City of Liberty
DOCKET NO. 2015-1549-MWD-E
Page 3

§ 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010108001, Effluent Limitations and Monitoring Requirements No. 1.

3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission'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 Forty-Eight Thousand Eight Hundred Dollars (\$48,800) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Forty-Eight Thousand Eight Hundred Dollars (\$48,800) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Forty-Eight Thousand Eight Hundred Dollars (\$48,800) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Liberty, Docket No. 2015-1549-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 II, paragraph 4 above, Forty-Eight Thousand Eight Hundred Dollars (\$48,800) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.

City of Liberty
DOCKET NO. 2015-1549-MWD-E
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3. It is further ordered that, within 180 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the effluent limits of TPDES Permit No. WQ001018001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, 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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

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

City of Liberty
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aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. 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.
10. 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.
11. 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.

City of Liberty
 DOCKET NO. 2015-1549-MWD-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

 For the Commission

 Date

 For the Executive Director

 Date

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

I understand that by entering into this Agreed Order, the City of Liberty waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

 Date

 Name (Printed or typed)
 Authorized Representative of
 City of Liberty

 Title

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

Attachment: TCEQ Information (3531 : TCEQ Settlement Agreement)

Attachment A
Docket Number: 2015-1549-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Liberty
Penalty Amount:	Forty-Eight Thousand Eight Hundred Dollars (\$48,800)
SEP Offset Amount:	Forty-Eight Thousand Eight Hundred Dollars (\$48,800)
Type of SEP:	Compliance SEP
Project Name:	<i>Wastewater Treatment Plant Repairs</i>
Location of SEP:	Liberty County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to perform 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.

1. Project Description

A. Project

Respondent is a Local Government that qualifies under TEX. WATER CODE § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at Respondent's wastewater treatment facility. Respondent shall hire a contractor to replace or repair damages to the headworks and gas chlorination system and controls resulting from a flood during a major disaster declaration period from May 4, 2015 to June 19, 2015. Replacements and repairs will include removing and replacing scales; installing chlorine control and a regulator, gas sensor (chlorine controls), sulfur dioxide control and a regulator, and gas sensor (sulfur dioxide controls); replacing and relocating cables and outlets; removing grit from within the chamber, bar screen and sidewalk; removing sludge from the sidewalk; replacing the bar screen brake motor; reversing the contactor (bar screen); and cleaning the bar screen. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: scales; chlorine and sulfur controls, sensors and regulators, cables, outlets, chamber, bar screen, and bar screen brake motor (the "Project"). Respondent shall solicit bids from qualified contractors to install the system. Any advertisements related to the SEP, including solicitation for bids publication, must include the enforcement statement as stated in Section 6, Publicity. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

City of Liberty
Attachment A

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C, Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to 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 is performing the Compliance SEP solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent 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 (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, 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.

Estimated Cost Schedule

Item	Quantity	Cost	Units	Total
Remove scale	1	\$1,000	Each	\$1,000
Install new scales	2	\$7,350	Each	\$14,700
Install new chlorine control/regulator	2	\$3,000	Each	\$6,000
Install gas sensor (chlorine controls)	1	\$7,000	Each	\$7,000
Install sulfur dioxide control/regulator	2	\$3,000	Each	\$6,000
Install gas sensor (sulfur dioxide controls)	1	\$7,000	Each	\$7,000
Replace cables and outlets	1	\$7,000	Each	\$7,000
Remove grit within grit chamber	29	\$100	Ton	\$2,900

City of Liberty
Attachment A

Item	Quantity	Cost	Units	Total
Remove grit within bar screen	14	\$100	Ton	\$1,400
Remove grit/sludge from sidewalks	12	\$100	Ton	\$1,200
Replace bar screen brake motor	1	\$10,425	Each	\$10,425
Reverse contactor (bar screen)	1	\$856	Each	\$856
Newman Regency install labor (bar screen)	1	\$1,275	Each	\$1,275
Clean bar screen panel	1	\$2,000	Each	\$2,000
Total				\$68,756

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 90 days after the effective date of this Agreed Order.

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 the TCEQ describing actions performed to date to implement the Project. Within 60 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 30-day period and setting forth a schedule for achieving completion of the Project within the 90-day time-frame set forth in Section 2, Performance Schedule, above. Respondent shall submit progress reports to the TCEQ in 30-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

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

City of Liberty
Attachment A

B. Final Report

Within 90 days after the effective date of the Agreed Order, or within 30 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity), if applicable;
4. Dated photographs of the purchased equipment; the equipment being removed; before and after work being performed during the installation process; and of the completed Project;
5. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;
6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
7. Any additional information demonstrating compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

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 the 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 in Sections 2 through 4 above, the Executive Director ("ED") may require immediate

City of Liberty
Attachment A

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:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

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 the 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 the TCEQ or any other agency of the state or federal government.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.1

Meeting: 05/24/16 06:00 PM

Department: Administration
Category: Wastewater Issues

WORK SESSION (ID # 3533)

DOC ID: 3533