



CITY COUNCIL SPECIAL MEETING

Tuesday, May 27, 2025 at 5:30 PM
City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

PUBLIC NOTICE OF MEETING

The following item will be addressed at this or any other meeting of the city council upon the request of the mayor, any member(s) of council and/or the city attorney:

Announcement by the mayor that council will retire into closed session for consultation with city attorney on matters in which the duty of the attorney to the city council under the Texas disciplinary rules of professional conduct of the state bar of Texas clearly conflicts with the open meetings act (title 5, chapter 551, section 551.071(2) of the Texas government code).

(All matters listed under the consent agenda item are routine by the city council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.)

AGENDA

Council will consider/discuss the following items and take any action deemed necessary.

MEETING PROCEDURE

Public notice is hereby given that the City Council of the City of Port Lavaca, Texas, will hold a special meeting Tuesday, May 27, 2025 beginning at 5:30 p.m., at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas to consider the following items of business:

[After publication, any information in a council packet is subject to change during the meeting]

The meeting will also be available via the video conferencing application "Zoom",

Join Zoom Meeting:

<https://us02web.zoom.us/j/82182482989?pwd=NVNDbi9HZVlHVUlBZTcvTVJvbzdTZz09>

Meeting ID: 821 8248 2989

Passcode: 912619

One Tap Mobile

*+13462487799,,82182482989#,,, *912619# US (Houston)*

Dial by your location

+1 346 248 7799 US (Houston)

I. ROLL CALL**II. CALL TO ORDER****III. COMMENTS FROM THE PUBLIC**

(Limited to 3 minutes per individual unless permission to speak longer is received in advance. You may make public comments as you would at a meeting by logging on with your computer and using "Join Zoom Meeting" information on first page of this agenda).

IV. ACTION ITEMS - Council will consider/discuss the following items and take any action deemed necessary

1. Review and discuss Texas Commission on Environmental Quality (TCEQ) Violation Tracking No. 823013, the status of the engineering design of the Lynn's Bayou Wastewater Treatment Plant Expansion and the \$39.15M loan commitment offer from the Texas Water Development Board for the Lynn's Bayou Wastewater Treatment Plant Expansion project. Presenter is Jody Weaver
2. Consider Resolution No. R-052725-1 of the City of Port Lavaca authorizing the hiring of Bickerstaff Heath Delgado Acosta LLP on a contingent fee basis as bond counsel to the City of Port Lavaca. Presenter is Jody Weaver
3. Consider Resolution No. R-052725-2 of the City of Port Lavaca expressing intent to Finance Expenditures to be incurred by the City of Port Lavaca's Lynn's Bayou Wastewater Treatment Plant Expansion, Texas Water Development Board Project No. 73963. Presenter is Jody Weaver
4. Consider Resolution No. R-052725-3 of the City of Port Lavaca authorizing publication of Notice of Intention to Issue Combination Tax and Surplus Revenue Certificates of Obligation for the Lynn's Bayou Wastewater Treatment Plant Expansion project, which project is identified as Texas Water Development Board Project No. 73963. Presenter is Jody Weaver
5. Announcement by Mayor that City Council will retire into closed session:
 - To discuss Personnel matters in accordance with Title 5, Section 551.074 of the Texas Government Code (to discuss the appointment, employment, evaluation, duties and responsibilities, reassignment, discipline, or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee: [Municipal Court Judge]). Presenter is Mayor Whitlow
6. Return to Open Session and take any action deemed necessary with regard to matters in closed session. Presenter is Mayor Whitlow

V. ADJOURN SPECIAL MEETING

VI. **CERTIFICATION OF POSTING NOTICE**

This is to certify that the above notice of a special meeting of the City Council of the City of Port Lavaca, scheduled for **Tuesday, May 27, 2025**, beginning at 5:30 p.m., was posted at city hall, easily accessible to the public, as of 5:00 p.m. **Thursday, May 22, 2025**.

Mandy Grant, *City Secretary*

ADA NOTICE

The Port Lavaca City Hall and Council Chambers are wheelchair accessible. Access to the building is available at the primary north entrance facing Mahan Street. Special parking spaces are located in the Mahan Street parking area. In compliance with the Americans with Disabilities Act, the City of Port Lavaca will provide for reasonable accommodations for persons attending meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact City Secretary Mandy Grant at (361) 552-9793 Ext. 230 for assistance.

COMMUNICATION

SUBJECT: Review and discuss Texas Commission on Environmental Quality (TCEQ) Violation Tracking No. 823013, the status of the engineering design of the Lynn's Bayou Wastewater Treatment Plant Expansion and the \$39.15M loan commitment offer from the Texas Water Development Board for the Lynn's Bayou Wastewater Treatment Plant Expansion project. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

COUNCIL MEETING: MAY 27, 2024**AGENDA ITEM:****DATE:** 05.23.2024**TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS**FROM:** JODY WEAVER, INTERIM CITY MANAGER**SUBJECT:** REVIEW TCEQ VIOLATION TRACKING NO. 8203103, STATUS OF ENGINEERING DESIGN OF LYNN'S BAYOU WWTP EXPANSION AND THE \$39.15M TWDB LOAN COMMITMENT FOR THE WWTP EXPANSION PROJECT

BACKGROUND:

By way of review, I have attached the memo and other documentation that was provided to Council on September 16, 2024, at which time the valuation of the City's water and waster system was reviewed with RBC Capitol Markets. This September 2024 packet includes TCEQ correspondence from the Sept 2022 Notice of Violation thru Feb 2023 and a copy of the TWDB funding documentation.

To add more recent documents, please find attached the following:

- Compliance Documentation Submittal dated September 24, 2024 from AECOM to TCEQ regarding update on alleged violations.
- TCEQ Exit Interview form after the TCEQ Comprehensive Compliance Inspection on December 17, 2024. Note Violation Track 823013 (non-compliance with regard to construction of an expansion to the WWTP) remains open. (all other Alleged violations have been resolved or are being addressed.)
- Notice of Violation Letter dated February 21, 2025, which includes the history and status of Violation Track 823013. (again the other Alleged violations have been resolved or are being addressed).

As you recall last November Council approved AECOM Task Order #8 (\$1.36M) which included the Final Design, Geotech, Environmental Information Document, Permit renewal, and bidding for the Wastewater Treatment Plant Expansion project. AECOM is still on target to having 90% complete engineering plans complete by the end of June and with it a cost estimate with a lesser contingency (15%).

RECENT ACTIVITIES:

- We have made a request to the Texas Water Development Board to extend the commitment offer for the \$39.15M until May 31, 2026. We have explained that we need the extension to allow additional time to arrive at a better cost estimate and perhaps even bid the project to better determine the amount of funding actually needed as well as complete and implement a utility rate study such that a new rate structure can be in place to generate the additional revenue needed to make the bond payments. The TWDB will consider this request at their June 26 Board meeting in Austin.
- We have also submitted current discharge flow and other data to TCEQ with a request to waive the requirement to begin construction until we reach closer to the 90% capacity. (see attached letter). At best, TCEQ could approve this for the life of the current permit (which expires on August 31, 2026). Any further extension request would need to be included in the permit renewal application.
- We budgeted funds this year to conduct a utility rate study. I have asked for a proposal from NewGen Strategies and Solutions, who I met at the TML conference last year and was extremely impressed with and they also performed a rate study for Bay City recently. We are hoping to have them under contract

and able to start in July once we have the updated WWTP expansion cost estimate, with an implementation target date of early 2026.

ENGINEERING STATUS REPORT: AECOM has provided a brief status report of their work on this projects (attached) 1 sheet

TWDB LOAN COMMITMENT:

The current loan commitment from the Texas Water Development Board for this project expires on August 31, 2025 and is for \$39.15M. In order to close the loan by August 31, Council must issue a Notice of Intent at least 45 days prior to the meeting where the vote will be taken to approve issuance of the bonds. This would be done at the August 11 regular meeting in order for the closing to occur on or before August 31. The Bond Counsel will explain all this in greater detail at Tuesday's meeting.

The approval of the Notice of Intent still does not obligate the Council yet. If TWDB does in fact approve the extension, we will take no action in August and wait and do all this again probably in early 2026.

POTENTIAL CUSTOMER RATE IMPACTS:

Year 1 and 2 of TWDB Loan: Based upon preliminary estimates the required loan payment for year 1 and year 2 will be interest only payments and around \$1.407M and \$1.468M respectively. At the present time we have about 4530 customer accounts. If we simply split this equally among all customers, that would be \$26 to \$27 per month added to the sewer bill. For comparison, if we were able to use, let's say, \$250,000 of property tax, then the additional rates would be around \$21 - \$22. If we adopt a stepped structure (where those with larger meters pay a higher base rate, then the residential customer would see a it less of an impact). Still using say \$250,000 of property tax, the single family residential rate might be closer to \$17. There are many options and different scenarios that can be considered and the rate study will help us analyze each. Remember this loan will be set up such that we can use as much or as little property tax to make the payment as we want and make a different decision each year as we budget.

Year 3 and beyond: Once we get to year 3 and beyond, we will be paying on the principal and the annual payments will increase to around \$2.3M. Factoring in a small increase in customers and again say \$250,000 of property tax, the sewer rates would need to increase by another \$10-\$11 or so. This is just a very high-level estimate looking only at these loan payments. The utility rate study will be looking at the entire water and sewer departments ... water purchase, treatment, distribution, sewer collection and treatment and maintenance as well as other Capital improvements needed.

Other increases:

GBRA Fee: With the increase in FY 25-26 from 4032 AF to 4,480 AF (additional 448), we will be paying for the entire 4,480 AF and will no longer have annual increases for this but remember each year GBRA typically increases their Raw water rate that is applied to the AF figure. The GBRA Fee will be increasing in October by at least \$1.50/customer/month. The \$1.50 is if the raw water rate doesn't increase and we're just paying for the additional 448 AF, but as I said we expect the water rate will go up too, which means the increase will be greater than \$1.50.

Undine: We were able to absorb the increase from Undine last year and not increase rates. Once we get Undine's 2025-26 budget we will consider whether we can hold off on any increase until after the rate study is complete or will need to impose some increase along with the GBRA fee increase.

Staff is working on a study comparing the utility rates of the cities that we used in our salary survey.

For consideration at tonight's meeting is the following:

- Hire the Bond Counsel as needed for the bond sale

CITY OF PORT LAVACA

- Pass a resolution such that we will be able to reimburse ourselves for the engineering expenses we've incurred using loan funds.
- Approve a Notice of Intent that Council is planning to approve sale of bonds at the August 11 Council meeting.

Attachments:

- AECOM Progress Report – May 23, 2025 - 1 pg
- memo and other documentation that was provided to Council on September 16, 2024
- Compliance Documentation Submittal dated September 24, 2024 - 8pgs
- TCEQ Exit Interview form after the TCEQ Comprehensive Compliance Inspection on December 17, 2024. 2pgs
- Notice of Violation Letter dated February 21, 2025 - 8pgs.
- Request for Waiver Letter to TCEQ dated May 4, 2025

**City of Port Lavaca
Lynns Bayou Wastewater Treatment Plant Expansion
AECOM Project No. 60659778**

**PROGRESS UPDATE
May 23, 2025**

Project Overview

The existing Lynns Bayou Wastewater Plant (WWTP) is permitted for 2 MGD average daily flow. The plant is currently above 75% of the rated capacity and has exceeded 90% for a certain period. Per TCEQ guidelines, engineering design of expansion of WWTP shall commence at 75% capacity and construction at 90% capacity. It has been planned to expand the WWTP to 4 MGD. Texas Water Development board (TWDB) has made a loan commitment to support design and construction of this expansion.

AECOM's scope of services includes

- Preparation of engineering design for WWTP expansion
- Assist with TWDB loan application
- Preparation of TPDES Permit amendment documents
- Preparation of Environmental Information Document (to be submitted to TWDB)
- Provide bidding and construction phase services

Final Design – Milestones Achieved/In progress

- Final design of the WWTP expansion is in progress
- AECOM submitted 60% design for the expansion project on May 16, 2025
- Preparation of TPDES Permit amendment documents is in progress
- Preparation of Environmental Information Document is in progress

Final Design – Next Steps

- 90% design deliverable for expansion will be completed by July 18, 2025
- Construction cost estimate (90% design) will be completed by July 18, 2025
- TPDES Permit amendment documents will be submitted to TCEQ in August 2025
- Draft Environmental Information Document will be completed in August 2025

CITY OF PORT LAVACA

COUNCIL MEETING: SEPTEMBER 16, 2024**AGENDA ITEM:****DATE:** 9.11.2024**TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS**FROM:** JODY WEAVER, INTERIM CITY MANAGER**SUBJECT:** NOTICE OF VIOLATION TRACK NO 823013; 30 TAC Chapter 305.125 (1) and 305.126 (a)
PERMIT WQ0010251001

Recall, on July 26, 2022 TCEQ made an inspection of the wastewater treatment plant facility and operations which resulted in a Notice of Violation of TCEQ regulations §305.125 (1) and §305.126 (a), which are described below in this memo.

By way of a brief recap, I have attached the following documents:

- September 1, 2022: TCEQ Notice of Violation
- September 28, 2022: Corrective Action Update sent to TCEQ showing progress that AECOM had made on the WWTP Improvement project and the proposed WWTP 2MGD to 4 MGD Expansion project.
- October 14, 2022: Correspondence from TCEQ acknowledging receipt of the above information and stating documentation showing compliance was due by December 30, 2022.
- December 12, 2022: Council awards AECOM a \$494,588.00 contract for the 30% Engineering of the WWTP expansion. Staff memo and minutes of Council meeting.
- December 15, 2022: Compliance Plan Update coversheet submitted to TCEQ showing AECOM had been contracted to provide the 30% Engineering of the WWTP expansion and requesting an 18 month extension for compliance.
- February 16, 2023: Correspondence from TCEQ acknowledging receipt of the above information and providing an extension to January 5, 2024.
- Since that time we have been working with AECOM in submitting an application for a Texas Water Development Board CWSRF loan for the budgeted \$39,315,000 remaining environmental, engineering and construction funding.
- Copy of the email received on August 21, 2024 announcing the award of a commitment for financial assistance from the TWDB for a CWSRF low interest loan.
- TWDB Draft Project Funding Request documentation for Board Action on August 15, 2024
- When asked about any possibility of loan forgiveness, the TWDB stated "Funding for the City of Port Lavaca Project # 73963 was determined based on the State Fiscal Year 2024 Intended Use Plan guidelines. We have reviewed our different funding options to see if the City of Port Lavaca could be an eligible candidate for principal forgiveness. Unfortunately, the City of Port Lavaca did not meet the requirements to receive Loan Principal Forgiveness. The TWDB is able to offer a subsidized loan, below market rate".

Dusty Traylor with RBC Capital Markets, our financial advisor will be in attendance at the meeting on September 16 to review this funding option with Council.

Note: This loan can be repaid with a combination of sewer rates and property taxes. I think it is appropriate for some tax dollars to be used to pay for this plant expansion. Current owners of undeveloped land (who are not utility rate payers) will benefit from this plant expansion, because it will provide additional sewer capacity and thereby allow them to sell their property for future development. You can't have development and growth without adequate water AND sewer capacity. The only mechanism for current owners of undeveloped land to help pay is through property tax, since they are not current utility rate payers. TWDB is estimating a per customer increase of \$46/month to pay for this if we use only sewer rates. We will be contracting with a consultant soon to prepare a Rate Study of both water and sewer to consider our entire operation and cost of water and sewer in order to arrive at a recommended rate.

30 TAC Chapter 305.125 (1)

The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the permit and statutes under which it was issued and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or an application for a permit for another facility.

30 TAC Chapter 305.126 (a)

Whenever flow measurements for any sewage treatment plant facility in the state reaches 75% of the permitted average daily or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the wastewater treatment and/or collection facilities. Whenever the average daily or annual average flow reaches 90% **of the permitted average daily flow for three consecutive months, the permittee shall obtain necessary authorization from the commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a wastewater treatment facility which reaches 75% of the permitted average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee will submit an engineering report supporting this claim to the executive director. If in the judgment of the executive director the population to be served will not cause permit noncompliance, then the requirements of this section may be waived. To be effective, any waiver must be in writing and signed by the director of the enforcement division of the commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

**Note: This occurred during the time of COVID and a lot of people were at home and Formosa was underway with a plant expansion and there were a lot of contractors living here working on that project.

The plant saw 90% of the permitted flow for 18 consecutive months: November 2020 to April 2022) and we actually exceed the permitted flow in July - September 2020 and May-July of 2021.

Jon Niermann, *Chairman*
 Emily Lindley, *Commissioner*
 Bobby Janecka, *Commissioner*
 Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 1, 2022

EMAIL RECEIPT REQUESTED

The Honorable Jack Whitlow
 Mayor of Port Lavaca
 City of Port Lavaca
 202 N Virginia Street
 Port Lavaca, Texas 77979

Via Email

Re: Notice of Violation for the Comprehensive Compliance, In-House Laboratory Focused, Stormwater Reconnaissance, and Complaint Investigations at:
 City of Port Lavaca Wastewater Treatment Facilities, located at 800 North Commerce Street, Port Lavaca, (Calhoun County), Texas
 Regulated Entity No.: 101612893, TCEQ ID No.: WQ0010251001, EPA ID No.: TX0047562,
 Investigation No.: 1833031, Incident Nos. 382157 & 382271

Dear Mayor Whitlow:

On July 26, 2022, Travis Prater and Anya Stawasz of the Texas Commission on Environmental Quality (TCEQ) Corpus Christi Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for wastewater treatment. Enclosed is a summary which lists the investigation findings. During the investigation, a concern was noted which was an alleged noncompliance that has been resolved as an Area of Concern based on subsequent corrective action. In addition, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by October 3, 2022 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

This investigation was the result of a complaint. For information regarding our complaint policies and procedures, please refer to the following website:
<https://www.tceq.texas.gov/compliance/complaints>.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Corpus Christi Region Office at 361-881-6900 or the Central Office Publications Ordering Team at 512-239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with

The Honorable Jack Whitlow
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September 1, 2022

environmental regulatory requirements. Self-reported violations may be subject to enforcement, including penalties, upon review by the Enforcement Division. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the Corpus Christi Region Office within 10 days from the date of this letter. At that time, the Water Section Manager will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Prater in the Corpus Christi Region Office at 361-881-6900.

Sincerely,



Renae DiGuardi, Water Section Work Leader
Corpus Christi Region Office
Texas Commission on Environmental Quality

KRD/TP/mjc

Enclosure: Summary of Investigation Findings

cc: William W. Shaffer, Public Works Director - Via email

Summary of Investigation Findings

Item 1.

CITY OF PORT LAVACA

800 N COMMERCE ST

PORT LAVACA, CALHOUN COUNTY, TX 77979

Investigation #

1833031
Investigation Date: 07/26/2022

Additional ID(s): TXR05EZ47
TX0047562
WQ0010251001

OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 823008 Compliance Due Date: 10/03/2022

30 TAC Chapter 305.125(1)

30 TAC Chapter 319.6

30 TAC Chapter 319.9(d)

PERMIT WQ0010251001, Monitoring Requirements No. 2.a, Pg. 5

Monitoring Requirements No. 2.a, Pg. 5

Measurements, tests and calculations shall be accurately accomplished in a representative manner.

EPA ID TX0047562, Monitoring Requirements No. 2.a, Pg. 5

Alleged Violation:

Investigation: 1833031

Comment Date: 09/01/2022

Failed to assure the quality of all measurements through the use of blanks, standards, duplicate analyses, and spikes.

An investigation conducted on July 26, 2022 documented that the facility was not performing a duplicate analysis for dissolved oxygen measurements. Specifically, the facility was measuring the dissolved oxygen twice per week without performing a duplicate.

Recommended Corrective Action: The permittee shall assure the quality of all measurements through the use of blanks, standards, duplicate analyses, and spikes. Specifically, a duplicate shall be performed on a 10% basis each day that dissolved oxygen samples are analyzed. If one to 10 samples are analyzed on a particular day, then one duplicate shall be performed for the dissolved oxygen.

Track No: 823013 Compliance Due Date: 10/03/2022

30 TAC Chapter 305.125(1)

30 TAC Chapter 305.126(a)

PERMIT WQ0010251001, Operational Requirements No. 8.a., Pg. 14

Whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities.

EPA ID TX0047562, Operational Requirement No. 8.a., Pg. 14

Alleged Violation:

Investigation: 1833031

Comment Date: 09/01/2022

Failed to obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months.

An investigation conducted on July 26, 2022 documented the facility has reached 90% of the permitted annual average flow of 2.0 million gallons per day (MGD) for 18 consecutive months (November 2020 to April 2022) and the permitted daily average flow of 2.0 MGD was exceeded in July 2020, August 2020, September 2020, May 2021, June 2021, and July 2021. Additionally, the permittee has not amended their permit and commenced construction of additional treatment and/or collection facilities.

Recommended Corrective Action: The permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Track No: 823020 Compliance Due Date: 10/03/2022

30 TAC Chapter 305.125(5)

PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13

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

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on July 26, 2022 documented that the Main, Bay Street, North Ann, and Loop 1090 lift stations were not properly maintained. Specifically, the surface areas of the wet wells were 95 to 100 percent caked with solids, grease and debris.

Recommended Corrective Action: The permittee shall ensure all lift stations are properly operated and maintained. Specifically, the floating sludge, grease and debris must be removed periodically from the lift station wet wells to prevent an excessive accumulation to allow for the proper operational function of the pumps. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Track No: 823025 Compliance Due Date: 10/03/2022

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.4(g)(4)(A)

PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control.

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control.

An investigation conducted on July 26, 2022 determined that the facility was not properly operated and maintained in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Specifically, the process control tests performed during the investigation documented the dissolved oxygen in the three-stage aeration basin No. 3 (re-aeration) was measured at 0.5 mg/L which was below the recommended level of 2.0 mg/L; and the 30 minute settleable solids concentration (SV30) in the aeration basin was 98% greater than the recommended range of 10 to 50 percent. The sludge blanket in both Clarifiers Nos. 1 and 2 was 9 feet in a 14-foot water depth (64.3%), which was greater than the recommended maximum sludge/water ratio of 25% sludge depth.

Recommended Corrective Action: The permittee shall ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained and perform the necessary process control tests to effectively operate the wastewater treatment

plant to maintain an appropriate quantity and quality of solids inventory. Additionally, the aeration basins shall be operated to prevent excess sludge and maintain a minimum dissolved oxygen concentration of 2.0 mg/liter throughout the basin at the maximum diurnal organic loading rate and to provide thorough mixing of the mixed liquor. The minimum air volume requirements may be reduced with appropriate supporting performance evaluations from the manufacturer. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Track No: 823026 Compliance Due Date: 10/03/2022

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.4(d)(2)

30 TAC Chapter 317.4(d)(3)

PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13

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

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on July 26, 2022 determined that the facility was not properly operating and maintaining the clarifiers (No. 1 and No. 2). Specifically, the investigators documented uneven flow over both clarifier weirs. Additionally, there was excessive scum and debris floating on the surface of clarifier No. 1.

Recommended Corrective Action: The permittee shall level the weirs in both clarifiers to prevent short circuiting flow through the clarifiers and the excess scum be collected and properly disposed of. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

Track No: 823028 Compliance Due Date: 10/03/2022

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.4(b)(1)

30 TAC Chapter 317.4(b)(2)

PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13

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

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on July 26, 2022 determined that the mechanical bar screen and the grit auger were inoperative. Specifically, the facility stated that the grit auger has been inoperable for one year and the mechanical bar screen broke the week prior to this investigation. Additionally, the facility does not have any odor control facilities.

Recommended Corrective Action: The permittee shall ensure the mechanical bar screen and the grit auger are operational. Additionally, odor control measures shall be implemented to prevent the wastewater treatment plant from becoming a nuisance. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

Track No: 823032 Compliance Due Date: 10/03/2022

30 TAC Chapter 217.33(a)

30 TAC Chapter 305.125(1)

PERMIT WQ0010251001, Monitoring Requirements No.5, Pg. 6

All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results.

EPA ID TX0047562, Monitoring Requirements No.5, Pg. 6**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually.

An investigation conducted on July 26, 2022 documented that the automatic flow meter for Outfall 001 was not being calibrated annually by a trained person. Specifically, the Milltronics Hydromanager electronic flowmeter was last calibrated on February 27, 2020 by Mercer Controls.

Recommended Corrective Action: The permittee shall ensure that the automatic flow measuring device is accurately calibrated by a trained person not less often than annually. Such person shall verify in writing that the device is operating properly and giving accurate results. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

Track No: 823034 Compliance Due Date: 10/03/2022**30 TAC Chapter 305.125(1)****30 TAC Chapter 319.7(a)****30 TAC Chapter 319.7(c)****PERMIT WQ0010251001, Monitoring Requirements No. 3.c., Pg. 6**

Records of monitoring activities shall include the following:

- i. date, time and place of sample or measurement;
- ii. identity of individual who collected the sample or made the measurement.
- iii. date and time of analysis;
- iv. identity of the individual and laboratory who performed the analysis;
- v. the technique or method of analysis; and
- vi. the results of the analysis or measurement and quality assurance/quality control records.

EPA ID TX0047562, Monitoring Requirements No. 3.c., Pg. 6**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to maintain records of the monitoring activities required by the permit.

An investigation conducted on July 26, 2022 documented that the operators were not recording the effluent sample collection time for pH and dissolved oxygen (DO). Specifically, the operators were only recording the time of sample analysis.

Recommended Corrective Action: The permittee shall maintain records of all monitoring activities to include at a minimum the date, time, and place of sample or measurement; identity of individual who collected the sample or made the measurement; date and time of analysis; identity of the individual who performed the analysis; the technique or method of analysis; and the results of the analysis or measurement and quality assurance/quality control records. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Track No: 823036 Compliance Due Date: 10/03/2022**30 TAC Chapter 305.125(1)**

PERMIT WQ0010251001, Other Requirements No. 7, Pg. 34

Violations of daily maximum limitations for the Total Copper and Total Zinc pollutants shall be reported orally or by facsimile to TCEQ Region 14 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224).

EPA ID TX0047562, Other Requirements No. 7, Pg. 34**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to report violations of daily maximum limitations for the Total Copper and Total Zinc pollutants orally or by facsimile to TCEQ Region 14 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224).

An investigation conducted on July 26, 2022 documented that the violations of daily maximum limitations for the Total Copper and Total Zinc pollutants were not reported orally or by facsimile to TCEQ Region 14 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224). Specifically, the Total Copper and Total Zinc daily max exceeded the permitted limit on three occasions (three Total Copper daily maximum - February and April 2022; and one Total Zinc daily maximum - February 2022).

Recommended Corrective Action: The permittee shall report violations of daily maximum limitations for the Total Copper and Total Zinc pollutants orally or by facsimile to TCEQ Region 14 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224). To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Track No: 823038

Compliance Due Date: 10/03/2022

30 TAC Chapter 305.125(1)**PERMIT WQ0010251001, Other Requirements No. 8, Pg. 35**

Within 3 months after the first exceedance of the daily average zinc limit or daily max zinc limit, the City of Port Lavaca shall submit to the TCEQ Stormwater & Pretreatment Team (MC-148) a Zinc Reduction Plan ("Plan") for review and approval. The goal of such Plan is to identify the sources(s) of zinc, require best management practices and/or other controls to reduce the zinc loadings to the Lynn Bayou WWTF to a zinc maximum allowable headworks concentration of 208 µg/L per day.

EPA ID TX0047562, Other Requirements No. 8, Pg. 35**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to obtain approval for the Zinc Reduction Plan.

An investigation conducted on July 26, 2022 documented the Zinc Reduction Plan was not approved by the TCEQ Stormwater & Pretreatment Team. Specifically, a letter to address the Zinc reduction plan was submitted on March 29, 2019 to the TCEQ Standards Implementation Team and not the TCEQ Stormwater & Pretreatment Team. Additionally, the permit required the applicant to submit a study plan to identify the source of zinc coming into their waste collection system. The letter stated that they have no industrial contributors and that they may not be able to identify the source of the zinc; therefore, the plan was to determine the dissolved fraction of zinc that would be bioavailable to aquatic organisms in the receiving waters. Furthermore, the daily maximum for total zinc was 1030.0 µg/L in February 2022.

Recommended Corrective Action: The permittee shall obtain approval from the TCEQ Stormwater & Pretreatment Team (MC-148) for the Zinc Reduction Plan. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

**ALLEGED VIOLATION(S) NOTED AND RESOLVED
ASSOCIATED TO A NOTICE OF VIOLATION****Track No:** 823029**30 TAC Chapter 305.125(1)****30 TAC Chapter 305.125(7)****30 TAC Chapter 305.126(b)****PERMIT WQ0010251001, Operational Requirements No. 8b, Pg. 14**

The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.

EPA ID TX0047562, Operational Requirements No. 8b, Pg. 14**Alleged Violation:****Investigation:** 1833031**Comment Date:** 08/26/2022

Failed to submit a summary transmittal letter for the Lynn Haven lift station.

An investigation conducted on July 26, 2022 documented that the permittee did not submit a summary transmittal letter for the Lynn Haven lift station. Specifically, the construction of the new Lynn Haven lift station began in January 2022 and was completed in August 2022.

Resolution: On July 26, 2022, the permittee submitted the plans and specification for the Lynn Haven lift station. The plans were reviewed and approved on August 25, 2022 (Log No. 0722/114).

Track No: 823030**2D TWC Chapter 26.121(a)(1)****30 TAC Chapter 305.125(1)****PERMIT WQ0010251001, Permit Conditions No. 2g, Pg. 9**

There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.

EPA ID TX0047562, Permit Conditions No. 2g, Pg. 9**Alleged Violation:****Investigation:** 1833031**Comment Date:** 08/26/2022

Failed to prevent an unauthorized discharge of wastewater or any other waste.

An investigation conducted on July 26, 2022 documented a potential unauthorized discharge from the permittee's collection system. Specifically, sewage odors were detected behind the Loop 1090 lift station near the harbor of refuge drainage ditch along with a small sink hole which indicated a potential wastewater line break. The permittee confirmed the unauthorized discharge on July 28, 2022 due to a cracked force main located 300 feet west of the Loop 1090 lift station. An estimated 5000 to 8,000 gallons was discharged into the harbor of refuge drainage ditch. The line was repaired on July 29, 2022. The area around the break was cleaned and the contaminated water from the ditch (west of FM 1090 culvert) was removed.

Resolution: The permittee provided the required notifications along with documentation which adequately addressed the discharge.

AREA OF CONCERN**Track No:** 823035**30 TAC Chapter 305.125(1)****30 TAC Chapter 319.7(d)**

PERMIT WQ0010251001, Reporting Requirement No. 1, Pg. 5

Unless otherwise specified, a monthly effluent report shall be submitted each month, to the Enforcement Division, by the 20th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month.

EPA ID TX0047562, Reporting Requirement No. 1, Pg. 5

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to submit the monthly effluent reports by the 20th day of the following month.

An investigation conducted on July 26, 2022 documented that the Discharge Monitoring Report (DMR) was submitted after the 20th day of the following month for December 2021. Specifically, the DMR was submitted on January 21, 2022. In the previous twelve-months reviewed, this was the only late DMR.

Resolution: The facility submitted the January to June 2022 DMRs by the 20th day of the following month.

ADDITIONAL ISSUES**Description**

Was the permittee compliant with the self-monitored effluent limits?

Additional Comments

The permittee reported the following number of effluent permit exceedances at Outfall 001 during the period of July 2021 to June 2022: BOD lb/day (daily average) – 1; BOD mg/L (daily maximum) – 1; TSS lb/day (daily average) – 1; TSS mg/L (daily average) – 2; TSS mg/L (daily maximum) – 2; Total Copper lb/day (daily average) – 3; Total Copper µg /L (daily average) – 3; Total Copper µg /L (daily maximum) – 2; Total Zinc lb/day (daily average) – 2; Total Zinc µg/L (daily average) – 1; Total Zinc µg/L (daily maximum) – 1; Enterococci CFU/100 mL (daily maximum) – 10; and Enterococci CFU/100 mL (daily average) – 5. Self-reported effluent violations may be subject to formal enforcement, including penalties, upon review by the Enforcement Division.

Item one:

During the investigation conducted on July 26, 2022, the investigators documented the permittee did not submit a noncompliance notification to the TCEQ Regional Office for the exceedances that deviated from the permitted effluent limitation by more than 40%. Specifically, the following parameters exceeded the permitted effluent limits by more than 40%: one BOD daily Max (2/22); two TSS daily max (7/21 & 2/22); and eight Enterococci daily max (between 7/21-4/22). These violations are being addressed under Agreed Order, Docket No. 2017-0415-MWD-E; Enforcement Case No. 54191 (VTN: 632986).

Sent to TCEQ 9.28.22

Item 1.

Exhibit B

Track # - 823013

Failed to obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months.



AECOM
19219 Katy Freeway, Suite 100
Houston, TX 77094
aecom.com

September 13, 2022

Wayne W. Shaffer
Director of Public Works
City of Port Lavaca
628 W George St.
Port Lavaca, Texas 77979

**RE: City of Port Lavaca – Water Systems Planning and Lynn's Bayou Wastewater Treatment Plant Expansion
Lynn's Bayou Wastewater Treatment Plant Improvements and Expansion Projects – Progress Update
AECOM Project No. 60659778**

Mr. Shaffer:

I am writing this letter to provide an update on the progress of the following two projects

1. Lynn's Bayou Wastewater Treatment Plant Improvements

- o Civil, Mechanical and Structural design of this project is about 95% complete.
- o Electrical design of the project is about 90% complete. AECOM is currently coordinating with the local power company to size the transformer required for the project and establish scope of their services.
- o The final design package for the project will be submitted to the City upon completion of a quality control review.
- o Anticipated schedule for the project is as below
 - Final Design Completion: 10/07/22
 - Bid Opening: 11/16/22
 - Award of Construction Contract: 1/18/23
 - Construction Completion: 10/18/23

2. Lynn's Bayou Wastewater Treatment Plant 2 MGD to 4 MGD Expansion

- o AECOM is currently working on the proposal to provide Final Design Services.
- o The proposal will be submitted to the City no later than the end of September 2022.
- o Anticipated preliminary schedule for the project is as below
 - NTP for Final Design: 12/16/22
 - Final Design Completion: 3/16/24
 - Bid Opening: 5/16/24
 - Award of Construction Contract: 7/16/24
 - Construction Completion: 7/16/26



AECOM appreciates the opportunity to be of service to the City of Port Lavaca. Please call me at (281) 675-7668, if you have any questions.

Yours sincerely,

A handwritten signature in black ink, appearing to read "V. Manoharan". The signature is stylized with a large "V" and a long horizontal stroke.

Vinoth Manoharan, P.E.
Project Manager
AECOM

Jon Niermann, *Chairman*
 Emily Lindley, *Commissioner*
 Bobby Janecka, *Commissioner*
 Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 14, 2022

EMAIL RECEIPT REQUESTED

The Honorable Jack Whitlow
 Mayor of Port Lavaca
 City of Port Lavaca
 202 N Virginia Street
 Port Lavaca, Texas 77979

Via Email

Re: Acceptance of Compliance Plan for: City of Port Lavaca Wastewater Treatment Facilities, located at 800 North Commerce Street, Port Lavaca, (Calhoun County), Texas
 Regulated Entity No.: 101612893, TCEQ ID No.: WQ0010251001, Investigation No.: 1852188

Dear Mayor Whitlow:

The Texas Commission on Environmental Quality (TCEQ) Corpus Christi Region Office has completed a review of the compliance plan and additional information that was submitted on September 28 and October 6, 2022 for resolving the alleged violations dealing with the plant expansion, clarifier maintenance, improvements project at the headworks, and the zinc reduction plan (Track Nos. 823013, 823026, 823028 and 823038, respectively). These alleged violations were noted during the investigation of the above-referenced facility conducted on July 26, 2022. The compliance plan appears to identify necessary corrective action for the alleged violations. We will monitor your progress in implementing the corrective actions. You should submit to our office by December 30, 2022 the required documentation demonstrating that the alleged violations have been resolved. Please be advised, though, that if we determine during follow-up monitoring that you are not working towards compliance or the problem has escalated, further enforcement action will be considered. In addition, we have received acceptable compliance documentation from you for the alleged violations, Track Nos. 823008, 823020, 823025, 823032, 823034, and 823036.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and anticipates that you will resolve the alleged violations as required in order to protect the State's environment. If you or members of your staff have any questions, please feel free to contact Mr. Travis Prater in the Corpus Christi Region Office at (361) 881-6900.

Sincerely,

Renae DiGuardi
 Water Section Work Leader
 Corpus Christi Region Office

KRD/TLP/mjc

Enclosure: Summary of Investigation Findings

cc: William W. Shaffer, Public Works Director - Via email

Summary of Investigation Findings

Item 1.

CITY OF PORT LAVACA

800 N COMMERCE ST

PORT LAVACA, CALHOUN COUNTY, TX 77979

Investigation #

1852188
Investigation Date: 10/13/2022

Additional ID(s): TX0047562
WQ0010251001

OUTSTANDING ALLEGED VIOLATION(S)

Track No: 823013 Compliance Due Date: 12/30/2022

30 TAC Chapter 305.125(1)

30 TAC Chapter 305.126(a)

PERMIT WQ0010251001, Operational Requirements No. 8a., Pg. 14

Whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities.

EPA ID TX0047562, Operational Requirement No. 8.a., Pg. 14

Alleged Violation:

Investigation: 1833031

Comment Date: 09/01/2022

Failed to obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months.

An investigation conducted on July 26, 2022 documented the facility has reached 90% of the permitted annual average flow of 2.0 million gallons per day (MGD) for 18 consecutive months (November 2020 to April 2022) and the permitted daily average flow of 2.0 MGD was exceeded in July 2020, August 2020, September 2020, May 2021, June 2021, and July 2021. Additionally, the permittee has not amended their permit and commenced construction of additional treatment and/or collection facilities.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on September 28, 2022 was reviewed. Specifically, the facility submitted documentation which included a progress update on the City of Port Lavaca -Lynn's Bayou Wastewater Treatment Plant improvements and expansion projects. The City has contracted with AECOM to design the project which will include the expansion of the 2.0 million gallons per day (MGD) treatment facility to a 4.0 MGD facility.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to complete and submit the designs for the expansion to TCEQ Plans and Specification Review, Water Quality Division MC - 148. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Recommended Corrective Action: The permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Track No: 823026 Compliance Due Date: 12/30/2022

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.4(d)(2)

30 TAC Chapter 317.4(d)(3)

PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13

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

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on July 26, 2022 determined that the facility was not properly operating and maintaining the clarifiers (No. 1 and No. 2). Specifically, the investigators documented uneven flow over both clarifier weirs. Additionally, there was excessive scum and debris floating on the surface of clarifier No. 1.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on October 6, 2022 was reviewed. Specifically, the facility submitted documentation which included a quote from RC&ED to clean and level weirs in both clarifiers.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to clean and level weirs in both clarifiers. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Recommended Corrective Action: The permittee shall level the weirs in both clarifiers to prevent short circuiting flow through the clarifiers and the excess scum be collected and properly disposed of. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

Track No: 823028 Compliance Due Date: 12/30/2022**30 TAC Chapter 305.125(5)****30 TAC Chapter 317.4(b)(1)****30 TAC Chapter 317.4(b)(2)****PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13**

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

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on July 26, 2022 determined that the mechanical bar screen and the grit auger were inoperative. Specifically, the facility stated that the grit auger has been inoperable for one year and the mechanical bar screen broke the week prior to this investigation. Additionally, the facility does not have any odor control facilities.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on September 28, 2022 was reviewed. Specifically, the facility submitted documentation which included a progress update on the City of Port Lavaca -Lynn's Bayou Wastewater Treatment Plant improvements and expansion projects. The City has contracted with AECOM to design the project which will include the improvements to the current treatment facility.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to complete and submit the designs for the improvements to TCEQ Plans and Specification Review, Water Quality Division MC - 148. A compliance plan acceptance letter was sent to the facility with a new compliance due date of

December 30, 2022.

Recommended Corrective Action: The permittee shall ensure the mechanical bar screen and the grit auger are operational. Additionally, odor control measures shall be implemented to prevent the wastewater treatment plant from becoming a nuisance. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

Track No: 823038 Compliance Due Date: 12/30/2022

30 TAC Chapter 305.125(1)

PERMIT WQ0010251001, Other Requirements No. 8, Pg. 35

Within 3 months after the first exceedance of the daily average zinc limit or daily max zinc limit, the City of Port Lavaca shall submit to the TCEQ Stormwater & Pretreatment Team (MC-148) a Zinc Reduction Plan ("Plan") for review and approval. The goal of such Plan is to identify the source(s) of zinc, require best management practices and/or other controls to reduce the zinc loadings to the Lynn Bayou WWTF to a zinc maximum allowable headworks concentration of 208 µg/L per day.

EPA ID TX0047562, Other Requirements No. 8, Pg. 35

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to obtain approval for the Zinc Reduction Plan.

An investigation conducted on July 26, 2022 documented the Zinc Reduction Plan was not approved by the TCEQ Stormwater & Pretreatment Team. Specifically, a letter to address the Zinc reduction plan was submitted on March 29, 2019 to the TCEQ Standards Implementation Team and not the TCEQ Stormwater & Pretreatment Team. Additionally, the permit required the applicant to submit a study plan to identify the source of zinc coming into their waste collection system. The letter stated that they have no industrial contributors and that they may not be able to identify the source of the zinc; therefore, the plan was to determine the dissolved fraction of zinc that would be bioavailable to aquatic organisms in the receiving waters. Furthermore, the daily maximum for total zinc was 1030.0 µg/L in February 2022.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on September 28, 2022 was reviewed. Specifically, the facility retained Plummer Associates, Inc. to review the existing zinc database and the review identified an uncharacteristically high fraction of dissolved zinc as compared to total zinc. Plummer Associates is determining the next steps possible

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to obtain approval from the TCEQ Stormwater & Pretreatment Team (MC-148) for the Zinc Reduction Plan. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Recommended Corrective Action: The permittee shall obtain approval from the TCEQ Stormwater & Pretreatment Team (MC-148) for the Zinc Reduction Plan. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 823008

30 TAC Chapter 305.125(1)

30 TAC Chapter 319.6

30 TAC Chapter 319.9(d)

PERMIT WQ0010251001, Monitoring Requirements No. 2.a, Pg. 5

Monitoring Requirements No. 2.a, Pg. 5

Measurements, tests and calculations shall be accurately accomplished in a representative manner.

EPA ID TX0047562, Monitoring Requirements No. 2.a, Pg. 5**Alleged Violation:**

Investigation: 1833031

Comment Date: 09/01/2022

Failed to assure the quality of all measurements through the use of blanks, standards, duplicate analyses, and spikes.

An investigation conducted on July 26, 2022 documented that the facility was not performing a duplicate analysis for dissolved oxygen measurements. Specifically, the facility was measuring the dissolved oxygen twice per week without performing a duplicate.

Investigation: 1852188

Comment Date: 10/13/2022

A file record review was conducted to evaluate the compliance documentation submitted for this alleged violation.

Recommended Corrective Action: The permittee shall assure the quality of all measurements through the use of blanks, standards, duplicate analyses, and spikes. Specifically, a duplicate shall be performed on a 10% basis each day that dissolved oxygen samples are analyzed. If one to 10 samples are analyzed on a particular day, then one duplicate shall be performed for the dissolved oxygen.

Resolution: On September 28, 2022, the facility submitted copies of the daily operation records. Specifically, the facility began performing a duplicate analysis for dissolved oxygen on July 28, 2022.

Track No: 823020**30 TAC Chapter 305.125(5)****PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13**

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

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on July 26, 2022 documented that the Main, Bay Street, North Ann, and Loop 1090 lift stations were not properly maintained. Specifically, the surface areas of the wet wells were 95 to 100 percent caked with solids, grease and debris.

Investigation: 1852188

Comment Date: 10/13/2022

A file record review was conducted to evaluate the compliance documentation submitted for this alleged violation.

Recommended Corrective Action: The permittee shall ensure all lift stations are properly operated and maintained. Specifically, the floating sludge, grease and debris must be removed periodically from the lift station wet wells to prevent an excessive accumulation to allow for the proper operational function of the pumps. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Resolution: On September 28 and October 6, 2022, the facility submitted photographs of each wet well. Specifically, the wet wells for the Main, Bay Street, North Ann, and Loop 1090 lift stations were cleaned and free of solids, grease, and debris.

Track No: 823025**30 TAC Chapter 305.125(5)****30 TAC Chapter 317.4(g)(4)(A)**

PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control.

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control.

An investigation conducted on July 26, 2022 determined that the facility was not properly operated and maintained in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Specifically, the process control tests performed during the investigation documented the dissolved oxygen in the three-stage aeration basin No. 3 (re-aeration) was measured at 0.5 mg/L which was below the recommended level of 2.0 mg/L; and the 30 minute settleable solids concentration (SV30) in the aeration basin was 98% greater than the recommended range of 10 to 50 percent. The sludge blanket in both Clarifiers Nos. 1 and 2 was 9 feet in a 14-foot water depth (64.3%), which was greater than the recommended maximum sludge/water ratio of 25% sludge depth.

Investigation: 1852188

Comment Date: 10/13/2022

A file record review was conducted to evaluate the compliance documentation submitted for this alleged violation.

Recommended Corrective Action: The permittee shall ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained and perform the necessary process control tests to effectively operate the wastewater treatment plant to maintain an appropriate quantity and quality of solids inventory. Additionally, the aeration basins shall be operated to prevent excess sludge and maintain a minimum dissolved oxygen concentration of 2.0 mg/liter throughout the basin at the maximum diurnal organic loading rate and to provide thorough mixing of the mixed liquor. The minimum air volume requirements may be reduced with appropriate supporting performance evaluations from the manufacturer. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Resolution: On September 28, 2022, the facility submitted copies of the process control records from July 28 to September 9, 2022. The process control tests performed by the facility during this period showed a significant improvement in the operations. Specifically in September 2022, the DO was consistently above 2.0 mg/l in aeration basin No. 3 with an average SV30 of 67% and the sludge blanket in both Clarifiers was measured between 2.3 feet (16%) and 4.6 feet (32%).

Track No: 823032**30 TAC Chapter 217.33(a)****30 TAC Chapter 305.125(1)****PERMIT WQ0010251001, Monitoring Requirements No.5, Pg. 6**

All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results.

EPA ID TX0047562, Monitoring Requirements No.5, Pg. 6**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually.

An investigation conducted on July 26, 2022 documented that the automatic flow meter for Outfall 001 was not being calibrated annually by a trained person. Specifically, the Milltronics Hydromer electronic flowmeter was last calibrated on February 27, 2020 by Mercer Controls.

Investigation: 1852188

Comment Date: 10/13/2022

A file record review was conducted to evaluate the compliance documentation submitted for this alleged violation.

Recommended Corrective Action: The permittee shall ensure that the automatic flow measuring device is accurately calibrated by a trained person not less often than annually. Such person shall verify in writing that the device is operating properly and giving accurate results. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

Resolution: On September 28, 2022, the facility submitted a copy of the flow meter calibration certification. Specifically, the Milltronics Hydromer electronic flowmeter was calibrated on July 27, 2022 by Mercer Controls, Inc.

Track No: 823034

30 TAC Chapter 305.125(1)

30 TAC Chapter 319.7(a)

30 TAC Chapter 319.7(c)

PERMIT WQ0010251001, Monitoring Requirements No. 3.c., Pg. 6

Records of monitoring activities shall include the following:

- i. date, time and place of sample or measurement;
- ii. identity of individual who collected the sample or made the measurement.
- iii. date and time of analysis;
- iv. identity of the individual and laboratory who performed the analysis;
- v. the technique or method of analysis; and
- vi. the results of the analysis or measurement and quality assurance/quality control records.

EPA ID TX0047562, Monitoring Requirements No. 3.c., Pg. 6**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to maintain records of the monitoring activities required by the permit.

An investigation conducted on July 26, 2022 documented that the operators were not recording the effluent sample collection time for pH and dissolved oxygen (DO). Specifically, the operators were only recording the time of sample analysis.

Investigation: 1852188

Comment Date: 10/13/2022

A file record review was conducted to evaluate the compliance documentation submitted for this alleged violation.

Recommended Corrective Action: The permittee shall maintain records of all monitoring activities to include at a minimum the date, time, and place of sample or measurement; identity of individual who collected the sample or made the measurement; date and time of analysis; identity of the individual who performed the analysis; the technique or method of analysis; and the results of the analysis or measurement and quality assurance/quality control records. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Resolution: On September 28, 2022, the facility submitted a copy of the daily operational records and field measurement logs which now include both the sample collection and sample analysis times for pH and DO.

Track No: 823036

30 TAC Chapter 305.125(1)**PERMIT WQ0010251001, Other Requirements No. 7, Pg. 34**

Violations of daily maximum limitations for the Total Copper and Total Zinc pollutants shall be reported orally or by facsimile to TCEQ Region 14 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224).

EPA ID TX0047562, Other Requirements No. 7, Pg. 34**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to report violations of daily maximum limitations for the Total Copper and Total Zinc pollutants orally or by facsimile to TCEQ Region 14 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224).

An investigation conducted on July 26, 2022 documented that the violations of daily maximum limitations for the Total Copper and Total Zinc pollutants were not reported orally or by facsimile to TCEQ Region 14 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224). Specifically, the Total Copper and Total Zinc daily max exceeded the permitted limit on three occasions (three Total Copper daily maximum - February and April 2022; and one Total Zinc daily maximum - February 2022).

Investigation: 1852188

Comment Date: 10/13/2022

A file record review was conducted to evaluate the compliance documentation submitted for this alleged violation.

Recommended Corrective Action: The permittee shall report violations of daily maximum limitations for the Total Copper and Total Zinc pollutants orally or by facsimile to TCEQ Region 14 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224). To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Resolution: On September 28, 2022, the facility submitted a copy of the noncompliance notification form and the standard operating procedures (SOP) for monitoring and reporting requirements. Specifically, the SOP states all violations of daily maximum limitations for the Total Copper and Total Zinc pollutants must be submitted orally or by facsimile to TCEQ Region 14 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224).

CITY OF PORT LAVACA

COUNCIL MEETING: DECEMBER 12, 2022**AGENDA ITEM** **DATE:** 12.07.2022**TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS**FROM:** JODY WEAVER, INTERIM CITY MANAGER**SUBJECT:** AECOM Task Order No. 5

BACKGROUND:

The City's wastewater treatment plant (WWTP) has exceeded 75% capacity for 3 or more consecutive months and TCEQ has mandated that engineering design must begin to expand the WWTP capacity. Our initial step down this road was to perform some needed improvements to the plant which were identified in the study performed by AECOM a year ago. That project is currently in the bid phase and is scheduled to bid on December 14. We must now take the next step to begin the engineering for the construction of the WWTP plant expansion, which will provide additional capacity.

AECOM has submitted a proposal for a Task Order No. 5 which includes design work up to 30% complete and assistance as needed to apply for a Texas Water Development Loan for funding for the project if that is the direction we want to go. The total engineering fee for this scope is \$494,588.00.

FINANCIAL IMPACT:

The finance committee has reviewed the financial impact for this contract and has agreed that the Public Utility Fund will borrow funds from the General Fund that will be paid back at a later date.

RECOMMENDATION: It is staff's recommendation to award to AECOM Task Order No. 5 to AECOM's Master Engineering Services Agreement, dated May 10, 2022 in the amount of \$494,588 to include Basic Services 1, 2 and 3 as outlined in the proposal dated 10/21/2022.

ATTACHMENTS:

- AECOM Task Order NO. 5

Port Lavaca, TX

CITY COUNCIL REGULAR MEETING

December 12, 2022

Voting Nay:
Councilman District 5 Ward

6. **Consider award of Buyboard Contract No. 581-19 to Brown and Root for the City of Port Lavaca Animal Shelter. Presenter is Jody Weaver**

Interim City Manager Weaver reminded Council that in November, staff was considering a Job Order Contract with Brown & Root to renovate and make various required improvements to the Animal Shelter. The cost for the proposed scope of work was \$440,142.00.

Taking into account discussions during the Council meeting, staff asked Brown & Root to revisit the project design and remove the roll up doors in the CMU walls and install louvers in their place. With this design, the CMU block is reduced from 12" to 8" and all the new steel work needed to bird proof the building is removed since the building would now be fully enclosed. The revised cost is \$306,672.00.

The State did come inspect the shelter a couple weeks ago and held off on taking any action against the shelter since this project was projected to begin after the first of the year. Staff is to notify the inspector once the work begins so he can come inspect and verify that the work is in fact underway.

Staff has budgeted \$250,197.00, so \$56,475 is needed from General Fund Reserves. It is staff's recommendation to award Buy Board Contract #581-19 to Brown & Root for the Base Bid amount of \$306,672.00.

Motion made by Councilman District 5 Ward

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

THAT, in accordance with the recommendation of staff, Council hereby awards Buy Board Contract #581-19 to Brown & Root, for the City of Port Lavaca Animal Shelter Renovation Project, for the Base Bid amount of \$306,672.00 a copy which is on file in the Office of the City Secretary, in its entirety.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute all instruments necessary to effect such agreement.

Seconded by Councilman District 3 Tippit

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

7. **Consider approval of AECOM Task Order No. 5 for the following Scope of Work: City of Port Lavaca Lynn's Bayou Wastewater Treatment Plant Expansion; Basic Services Items 1, 2, 3, in the total amount of \$494,588.00; authorize Budget Amendment for loan to Public Utility Fund from General Fund in the same amount and authorize a Notice to Proceed on December 13, 2022. Presenter is Wayne Shaffer**

Public Works Director Shaffer advised Council that the City's Wastewater Treatment Plant (WWTP) has exceeded 75% capacity for 3 or more consecutive months and Texas Commission on Environmental Quality (TCEQ) has mandated that engineering design must begin to expand the WWTP capacity. The initial step down this road was to perform some needed improvements to the plant which were identified in the study performed by AECOM a year ago. That project is currently in the bid phase and is scheduled to bid on December 14, 2022. Staff must now take the next step to begin the engineering for the construction of the WWTP Plant Expansion, which will provide additional capacity.

AECOM has submitted a proposal for a Task Order No. 5 which includes design work up to 30% complete and assistance as needed to apply for a Texas Water Development Loan for funding for the project if that is the direction we want to go. The total engineering fee for this scope is \$494,588.00.

The Finance Committee has reviewed the financial impact for this contract and has agreed that the Public Utility Fund will borrow funds from the General Fund that will be paid back at a later date. It is staff's recommendation to award to AECOM Task Order No. 5 to AECOM's Master Engineering Services Agreement, dated May 10, 2022 in the amount of \$494,588 to include Basic Services 1, 2 and 3 as outlined in the proposal dated 10/21/2022.

Motion made by Councilman District 6 Barr

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

THAT, in accordance with recommendation of staff, Council hereby approves AECOM Task Order No. 5 for the following Scope of Work: City of Port Lavaca Lynn's Bayou Wastewater Treatment Plant Expansion; Basic Services Items 1, 2, 3, in the total amount of \$494,588.00; and also authorizes a Notice to Proceed on December 13, 2022.

BE IT FURTHER RESOLVED, that a Budget Amendment for a loan to the Public Utility Fund from the General Fund, in the amount of \$494,588.00, is hereby authorized.

BE IT ALSO RESOLVED, that the Mayor is hereby authorized to execute all instruments necessary to effect such agreement.

Seconded by Councilman District 5 Ward

Voting Yea:

Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

8. **Consider approval of AECOM Task Order No. 6 for Bid and Construction Phase Services for the Lynn's Bayou Wastewater Treatment Plant Improvement project, in the amount of \$127,317.00. Presenter is Wayne Shaffer**

Interim City Manager Weaver advised Council that AECOM Task Order No. 4, approved on May 10, 2021, covered the design and preparation of the Bid Package.



CITY OF
PORT LAVACA

202 N. Virginia, Port Lavaca, Texas 77979-0105 www.portlavaca.org
Main Number: 361-552-9793 Main Facsimile: 361-552-6062

Item 1.

City Manager
Ext. 222

City Secretary
Ext. 230

Code Enforcement
Ext. 229

Finance
Ext. 234

Inspections/Permits
Ext. 229

Municipal Court
Ext. 226

Personnel
Ext. 224

Utility Billing
Ext. 238

Animal Control
361-552-5726

Bauer Center
361-552-1234

Fire Station
361-552-3241

Public Works Director
361-552-3347

Parks & Recreation
361-552-8731

Police
361-552-3788

Streets
361-552-3347

Utilities Operation
361-552-3347

December 15, 2022

Travis Prater
TCEQ Region 14
500 N. Shoreline Blvd., Ste. 500
Corpus Christi, Texas 78401-0318

Re: Acceptance of Compliance Plan for: City of Port Lavaca Wastewater Treatment Facilities, located at 800 North Commerce Street, Port Lavaca, (Calhoun County), Texas Regulated Entity No.: 101612893, TCEQ ID No.: WQ0010251001, Investigation No.: 1852188

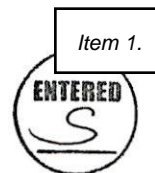
Mr. Prater:

In response to the City of Port Lavaca compliance plan for the Lynn's Bayou Wastewater Treatment Facilities Track No. 823013 we provide the following information. On December 12th, 2022, during the scheduled council meeting the engineering contract for the expansion of the facilities was awarded to AECOM engineering group in Houston, TX. Attached you will find a copy of the authorization to proceed that provides a scope and tentative timeline. The City of Port Lavaca Respectfully request a eighteen-month extension on this provision to achieve compliance.

William W. Shaffer

Director of Public Works

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 16, 2023

EMAIL RECEIPT REQUESTED

The Honorable Jack Whitlow
Mayor of Port Lavaca
City of Port Lavaca
202 N Virginia Street
Port Lavaca, Texas 77979

Re: Acceptance of Compliance Plan for:
City of Port Lavaca Wastewater Treatment Facilities, located at 800 North Commerce Street, Port Lavaca, (Calhoun County), Texas
Regulated Entity No.: 101612893, TCEQ ID No.: WQ0010251001, Investigation No.: 1868415

Dear Mayor Whitlow:

The Texas Commission on Environmental Quality (TCEQ) Corpus Christi Region Office has completed a review of the compliance plan and additional information that was submitted on December 15 and 20, 2022 to request an extension to the previous compliance plan for resolving the alleged violations dealing with the plant expansion, improvements project at the headworks, and the zinc reduction plan (Track Nos. 823013, 823028 and 823038, respectively). These alleged violations were noted during the investigation of the above-referenced facility conducted on July 26, 2022. The compliance plan appears to identify necessary corrective action for the alleged violations. We will monitor your progress in implementing the corrective actions. You should submit to our office by January 5, 2024, the required documentation demonstrating that the alleged violations have been resolved. Please be advised, though, that if we determine during follow-up monitoring that you are not working towards compliance or the problem has escalated, further enforcement action will be considered. In addition, we have received acceptable compliance documentation from you for the alleged violation, Track No. 823026 (clarifier maintenance).

The Texas Commission on Environmental Quality appreciates your assistance in this matter and anticipates that you will resolve the alleged violations as required in order to protect the State's environment. If you or members of your staff have any questions, please feel free to contact Mr. Travis Prater in the Corpus Christi Region Office at (361) 881-6900.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie Edwards".

Melanie Edwards
Water Section Manager
Corpus Christi Region Office

ME/TP/mjc

Enclosure: Summary of Investigation Findings

cc: William W. Shaffer, Public Works Director - Via email

Summary of Investigation Findings

Item 1.

CITY OF PORT LAVACA

800 N COMMERCE ST

PORT LAVACA, CALHOUN COUNTY, TX 77979

Investigation #

1868415

Investigation Date: 02/13/2023

Additional ID(s): TX0047562

WQ0010251001

OUTSTANDING ALLEGED VIOLATION(S)

Track No: 823013

Compliance Due Date: 01/05/2024

30 TAC Chapter 305.125(1)

30 TAC Chapter 305.126(a)

PERMIT WQ0010251001, Operational Requirements No. 8a., Pg. 14

Whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities.

EPA ID TX0047562, Operational Requirement No. 8.a., Pg. 14

Alleged Violation:

Investigation: 1833031

Comment Date: 09/01/2022

Failed to obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months.

An investigation conducted on July 26, 2022 documented the facility has reached 90% of the permitted annual average flow of 2.0 million gallons per day (MGD) for 18 consecutive months (November 2020 to April 2022) and the permitted daily average flow of 2.0 MGD was exceeded in July 2020, August 2020, September 2020, May 2021, June 2021, and July 2021. Additionally, the permittee has not amended their permit and commenced construction of additional treatment and/or collection facilities.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on September 28, 2022 was reviewed. Specifically, the facility submitted documentation which included a progress update on the City of Port Lavaca -Lynn's Bayou Wastewater Treatment Plant improvements and expansion projects. The City has contracted with AECOM to design the project which will include the expansion of the 2.0 million gallons per day (MGD) treatment facility to a 4.0 MGD facility.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to complete and submit the designs for the expansion to TCEQ Plans and Specification Review, Water Quality Division MC - 148. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Investigation: 1868415

Comment Date: 02/13/2023

During the file record review conducted on February 13, 2023, the additional information submitted by the facility on December 15, 2022, to justify an extension to the previous compliance plan was reviewed. The City of Port Lavaca requested an extension to allow additional time for the engineering company awarded the bid to complete and submit the design for the expansion to TCEQ Plans and Specification Review, Water Quality Division MC - 148.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until January 5, 2024.

Recommended Corrective Action: The permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or

collection facilities. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Item 1.

Track No: 823028 Compliance Due Date: 01/05/2024

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.4(b)(1)

30 TAC Chapter 317.4(b)(2)

PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13

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

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on July 26, 2022 determined that the mechanical bar screen and the grit auger were inoperative. Specifically, the facility stated that the grit auger has been inoperable for one year and the mechanical bar screen broke the week prior to this investigation. Additionally, the facility does not have any odor control facilities.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on September 28, 2022 was reviewed. Specifically, the facility submitted documentation which included a progress update on the City of Port Lavaca -Lynn's Bayou Wastewater Treatment Plant improvements and expansion projects. The City has contracted with AECOM to design the project which will include the improvements to the current treatment facility.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to complete and submit the designs for the improvements to TCEQ Plans and Specification Review, Water Quality Division MC - 148. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Investigation: 1868415

Comment Date: 02/13/2023

During the file record review conducted on February 13, 2023, the additional information submitted by the facility on December 20, 2022, to justify an extension to the previous compliance plan was reviewed. The City of Port Lavaca requested an extension to allow additional time to complete the headworks improvement project.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until January 5, 2024.

Recommended Corrective Action: The permittee shall ensure the mechanical bar screen and the grit auger are operational. Additionally, odor control measures shall be implemented to prevent the wastewater treatment plant from becoming a nuisance. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

Track No: 823038 Compliance Due Date: 01/05/2024

30 TAC Chapter 305.125(1)

PERMIT WQ0010251001, Other Requirements No. 8, Pg. 35

Within 3 months after the first exceedance of the daily average zinc limit or daily max zinc limit, the City of Port Lavaca shall submit to the TCEQ Stormwater & Pretreatment Team (MC-148) a Zinc Reduction Plan ("Plan") for review and approval. The goal of such Plan is to identify the sources(s) of zinc, require best management practices and/or other controls to reduce the zinc loadings to the Lynn Bayou WWTF to a zinc maximum allowable headworks concentration of 208 µg/L per day.

EPA ID TX0047562, Other Requirements No. 8, Pg. 35

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to obtain approval for the Zinc Reduction Plan.

An investigation conducted on July 26, 2022 documented the Zinc Reduction Plan was not approved by the TCEQ Stormwater & Pretreatment Team. Specifically, a letter to address the Zinc reduction plan was submitted on March 29, 2019 to the TCEQ Standards Implementation Team and not the TCEQ Stormwater & Pretreatment Team. Additionally, the permit required the applicant to submit a study plan to identify the source of zinc coming into their waste collection system. The letter stated that they have no industrial contributors and that they may not be able to identify the source of the zinc; therefore, the plan was to determine the dissolved fraction of zinc that would be bioavailable to aquatic organisms in the receiving waters. Furthermore, the daily maximum for total zinc was 1030.0 µg/L in February 2022.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on September 28, 2022 was reviewed. Specifically, the facility retained Plummer Associates, Inc. to review the existing zinc database and the review identified an uncharacteristically high fraction of dissolved zinc as compared to total zinc. Plummer Associates is determining the next steps possible

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to obtain approval from the TCEQ Stormwater & Pretreatment Team (MC-148) for the Zinc Reduction Plan. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Investigation: 1868415

Comment Date: 02/13/2023

During the file record review conducted on February 13, 2023, the additional information submitted by the facility on December 20, 2022, to justify an extension to the previous compliance plan was reviewed. The City of Port Lavaca requested an extension to allow additional time for Plummer Associates, Inc. to determine the best course of action to address zinc in the effluent to ensure compliance with Texas Surface Water Quality Standards. Specifically, the initial results of their study indicated that the dissolved fraction of zinc was almost equal to the total fraction (unusual and not the expected result). Additionally, the consultant will be working with the TCEQ Standards Implementation Team (MC-150) as they explore options.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until January 5, 2024, to obtain approval from the TCEQ Standards Implementation Team (MC-150) for the Zinc Reduction Plan.

Recommended Corrective Action: The permittee shall obtain approval from the TCEQ Stormwater & Pretreatment Team (MC-148) for the Zinc Reduction Plan. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

ALLEGED VIOLATION(S) NOTED AND RESOLVED**Track No:** 823026**30 TAC Chapter 305.125(5)****30 TAC Chapter 317.4(d)(2)****30 TAC Chapter 317.4(d)(3)****PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13**

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

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13**Alleged Violation:**

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on July 26, 2022 determined that the facility was not properly operating and maintaining the clarifiers (No. 1 and No. 2). Specifically, the investigators documented uneven flow over both clarifier weirs. Additionally, there was excessive scum and debris floating on the surface of clarifier No. 1.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on October 6, 2022 was reviewed. Specifically, the facility submitted documentation which included a quote from RC&ED to clean and level weirs in both clarifiers.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to clean and level weirs in both clarifiers. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Investigation: 1868415

Comment Date: 02/13/2023

A file record review was conducted to evaluate the compliance documentation submitted for this alleged violation.

Recommended Corrective Action: The permittee shall level the weirs in both clarifiers to prevent short circuiting flow through the clarifiers and the excess scum be collected and properly disposed of. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

Resolution: On December 20, 2022, the facility submitted photographs of both clarifiers. Specifically, the clarifiers were cleaned and the weirs level.

Jody Weaver

From: Lupe Trevino <Lupe.Trevino@twdb.texas.gov>
Sent: Wednesday, August 21, 2024 11:29 AM
To: Jody Weaver; robert.d.traylor@rbccm.com; vinoth.manoharan@aecom.com
Cc: Caaren Skrobarczyk; Marshall Walters; Shubham Aggarwal; David Firgens; Racquel McCoy
Subject: Port Lavaca - CWSRF - 73963 - L1001820
Attachments: Port Lavaca - CWSRF - 73963 - L1001820 - Workbook to Entity.xlsx
Follow Up Flag: Follow up
Flag Status: Flagged

Greetings,

Congratulations on your award of Commitment for financial assistance from the Texas Water Development Board!

The program in which you have received funding authorization requires an Outlay be submitted for all costs incurred.

Attached is your Excel Outlay template for:

Entity:	Port Lavaca
Program:	CWSRF
Project Number:	73963
Commitment Number:	L1001820
Commitment Amount:	\$39,315,000.00
Estimated Closing Date:	11/30/24

For detailed instructions on how to submit Outlays to TWDB, please visit our website at <http://www.twdb.texas.gov/financial/outlay>.

A complete outlay needs to be submitted to outlays@twdb.texas.gov at least 15 business days prior to closing.

The TWDB Review Engineer assigned to this project is:

Shubham Aggarwal

Shubham.Aggarwal@twdb.texas.gov

If you have any questions, please do not hesitate to contact us.

Thank you,



PROJECT FUNDING REQUEST

BOARD DATE: August 15, 2024

Team Manager: David Firgens

ACTION REQUESTED

Consider approving by resolution a request from the City of Port Lavaca (Calhoun County) for \$39,315,000 in financial assistance from the Clean Water State Revolving Fund for planning, design, and construction of wastewater system improvements.

STAFF RECOMMENDATION

☒ Approve ☐ No Action

BACKGROUND

The City of Port Lavaca (City) is on the Gulf Coast approximately 80 miles northeast of Corpus Christi. The City provides water and wastewater services to a population of approximately 12,000 residents and approximately 4,859 water and 4,278 water connections.

PROJECT NEED AND DESCRIPTION

The City's Lynn's Bayou wastewater treatment plant (WWTP) is currently operating at 90% capacity and needs expansion to meet current and future demands, overcome operational challenges, and reduce efficiencies. The WWTP's mechanical and electrical equipment are at the end of their expected service life. In February 2023, the City received a notice of outstanding alleged violation from the Texas Commission on Environmental Quality (TCEQ) due to inadequate capacity.

The City proposes to expand the WWTP capacity from two to four million gallons per day (MGD), modify and upgrade existing processes, centralize instrumentation and control operations, achieve future TCEQ targets for nitrate and phosphorous removal, and lower sludge production. The City will expand capacity in either one or two construction phases.

Task	Schedule Date
Closing	November 1, 2024
Engineering Feasibility Report Completion (End of Planning Phase)	December 31, 2024
Design Phase	February 27, 2026
Start of Construction	May 1, 2026
Construction Completion	May 31, 2028

COMMITMENT PERIOD: TWELVE (12) MONTHS TO EXPIRE AUGUST 31, 2025

LEGAL/SPECIAL CONDITIONS

- Adoption of water conservation plan

Attachments:

1. Financial Review
2. Project Budget
3. Resolution (24-)
4. Water conservation review
5. Location Map

Financial Review

City of Port Lavaca

Risk Score: 2B

Audit Reviewed: FY 2023

Key Indicators

Indicator	Result	Benchmark
Population Growth, Average Annual 2010-2020	City: 0.58%	State: 1.49%
Total Assessed Valuation per capita	\$65,585	\$30,000-\$64,999
Median Household Income as % of State	93%	100%
Days of Cash on Hand (3-year Average)	210 days	30-149 days
Net Fixed Assets/ Annual Depreciation	24 years	12-24 years
Debt Service Coverage Ratio	0.31x	1.00x
Debt-to-Operating Revenues	6.76	4.00-5.99x
Unemployment Rate (May, 2024)	City: 3.20%	State: 3.80%
Working Capital Ratio	2.19	> 1.00

Key Risk Score Strengths

- The City's taxable assessed valuation increased by 30 percent from \$556,606,203 to \$723,666,429 from 2018 to 2023. The 30 percent growth in taxable value allows the City to increase tax revenue to service tax support debt without implementing tax rate increases.
- With 210 days of cash on hand, the City has sufficient unrestricted cash and short-term investments available for operating expenses, debt service payments, or to cover unforeseen expenses.
- A high working capital ratio provides the City with ample resources to cover short-term liabilities and shows a strong liquidity position.

Key Risk Score Concerns

- Based on the 2023 audited financials, the City does not meet the required 1.1x debt service coverage ratio. However, the City adopted rate increases of \$7.68 for water and \$9.27 for sewer services in January of 2023. Using the current interest and sinking fund tax rate, the City will need to implement additional incremental rate increases starting in 2025 before reaching a maximum projected rate increase of \$46.62 by 2027. Prior to closing, the City will provide evidence of sufficient rates and charges to meet the debt service coverage requirement.

PLEDGE

Legal Pledge Name	Ad Valorem Tax and Surplus Revenue
Type of Pledge	<input type="checkbox"/> Tax <input type="checkbox"/> Revenue <input checked="" type="checkbox"/> Tax & Revenue <input type="checkbox"/> Contract <input type="checkbox"/> Other
Revenue Pledge Level	<input type="checkbox"/> First <input type="checkbox"/> Second <input checked="" type="checkbox"/> Third <input type="checkbox"/> N/A

RATES AND CHARGES

Average Residential Use	Gallons/Month	Current Rates	Max Projected Rates (2027)	Current Household Cost Factor	Projected Household Cost Factor
Water	7,000	\$49.54	\$49.54	1.78	2.75
Wastewater	4,000	\$36.07	\$82.69		

TAXES

	2023 Tax Year Rate	Max Projected Tax Rate (Year 2023)	Maximum Allowable Rate	3-Year Avg Current Tax Collections	Assessed Valuation
Maintenance & Operation	\$0.6986	\$0.6986	\$2.50	97%	\$757,970,744
Interest & Sinking	\$0.0821	\$0.0821			
Total Tax Rate	\$0.7807	\$0.7807			

Cost Savings

Based on a 30-year maturity schedule and current interest rates, the City could save approximately \$12,036,859 over the life of the financing.

Project Data Summary

Responsible Authority	City of Port Lavaca
Program	CWSRF
Commitment Number	L1001820
Project Number	73963
List Year	2024
Type of Pledge	Combo Tax and Revenue
Pledge Level (if applicable)	Third Lien
Legal Description	\$39,315,000 City of Port Lavaca, Texas Tax & Surplus Revenue Certificates of Obligations, Proposed Series 2024B
Tax-exempt or Taxable	Tax-Exempt
Refinance	No
Outlay Requirement	Yes
Disbursement Method	Escrow
Outlay Type	Outlay <> Escrow Release
Qualifies as Disadvantaged	No
State Revolving Fund Type	Non-Equivalency
Financial Managerial & Technical Complete	N/A
Phases Funded	Planning, Design, and Construction
Pre-Design	Yes
Project Consistent with State Water Plan	N/A
Water Conservation Plan	Approvable
Overall Risk Score	2B

PROJECT TEAM

Team Manager	Financial Analyst	Engineering Reviewer	Environmental Reviewer	Attorney
David Figgins	Caaren Skrobarczyk	Shubham Aggarwal	Chris Caran	Marshall Walters

ISSUE BEING EVALUATED
FOR ILLUSTRATION PURPOSES ONLY
City of Port Lavaca

\$39,315,000 City of Port Lavaca, Texas Tax & Surplus Revenue Certificates of Obligation, Proposed Series 2024B

Dated Date: 11/1/2024
Delivery Date: 11/1/2024
First Interest: 8/15/2025
First Principal: 2/15/2026
Last Principal: 2/15/2055
Fiscal Year End: 09/30
Required Coverage: 1.1

Source: CWSRF-NON-EQUIVALENCY
Rate: 2.77%
IUP Year: 2024
Case: Tax and Revenue
Admin.Fee: \$676,179
Admin. Fee Payment Date: 11/1/2024
Total Assessed Valuation: \$757,970,744

FISCAL YEAR	CURRENT TAX RATE	CURRENT TAX REVENUES WITH COLL. @ 97%	PROJECTED NET SYSTEM REVENUES	PROJECTED TOTAL REVENUES	CURRENT DEBT SERVICE	\$39,315,000 ISSUE				TOTAL DEBT SERVICE	COVERAGE
						PRINCIPAL PAYMENT	INTEREST RATE	INTEREST PAYMENT	TOTAL PAYMENT		
2025	\$0.0821	\$603,625	\$2,297,366	\$2,900,991	\$1,828,278	\$0	-	\$808,987	\$808,987	\$2,637,265	1.10
2026	\$0.0821	603,625	3,333,483	4,137,108	1,830,413	915,000	2.16%	1,015,595	1,930,595	3,761,008	1.10
2027	\$0.0821	603,625	3,534,836	4,138,461	1,831,296	935,000	2.09%	995,942	1,930,942	3,762,237	1.10
2028	\$0.0821	603,625	3,534,836	4,138,461	1,825,106	955,000	2.07%	976,287	1,931,287	3,756,393	1.10
2029	\$0.0821	603,625	3,534,836	4,138,461	1,699,669	975,000	2.05%	956,409	1,931,409	3,631,078	1.14
2030	\$0.0821	603,625	3,534,836	4,138,461	1,699,850	995,000	2.05%	936,216	1,931,216	3,631,066	1.14
2031	\$0.0821	603,625	3,534,836	4,138,461	1,697,819	1,015,000	2.05%	915,614	1,930,614	3,628,433	1.14
2032	\$0.0821	603,625	3,534,836	4,138,461	1,698,900	1,040,000	2.05%	894,550	1,934,550	3,633,450	1.14
2033	\$0.0821	603,625	3,534,836	4,138,461	1,702,863	1,060,000	2.06%	872,972	1,932,972	3,635,835	1.14
2034	\$0.0821	603,625	3,534,836	4,138,461	1,699,238	1,080,000	2.07%	850,876	1,930,876	3,630,114	1.14
2035	\$0.0821	603,625	3,534,836	4,138,461	1,570,300	1,105,000	2.16%	827,764	1,932,764	3,503,064	1.18
2036	\$0.0821	603,625	3,534,836	4,138,461	1,568,150	1,125,000	2.26%	803,118	1,928,118	3,496,268	1.18
2037	\$0.0821	603,625	3,534,836	4,138,461	1,570,575	1,150,000	2.37%	776,778	1,926,778	3,497,353	1.18
2038	\$0.0821	603,625	3,534,836	4,138,461	1,565,550	1,180,000	2.45%	748,695	1,928,695	3,494,245	1.18
2039	\$0.0821	603,625	3,534,836	4,138,461	1,567,950	1,210,000	2.52%	718,994	1,928,994	3,496,944	1.18
2040	\$0.0821	603,625	3,534,836	4,138,461	1,567,550	1,240,000	2.60%	687,628	1,927,628	3,495,178	1.18
2041	\$0.0821	603,625	3,534,836	4,138,461	1,569,225	1,270,000	2.67%	654,554	1,924,554	3,493,779	1.18
2042	\$0.0821	603,625	3,534,836	4,138,461	1,567,600	1,305,000	2.71%	619,916	1,924,916	3,492,516	1.18
2043	\$0.0821	603,625	3,534,836	4,138,461	1,019,200	1,340,000	2.76%	583,742	1,923,742	2,942,942	1.41
2044	\$0.0821	603,625	3,534,836	4,138,461	1,020,000	1,380,000	2.79%	545,999	1,925,999	2,945,999	1.40
2045	\$0.0821	603,625	3,534,836	4,138,461	-	1,415,000	2.82%	506,796	1,921,796	1,921,796	2.15
2046	\$0.0821	603,625	3,534,836	4,138,461	-	1,455,000	2.84%	466,184	1,921,184	1,921,184	2.15
2047	\$0.0821	603,625	3,534,836	4,138,461	-	1,495,000	2.87%	424,069	1,919,069	1,919,069	2.16
2048	\$0.0821	603,625	3,534,836	4,138,461	-	1,540,000	2.89%	380,363	1,920,363	1,920,363	2.16
2049	\$0.0821	603,625	3,534,836	4,138,461	-	1,585,000	2.92%	334,969	1,919,969	1,919,969	2.16
2050	\$0.0821	603,625	3,534,836	4,138,461	-	1,630,000	2.93%	287,949	1,917,949	1,917,949	2.16
2051	\$0.0821	603,625	3,534,836	4,138,461	-	1,680,000	2.94%	239,373	1,919,373	1,919,373	2.16
2052	\$0.0821	603,625	3,534,836	4,138,461	-	1,730,000	2.96%	189,073	1,919,073	1,919,073	2.16
2053	\$0.0821	603,625	3,534,836	4,138,461	-	1,780,000	2.96%	137,125	1,917,125	1,917,125	2.16
2054	\$0.0821	603,625	3,534,836	4,138,461	-	1,830,000	2.97%	83,606	1,913,606	1,913,606	2.16
2055	\$0.0821	603,625	3,534,836	4,138,461	-	1,900,000	2.97%	28,215	1,928,215	1,928,215	2.15
					\$32,099,530	\$39,315,000		\$19,268,353	\$58,583,353	\$90,682,833	

AVERAGE (MATURITY) LIFE	17.67 YEARS
NET INTEREST RATE	2.774%
COST SAVINGS	\$ 12,036,859
AVERAGE ANNUAL REQUIREMENT	\$1,889,786

Disclaimer: This is a working document and is provided as a courtesy. All information contained herein, including the proposed interest rate, is subject to change upon further review of the TWDB in accordance with 31 Texas Administrative Code Chapters 363, 371, 375, or 384, as applicable. The TWDB does not function as a financial advisor to anyone in connection with this financing. The information contained in this document is used by TWDB staff to analyze the application for financing is illustrative only and does not constitute any guaranty of future rates. The TWDB makes no claim regarding the applicability of the information at closing, at which time actual rates will be set.



Project Budget Summary
 City of Port Lavaca
 73963 - City of Port Lavaca Lynns's Bayou
 Wastewater Treatment Plant Expansion

Budget Items	TWDB Funds	Total
Construction		
Construction	\$34,361,529.00	\$34,361,529.00
Subtotal for Construction	\$34,361,529.00	\$34,361,529.00
Basic Engineering Services		
Construction Engineering	\$603,421.00	\$603,421.00
Design	\$1,199,525.00	\$1,199,525.00
Planning	\$10,000.00	\$10,000.00
Subtotal for Basic Engineering Services	\$1,812,946.00	\$1,812,946.00
Special Services		
Environmental	\$70,000.00	\$70,000.00
Inspection	\$367,166.00	\$367,166.00
Permits	\$63,500.00	\$63,500.00
Testing	\$78,347.00	\$78,347.00
Subtotal for Special Services	\$579,013.00	\$579,013.00
Fiscal Services		
Bond Counsel	\$15,000.00	\$15,000.00
Financial Advisor	\$20,000.00	\$20,000.00
Fiscal/Legal	\$30,000.00	\$30,000.00
Loan Origination Fee	\$676,179.00	\$676,179.00
Subtotal for Fiscal Services	\$741,179.00	\$741,179.00
Contingency		
Contingency	\$1,820,333.00	\$1,820,333.00
Subtotal for Contingency	\$1,820,333.00	\$1,820,333.00
Total	\$39,315,000.00	\$39,315,000.00

September 24, 2024

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Ms. Melanie Edwards
Water Section Manager
Corpus Christi Region Office
Texas Commission on Environmental Quality

Subject: Lynns Bayou Wastewater Treatment Plant – Compliance Documentation Submittal

Project Name: City of Port Lavaca – Lynns Bayou Wastewater Treatment Plant Expansion
Permittee: City of Port Lavaca, Calhoun County
Permit ID No.: WQ0010251001
EPA ID No.: TX0047562
Regulated Entity Reference Number (RN): RN101612893
Project Name: City of Port Lavaca – Lynns Bayou Wastewater Treatment Plant Improvements
Investigation No.: 1967529

Dear Ms. Edwards:

City of Port Lavaca (City) received a letter via email on March 7, 2024 instructing that the City provide a written description of corrective action taken and submit information to verify that the outstanding alleged violations at the Wastewater Treatment Plant (WWTP) have been corrected. The outstanding alleged violation were outlined in a letter dated February 16, 2023 (Track Nos. 823013, 823028 and 823038).

AECOM, on behalf of the City, is writing this letter to provide the Texas Commission on Environmental Quality (TCEQ) with a written description of the action the information necessary to comply with the requirements. We apologize for the delay in providing this response letter to you.

City and AECOM has been working on taking the necessary actions to correct the alleged violations, since receipt of the original Summary of Investigation Findings. City authorized AECOM to prepare the design for expansion of the WWTP that includes facilities that addresses the alleged violations. AECOM has prepared and submitted the Preliminary Engineering Report dated December 15, 2023 and associated 30% preliminary design drawings for the expansion project.

AECOM's preliminary engineering report (for final design and construction of facilities) to expand the WWTP (Track No. 823013) including preliminary plan to address Zinc limit exceedance (Track 823038). Track No. 823028 is in regard to the existing bar screen and the grit removal system. The mechanical bar screen is operational; the grit classifier that was not operational has been replaced with new and placed in operation as part of an improvements project (WWPR Log No. 1122/023).

The City has been approved for a Texas Water Development Board (TWDB) State Revolving Fund (SRF) loan to perform an environmental information document, permit renewal application documents, final design and construction of the WWTP expansion project. Because the impact of the SRF loan is estimated to more than double the monthly sewer bill for City customers, the City is currently exploring other financing and grant options, before working on closing approved SRF loan. Final design, the next step of the expansion project, will commence upon securing the necessary funds.

We hope the above provide adequate responses to the outstanding alleged violations. The preliminary engineering report and 30% design drawings can be sent through a downloadable link, if needed. If you have any questions regarding the responses, please contact me at (281) 675-7668 or via email (Vinoth.manoharan@aecom.com).

Sincerely,



Vinoth Manoharan, P.E.
Project Manager
AECOM

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Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 7, 2024

EMAIL RECEIPT REQUESTED

The Honorable Jack Whitlow
Mayor of Port Lavaca
202 North Virginia Street
Port Lavaca, Texas 77979

Via Email

Re: Failure to Submit Compliance Documentation for:
City of Port Lavaca Wastewater Treatment Facilities, located at 800 North Commerce Street, Port Lavaca, (Calhoun County), Texas
Regulated Entity No. 101612893, TCEQ ID No. WQ0010251001, EPA ID No. TX0047562,
Investigation No. 1967529

Dear Mayor Whitlow:

By letter dated February 16, 2023, the Texas Commission on Environmental Quality (TCEQ) Corpus Christi Region Office requested that you submit information to us by January 5, 2024 verifying that the outstanding alleged violations referenced in the letter have been corrected. The alleged violations were noted during the investigation of the above-referenced wastewater treatment plant conducted on July 26, 2022. Enclosed for your information is a copy of the letter. As of this date, we have not received from you a written description of corrective action taken and the required compliance documentation for these alleged violations. Please submit this information to us by no later than April 30, 2024.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and looks forward to receiving your response. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements.

If you or members of your staff have any questions, please feel free to contact Mr. Travis Prater in the Corpus Christi Region Office at (361) 881-6900.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie Edwards".

Melanie Edwards
Water Section Manager
Corpus Christi Region Office

ME/TP/at

Enclosure: Copy of Previous Letter & Summary of Investigation Findings

cc: William W. Shaffer, Public Works Director - via email

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Jon Niermann, *Chairman*
 Emily Lindley, *Commissioner*
 Bobby Janecka, *Commissioner*
 Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 16, 2023

EMAIL RECEIPT REQUESTED

The Honorable Jack Whitlow
 Mayor of Port Lavaca
 City of Port Lavaca
 202 N Virginia Street
 Port Lavaca, Texas 77979

Re: Acceptance of Compliance Plan for:
 City of Port Lavaca Wastewater Treatment Facilities, located at 800 North Commerce Street, Port Lavaca, (Calhoun County), Texas
 Regulated Entity No.: 101612893, TCEQ ID No.: WQ0010251001, Investigation No.: 1868415

Dear Mayor Whitlow:

The Texas Commission on Environmental Quality (TCEQ) Corpus Christi Region Office has completed a review of the compliance plan and additional information that was submitted on December 15 and 20, 2022 to request an extension to the previous compliance plan for resolving the alleged violations dealing with the plant expansion, improvements project at the headworks, and the zinc reduction plan (Track Nos. 823013, 823028 and 823038, respectively). These alleged violations were noted during the investigation of the above-referenced facility conducted on July 26, 2022. The compliance plan appears to identify necessary corrective action for the alleged violations. We will monitor your progress in implementing the corrective actions. You should submit to our office by January 5, 2024, the required documentation demonstrating that the alleged violations have been resolved. Please be advised, though, that if we determine during follow-up monitoring that you are not working towards compliance or the problem has escalated, further enforcement action will be considered. In addition, we have received acceptable compliance documentation from you for the alleged violation, Track No. 823026 (clarifier maintenance).

The Texas Commission on Environmental Quality appreciates your assistance in this matter and anticipates that you will resolve the alleged violations as required in order to protect the State's environment. If you or members of your staff have any questions, please feel free to contact Mr. Travis Prater in the Corpus Christi Region Office at (361) 881-6900.

Sincerely,

Melanie Edwards
 Water Section Manager
 Corpus Christi Region Office

ME/TP/mjc

Enclosure: Summary of Investigation Findings

cc: William W. Shaffer, Public Works Director - Via email

Summary of Investigation Findings

Item 1.

CITY OF PORT LAVACA

800 N COMMERCE ST

PORT LAVACA, CALHOUN COUNTY, TX 77979

Investigation #

1868415
Investigation Date: 02/13/2023

Additional ID(s): TX0047562
WQ0010251001

OUTSTANDING ALLEGED VIOLATION(S)

Track No: 823013 Compliance Due Date: 01/05/2024

30 TAC Chapter 305.125(1)

30 TAC Chapter 305.126(a)

PERMIT WQ0010251001, Operational Requirements No. 8a., Pg. 14

Whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities.

EPA ID TX0047562, Operational Requirement No. 8.a., Pg. 14

Alleged Violation:

Investigation: 1833031

Comment Date: 09/01/2022

Failed to obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months.

An investigation conducted on July 26, 2022 documented the facility has reached 90% of the permitted annual average flow of 2.0 million gallons per day (MGD) for 18 consecutive months (November 2020 to April 2022) and the permitted daily average flow of 2.0 MGD was exceeded in July 2020, August 2020, September 2020, May 2021, June 2021, and July 2021. Additionally, the permittee has not amended their permit and commenced construction of additional treatment and/or collection facilities.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on September 28, 2022 was reviewed. Specifically, the facility submitted documentation which included a progress update on the City of Port Lavaca -Lynn's Bayou Wastewater Treatment Plant improvements and expansion projects. The City has contracted with AECOM to design the project which will include the expansion of the 2.0 million gallons per day (MGD) treatment facility to a 4.0 MGD facility.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to complete and submit the designs for the expansion to TCEQ Plans and Specification Review, Water Quality Division MC - 148. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Investigation: 1868415

Comment Date: 02/13/2023

During the file record review conducted on February 13, 2023, the additional information submitted by the facility on December 15, 2022, to justify an extension to the previous compliance plan was reviewed. The City of Port Lavaca requested an extension to allow additional time for the engineering company awarded the bid to complete and submit the design for the expansion to TCEQ Plans and Specification Review, Water Quality Division MC - 148.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until January 5, 2024.

Recommended Corrective Action: The permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or

collection facilities. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Track No: 823028 Compliance Due Date: 01/05/2024

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.4(b)(1)

30 TAC Chapter 317.4(b)(2)

PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13

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

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on July 26, 2022 determined that the mechanical bar screen and the grit auger were inoperative. Specifically, the facility stated that the grit auger has been inoperable for one year and the mechanical bar screen broke the week prior to this investigation. Additionally, the facility does not have any odor control facilities.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on September 28, 2022 was reviewed. Specifically, the facility submitted documentation which included a progress update on the City of Port Lavaca -Lynn's Bayou Wastewater Treatment Plant improvements and expansion projects. The City has contracted with AECOM to design the project which will include the improvements to the current treatment facility.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to complete and submit the designs for the improvements to TCEQ Plans and Specification Review, Water Quality Division MC - 148. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Investigation: 1868415

Comment Date: 02/13/2023

During the file record review conducted on February 13, 2023, the additional information submitted by the facility on December 20, 2022, to justify an extension to the previous compliance plan was reviewed. The City of Port Lavaca requested an extension to allow additional time to complete the headworks improvement project.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until January 5, 2024.

Recommended Corrective Action: The permittee shall ensure the mechanical bar screen and the grit auger are operational. Additionally, odor control measures shall be implemented to prevent the wastewater treatment plant from becoming a nuisance. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

Track No: 823038 Compliance Due Date: 01/05/2024

30 TAC Chapter 305.125(1)

PERMIT WQ0010251001, Other Requirements No. 8, Pg. 35

Within 3 months after the first exceedance of the daily average zinc limit or daily max zinc limit, the City of Port Lavaca shall submit to the TCEQ Stormwater & Pretreatment Team (MC-148) a Zinc Reduction Plan ("Plan") for review and approval. The goal of such Plan is to identify the sources(s) of zinc, require best management practices and/or other controls to reduce the zinc loadings to the Lynn Bayou WWTF to a zinc maximum allowable headworks concentration of 208 µg/L per day.

EPA ID TX0047562, Other Requirements No. 8, Pg. 35

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to obtain approval for the Zinc Reduction Plan.

An investigation conducted on July 26, 2022 documented the Zinc Reduction Plan was not approved by the TCEQ Stormwater & Pretreatment Team. Specifically, a letter to address the Zinc reduction plan was submitted on March 29, 2019 to the TCEQ Standards Implementation Team and not the TCEQ Stormwater & Pretreatment Team. Additionally, the permit required the applicant to submit a study plan to identify the source of zinc coming into their waste collection system. The letter stated that they have no industrial contributors and that they may not be able to identify the source of the zinc; therefore, the plan was to determine the dissolved fraction of zinc that would be bioavailable to aquatic organisms in the receiving waters. Furthermore, the daily maximum for total zinc was 1030.0 µg/L in February 2022.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on September 28, 2022 was reviewed. Specifically, the facility retained Plummer Associates, Inc. to review the existing zinc database and the review identified an uncharacteristically high fraction of dissolved zinc as compared to total zinc. Plummer Associates is determining the next steps possible

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to obtain approval from the TCEQ Stormwater & Pretreatment Team (MC-148) for the Zinc Reduction Plan. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Investigation: 1868415

Comment Date: 02/13/2023

During the file record review conducted on February 13, 2023, the additional information submitted by the facility on December 20, 2022, to justify an extension to the previous compliance plan was reviewed. The City of Port Lavaca requested an extension to allow additional time for Plummer Associates, Inc. to determine the best course of action to address zinc in the effluent to ensure compliance with Texas Surface Water Quality Standards. Specifically, the initial results of their study indicated that the dissolved fraction of zinc was almost equal to the total fraction (unusual and not the expected result). Additionally, the consultant will be working with the TCEQ Standards Implementation Team (MC-150) as they explore options.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until January 5, 2024, to obtain approval from the TCEQ Standards Implementation Team (MC-150) for the Zinc Reduction Plan.

Recommended Corrective Action: The permittee shall obtain approval from the TCEQ Stormwater & Pretreatment Team (MC-148) for the Zinc Reduction Plan. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

ALLEGED VIOLATION(S) NOTED AND RESOLVED**Track No:** 823026**30 TAC Chapter 305.125(5)****30 TAC Chapter 317.4(d)(2)****30 TAC Chapter 317.4(d)(3)****PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13**

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

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on July 26, 2022 determined that the facility was not properly operating and maintaining the clarifiers (No. 1 and No. 2). Specifically, the investigators documented uneven flow over both clarifier weirs. Additionally, there was excessive scum and debris floating on the surface of clarifier No. 1.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on October 6, 2022 was reviewed. Specifically, the facility submitted documentation which included a quote from RC&ED to clean and level weirs in both clarifiers.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to clean and level weirs in both clarifiers. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Investigation: 1868415

Comment Date: 02/13/2023

A file record review was conducted to evaluate the compliance documentation submitted for this alleged violation.

Recommended Corrective Action: The permittee shall level the weirs in both clarifiers to prevent short circuiting flow through the clarifiers and the excess scum be collected and properly disposed of. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

Resolution: On December 20, 2022, the facility submitted photographs of both clarifiers. Specifically, the clarifiers were cleaned and the weirs level.

TCEQ EXIT INTERVIEW FORM: Potential Violations and/or Records Requested

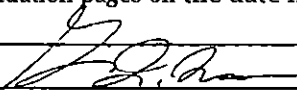
Regulated Entity/Site Name	City of Port Lavaca WWTF			TCEQ Add. ID No.	WQ0010251001	
				RN No. (optional)	RN101612893	
Investigation Type	CCI	Contact Made In-House (Y/N)	N	Purpose of Investigation	Comprehensive Compliance Investigation	
Regulated Entity Contact	Mr. William "Wayne" Shaffer			Telephone No.	361-552-3347	Date Contacted 12/17/2024
Title	Director of Public Works			Email Address	wshaffer@portlavaca.org	Date Emailed 12/19/2024

NOTICE: The information provided in this form is intended to provide clarity to issues that have arisen during the investigation process between the TCEQ and the regulated entity named above and does not represent final TCEQ findings related to violations. Any potential or alleged violations discovered after the date on this form will be communicated by telephone to the regulated entity representative prior to the issuance of a notice of violation or enforcement. Conclusions drawn from this investigation, including additional violations or potential violations discovered (if any) during the course of this investigation, will be documented in a final investigation report.

Issue		For Records Request: identify the necessary records, the company contact and date due to the agency. For Alleged and Potential Violation issues: include the rule in question with the clearly described potential problem. Other type of issues: fully describe.	
No.	Type	Rule Citation (if known)	Description of Issue
1.	AV		Violation Tracking Numbers (VTN) 8203103 remains open: Failed to obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months. Specifically, third-party engineers contracted by the facility are 30% completed with the construction plans and have received funds to complete the project.
2.	AV		VTN 823028 remains open: Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the facility does not have odor control facilities in place.
3.	AV		VTN 823038 remains open: Failed to obtain approval for the Zinc Reduction Plan. Specifically, the facility is still continuing to work towards obtaining approval from the TCEQ Standards Implementation Team (MC-150) for the Zinc Reduction Plan.
4.	AV	319.11(b)	Failed to ensure proper preservation of effluent samples. Specifically, a thermometer was not present in the effluent composite sampler.
5.	AV	305.125(5); 317.4(d)(2); 317.4(d)(3)	Failed to properly operate and maintain the facility. Specifically, there was an uneven flow over both clarifier weirs. Additionally, there was excessive scum and debris floating on the surface of both clarifiers.
6.	AV	305.125(5); 317.4(g)(4)(a)	Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the process control tests performed during the investigation documented that the 30-min settleable solids concentration (SV30) in the aeration basin was 68% greater than the recommended range of 10-50%. In addition, the sludge blanket in Clarifiers Nos.1 and 2 was 7.5ft and 6ft in a 14ft water depth (53.57% and 42.85%, respectively; this is greater than the recommended maximum sludge/water ratio of 25% sludge depth.
7.	O	Additional Issue	The facility reported the following number of effluent permit exceedances at Outfall 001 in the past 12-month period: Enterococci (daily max) - 7; Total Copper (daily average) - 1.

Did the TCEQ document the regulated entity named above operating without proper authorization?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Did the investigator advise the regulated entity representative that continued operation is not authorized?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Document Acknowledgment. The signature on this document establishes only that the regulated entity (company) representative received a copy of this document and associated continuation pages on the date noted. If contact was made by telephone, the document will be faxed to the regulated entity; therefore, signature not required.

 Gerardo I. Moreno	12/19/2024	Emailed to Mr. Shaffer on 12/19/2024	
Investigator Name (Signed & Printed)	Date	Regulated Entity Representative Name	Date

If you have questions about any information on this form, please contact your local TCEQ Regional Office.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, call 512-239-3282.

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



Item 1.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 21, 2025

EMAIL RECEIPT REQUESTED

The Honorable Jack Whitlow
Mayor of the City of Port Lavaca
202 North Virginia
Port Lavaca, Texas 77979

Via Email

Re: Notice of Violation Letter for the Comprehensive Compliance and In-House Laboratory Focused Investigations at: City of Port Lavaca Waste Water Treatment Facility, located at 800 North Commerce Street, Port Lavaca (Calhoun County), Texas.
Regulated Entity No.: 101612893, TCEQ ID No.: WQ0010251001, EPA ID No.: TX0047562, Investigation No.: 2033615

Dear Mayor Whitlow:

On December 17, 2024, Mr. Gerardo Moreno of the Texas Commission on Environmental Quality (TCEQ) Corpus Christi Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for wastewater treatment. Enclosed is a summary which lists the investigation findings. During the investigation, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by March 21, 2025, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <https://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Corpus Christi Region Office at (361) 881-6900 or the Central Office Publications Ordering Team at (512) 239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. Self-reported violations may be subject to enforcement, including penalties, upon review by the Enforcement Division. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the Corpus Christi Region Office within 10 days from the date of this letter. At that time, the Water Section Manager will schedule a violation review meeting to be conducted *within 21 days from the date of this letter*. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the

The Honorable Jack Whitlow
Page 2
February 21, 2025

enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Moreno in the Corpus Christi Region Office at (361) 881-6900.

Sincerely,



Zachary Fuqua, Water Section Manager
Corpus Christi Region Office
Texas Commission on Environmental Quality

ZF/GM/mjc

Enclosure: Summary of Investigation Findings

cc: Mr. Wayne Shaffer, Public Works Director - via email

Summary of Investigation Findings

Item 1.

CITY OF PORT LAVACA

Investigation # 2033615

800 N COMMERCE ST

Investigation Date: 12/17/2024

PORT LAVACA, CALHOUN COUNTY, TX 77979

**Additional ID(s): TX0047562
WQ0010251001**

OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 823013 Compliance Due Date: 01/05/2024

30 TAC Chapter 305.125(1)

30 TAC Chapter 305.126(a)

PERMIT WQ0010251001, Operational Requirements No. 8a., Pg. 14

Whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities.

EPA ID TX0047562, Operational Requirement No. 8.a., Pg. 14

Alleged Violation:

Investigation: 1833031

Comment Date: 09/01/2022

Failed to obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months.

An investigation conducted on July 26, 2022 documented the facility has reached 90% of the permitted annual average flow of 2.0 million gallons per day (MGD) for 18 consecutive months (November 2020 to April 2022) and the permitted daily average flow of 2.0 MGD was exceeded in July 2020, August 2020, September 2020, May 2021, June 2021, and July 2021.

Additionally, the permittee has not amended their permit and commenced construction of additional treatment and/or collection facilities.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on September 28, 2022 was reviewed. Specifically, the facility submitted documentation which included a progress update on the City of Port Lavaca -Lynn's Bayou Wastewater Treatment Plant improvements and expansion projects. The City has contracted with AECOM to design the project which will include the expansion of the 2.0 million gallons per day (MGD) treatment facility to a 4.0 MGD facility.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to complete and submit the designs for the expansion to TCEQ Plans and Specification Review, Water Quality Division MC - 148. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Investigation: 1868415

Comment Date: 02/13/2023

During the file record review conducted on February 13, 2023, the additional information submitted by the facility on December 15, 2022, to justify an extension to the previous compliance plan was reviewed. The City of Port Lavaca requested an extension to allow additional time for the engineering company awarded the bid to complete and submit the design for the expansion to TCEQ Plans and Specification Review, Water Quality Division MC - 148.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until January 5, 2024.

Investigation: 1967529

Comment Date: 03/06/2024

During the file record review conducted on March 7, 2024, it was determined the TCEQ Region 14 Office has not received from the facility a written description of corrective action taken and the required compliance documentation for this outstanding alleged violation.

Investigation: 1989370

Comment Date: 06/03/2024

During the file record review conducted on June 5, 2024, it was determined the TCEQ Region 14 Office has not received from the facility a written description of corrective action taken and the required compliance documentation for this outstanding alleged violation.

Investigation: 2033615

Comment Date: 02/20/2025

During the investigation conducted on December 17, 2024, the investigator noted that the engineering company hired by the City of Port Lavaca (City), AECOM, sent a letter to the TCEQ Regional Office on September 24, 2024, stating that the company has prepared and submitted the Preliminary Engineering Report and associated 30% preliminary design drawings for the expansion project. The City had been approved for a Texas Water Development Board (TWDB) State Revolving Fund (SRF); however because the impact of the loan would more than double the sewer bill for customers, the City will research other financing and grant options, before working on closing approved SRF loan. Final design, the next step of the expansion project, will commence upon securing the necessary funds.

Recommended Corrective Action: The permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Track No: 823028 Compliance Due Date: 01/05/2024

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.4(b)(1)

30 TAC Chapter 317.4(b)(2)

PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13

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

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on July 26, 2022 determined that the mechanical bar screen and the grit auger were inoperative. Specifically, the facility stated that the grit auger has been inoperative for one year and the mechanical bar screen broke the week prior to this investigation. Additionally, the facility does not have any odor control facilities.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on September 28, 2022 was reviewed. Specifically, the facility submitted documentation which included a progress update on the City of Port Lavaca -Lynn's Bayou Wastewater Treatment Plant improvements and expansion projects. The City has contracted with AECOM to design the project which will include the improvements to the current treatment facility.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to complete and submit the designs for the improvements to TCEQ Plans and Specification Review, Water Quality Division MC - 148. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Investigation: 1868415

Comment Date: 02/13/2023

During the file record review conducted on February 13, 2023, the additional information submitted by the facility on December 20, 2022, to justify an extension to the previous

compliance plan was reviewed. The City of Port Lavaca requested an extension to allow additional time to complete the headworks improvement project.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until January 5, 2024.

Investigation: 1967529

Comment Date: 03/06/2024

During the file record review conducted on March 7, 2024, it was determined the TCEQ Region 14 Office has not received from the facility a written description of corrective action taken and the required compliance documentation for this outstanding alleged violation.

Investigation: 1989370

Comment Date: 06/03/2024

During the file record review conducted on June 5, 2024, it was determined the TCEQ Region 14 Office has not received from the facility a written description of corrective action taken and the required compliance documentation for this outstanding alleged violation.

Investigation: 2033615

Comment Date: 02/11/2025

During the investigation conducted on December 17, 2024, the investigator observed that the mechanical bar screen and grit auger had been repaired and were both operational. In addition, the operator stated that the odor control system was still not operational and were still looking at replacement options for the system.

Recommended Corrective Action: Odor control measures shall be implemented to prevent the wastewater treatment plant from becoming a nuisance. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

Track No: 823038 **Compliance Due Date:** 01/05/2024

30 TAC Chapter 305.125(1)

PERMIT WQ0010251001, Other Requirements No. 8, Pg. 35

Within 3 months after the first exceedance of the daily average zinc limit or daily max zinc limit, the City of Port Lavaca shall submit to the TCEQ Stormwater & Pretreatment Team (MC-148) a Zinc Reduction Plan ("Plan") for review and approval. The goal of such Plan is to identify the sources(s) of zinc, require best management practices and/or other controls to reduce the zinc loadings to the Lynn Bayou WWTF to a zinc maximum allowable headworks concentration of 208 µg/L per day.

EPA ID TX0047562, Other Requirements No. 8, Pg. 35

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to obtain approval for the Zinc Reduction Plan.

An investigation conducted on July 26, 2022 documented the Zinc Reduction Plan was not approved by the TCEQ Stormwater & Pretreatment Team. Specifically, a letter to address the Zinc reduction plan was submitted on March 29, 2019 to the TCEQ Standards Implementation Team and not the TCEQ Stormwater & Pretreatment Team. Additionally, the permit required the applicant to submit a study plan to identify the source of zinc coming into their waste collection system. The letter stated that they have no industrial contributors and that they may not be able to identify the source of the zinc; therefore, the plan was to determine the dissolved fraction of zinc that would be bioavailable to aquatic organisms in the receiving waters. Furthermore, the daily maximum for total zinc was 1030.0 µg/L in February 2022.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on September 28, 2022 was reviewed. Specifically, the facility retained Plummer Associates, Inc. to review the existing zinc database and the review identified an uncharacteristically high fraction of dissolved zinc as compared to total zinc. Plummer Associates is determining the next steps possible

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to obtain approval from the TCEQ Stormwater &

Pretreatment Team (MC-148) for the Zinc Reduction Plan. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Investigation: 1868415

Comment Date: 02/13/2023

During the file record review conducted on February 13, 2023, the additional information submitted by the facility on December 20, 2022, to justify an extension to the previous compliance plan was reviewed. The City of Port Lavaca requested an extension to allow additional time for Plummer Associates, Inc. to determine the best course of action to address zinc in the effluent to ensure compliance with Texas Surface Water Quality Standards. Specifically, the initial results of their study indicated that the dissolved fraction of zinc was almost equal to the total fraction (unusual and not the expected result). Additionally, the consultant will be working with the TCEQ Standards Implementation Team (MC-150) as they explore options.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until January 5, 2024, to obtain approval from the TCEQ Standards Implementation Team (MC-150) for the Zinc Reduction Plan.

Investigation: 1967529

Comment Date: 03/06/2024

During the file record review conducted on March 7, 2024, it was determined the TCEQ Region 14 Office has not received from the facility a written description of corrective action taken and the required compliance documentation for this outstanding alleged violation.

Investigation: 1989370

Comment Date: 06/03/2024

During the file record review conducted on June 5, 2024, it was determined the TCEQ Region 14 Office has not received from the facility a written description of corrective action taken and the required compliance documentation for this outstanding alleged violation.

Investigation: 2033615

Comment Date: 02/18/2025

During the investigation conducted on December 17, 2024, the investigator noted that the facility's engineering consultant, AECOM, is still working to figure out how to include zinc and copper abatement features into the facility's expansion plans as mentioned in a letter to the TCEQ on September 24, 2024.

Recommended Corrective Action: The permittee shall obtain approval from the TCEQ Stormwater & Pretreatment Team (MC-148) for the Zinc Reduction Plan. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

Track No: 907876 **Compliance Due Date:** 03/21/2025

30 TAC Chapter 305.125(1)

30 TAC Chapter 319.11(b)

PERMIT WQ0010251001, Monitoring and Reporting No. 2(a)

Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC 319.11 - 319.12. Measurements, tests, and calculations shall be accurately accomplished in a representative manner.

EPA ID TX0047562, Monitoring and Reporting No. 2(a)

Alleged Violation:

Investigation: 2033615

Comment Date: 02/12/2025

Failed to ensure proper preservation of effluent samples.

During the investigation conducted on December 17, 2024, the investigator noted that a thermometer was not present in the composite auto-sampler near the Parshall flume.

Recommended Corrective Action: Submit documentation to the Region 14 Office by the compliance due date verifying that an NIST certified thermometer is being utilized in the composite auto-sampler and records of the temperature are being maintained.

Track No: 907992 **Compliance Due Date:** 03/21/2025

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.4(d)(2)

30 TAC Chapter 317.4(d)(3)

PERMIT WQ0010251001, Operational Requirements No. 1

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

EPA ID TX0047562, Operational Requirements No. 1**Alleged Violation:**

Investigation: 2033615

Comment Date: 02/12/2025

Failed to properly operate and maintain the facility.

During the investigation conducted on December 17, 2024, the investigator observed an uneven flow passing over both clarifier weirs. In addition, the investigator observed excess scum and debris floating on the surface of both clarifiers.

Recommended Corrective Action: Submit documentation to the Region 14 Office verifying that the weirs in both clarifiers have been leveled and the excessive scum/debris has been collected and properly disposed of.

Track No: 908005

Compliance Due Date: 03/21/2025

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.4(g)(4)(A)

PERMIT WQ0010251001, Operational Requirements No. 1

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control.

EPA ID TX0047562, Operational Requirements No. 1**Alleged Violation:**

Investigation: 2033615

Comment Date: 02/21/2025

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

During the investigation conducted on December 17, 2024, the investigator determined that the appropriate quantity and quality of solids inventory was not being maintained as described in the various operator training manuals and according to accepted industry standards for process controls. Specifically, process control tests conducted during the investigation documented that the 30-minute settleable solids concentration (SV30) in the aeration basin was 68%, which is greater than the recommended range of 10% to 50%. In addition, the sludge blanket in Clarifiers Nos. 1 and 2 was 7.5ft and 6ft in a 14ft water depth (53.57% and 42.85%), respectively; this is greater than the recommended maximum sludge/water ratio of 25% sludge depth.

Recommended Corrective Action: Submit documentation to the Region 14 Office verifying that an appropriate quantity and quality of solids inventory is being maintained in the aeration basin and clarifiers.

**ALLEGED VIOLATION(S) NOTED AND RESOLVED
ASSOCIATED TO A NOTICE OF VIOLATION**

Track No: 909532

2D TWC Chapter 26.121(a)(1)

30 TAC Chapter 305.125(1)

PERMIT WQ0010251001, Permit Conditions No. 2 (g)

There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.

EPA ID TX0047562, Permit Conditions No. 2 (g)**Alleged Violation:**

Investigation: 2033615

Comment Date: 02/20/2025

Failed to prevent the unauthorized discharge of wastewater.

During the investigation conducted on December 17, 2024, the investigator noted that the permittee reported two unauthorized discharges from the wastewater treatment plant and the collection system during the 18 months preceding the investigation. The first unauthorized discharge occurred on June 28, 2023, which released approximately 500 gallons of sewage onto the road due to a sewage backup from a manhole. The second unauthorized discharge occurred on June 21, 2024, which released approximately 1,000 gallons of sewage inside of the treatment plant due to bar screen failure.

Resolution: The facility provided documentation which included the 24-hour notification and 5-day written notification with a description of the appropriate corrective actions taken for each of the discharges.

ADDITIONAL ISSUES**Description**

Was the permittee compliant with the self-monitored effluent limits?

Additional Comments

During the last 18-month period from June 2023 through December 2024, the facility reported the following TPDES permit exceedances: Enterococci (daily max - mg/L) -11, Total Copper (daily average - 11.1 µg/L) - 1, and flow (2-hour peak - 5319.0 gal/min) - 1. Noncompliance notifications were submitted to the Region 14 Office in a timely manner for these exceedances. Self-reported effluent violations may be subject to formal enforcement, including penalties, upon review by the Enforcement Division.

CITY OF
PORT LAVACA

202 N. Virginia, Port Lavaca, Texas 77979-0105 www.portlavaca.org
Main Number: 361-552-9793

May 4, 2025

Ms. Nancy Sims
Enforcement Division
Texas Commission on Environmental Quality
5425 Polk St., Suite H
Houston, Texas 77023

Ms. Sims,

In regards to the request for waiver at the City of Port Lavaca Lynn's Bayou WWTF permit # WQ0010251001 we hereby submit the following information.

Regards,

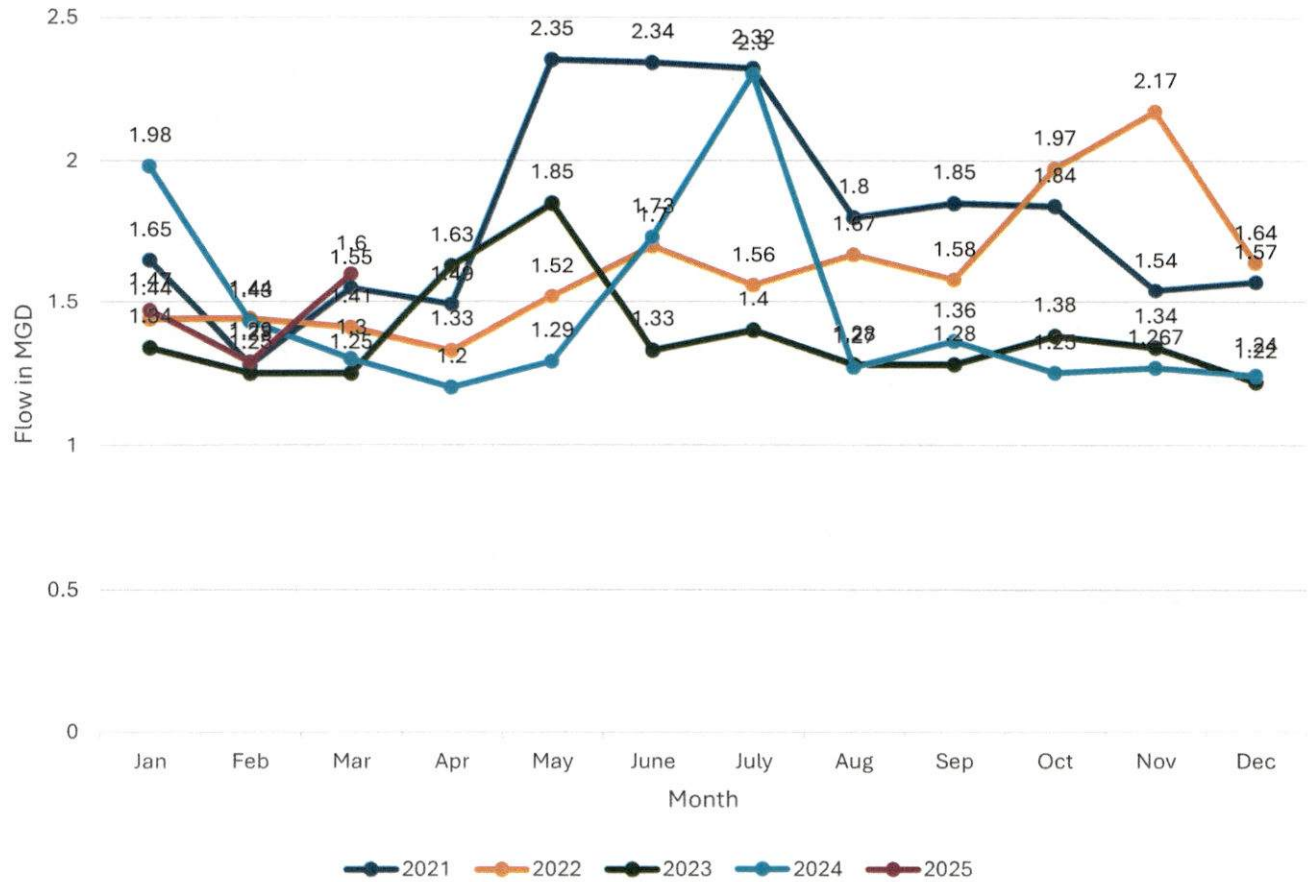
William W. Shaffer
Director of Public Works

1. Actual daily average flow (in million gallons per day) that was reported on plant's discharge monitoring reports for past 12 months; Below item 2 is a chart for the past 4 years and 3 months.
2. Months that the daily average flow reached or exceeded 75 percent of the Permitted daily average flow for the past 24 months (need the month and the actual reported flow); The yellow highlighted months show 75% or more flow and red highlighted cells show 90% or more.

	2021	2022	2023	2024	2025
Jan	1.65	1.44	1.34	1.98	1.47
Feb	1.28	1.44	1.25	1.43	1.29
Mar	1.55	1.41	1.25	1.3	1.6
Apr	1.49	1.33	1.63	1.2	
May	2.35	1.52	1.85	1.29	
June	2.34	1.7	1.33	1.73	
July	2.32	1.56	1.4	2.3	
Aug	1.8	1.67	1.28	1.27	
Sep	1.85	1.58	1.28	1.36	
Oct	1.84	1.97	1.38	1.25	
Nov	1.54	2.17	1.34	1.267	
Dec	1.57	1.64	1.22	1.24	

3. Estimated percentage of flow contributed by industrial, commercial, municipal (schools, convention centers, etc.) and residential users; (bar charts or graphs are helpful) We have no industrial users so the estimated percentage of flow from institutional and municipal would be approximately 30%.
4. Projected 30-day average influent flow rate to the treatment plant at the permit expiration date. This figure is to be based on, but not limited to, the population projection, the anticipated addition and/or withdrawal of any industrial, commercial and/or municipal users to the service area over the duration of the permit; Based on the chart below and the known addition of at least 20 homes and 2 new businesses over the next few months we anticipate to be at or near 75% of permitted flow.

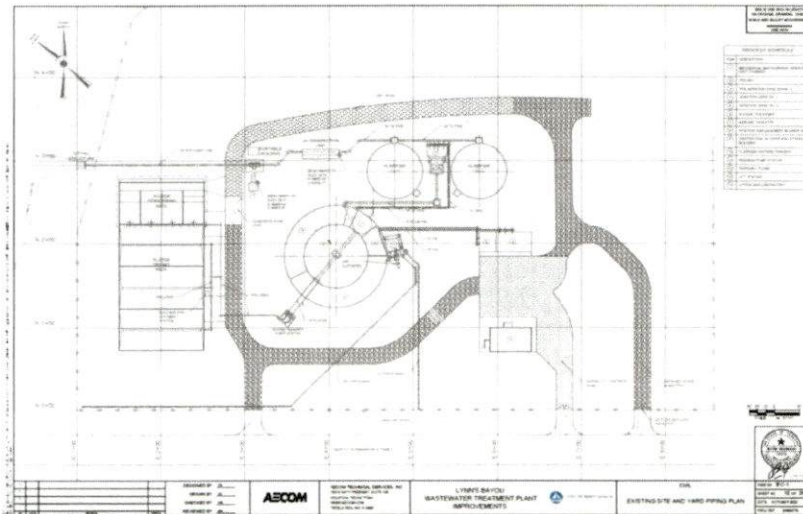
Lynn's Bayou WWTF Flow Trends for the last 4 years and 3 months



5. 30-day average influent 5-day Biochemical Oxygen Demand and Total Suspended Solids concentration for each of the past 12 months, if available.

	2024 bod	2024TSS	2025bod	2025TSS
Jan			147mg/l	428mg/l
Feb			136mg/l	235mg/l
Mar			169mg/l	527mg/l
Apr	219mg/l	335mg/l		
May	163mg/l	308mg/l		
June	131mg/l	180mg/l		
July	135mg/l	381mg/l		
Aug	150mg/l	212mg/l		
Sep	130mg/l	280mg/l		
Oct	141mg/l	328mg/l		
Nov	104mg/l	290mg/l		
Dec	163mg/l	808mg/l		

6. Number of unauthorized discharges from the sewage treatment plant for the past year, their estimated quantity and duration, and the circumstances surrounding each event; **The WWTF has not experienced any unauthorized discharges in the last year.**
7. Schematic of the treatment plant showing its layout. This should also include the dimensions and design volumetric capacity of each treatment unit.



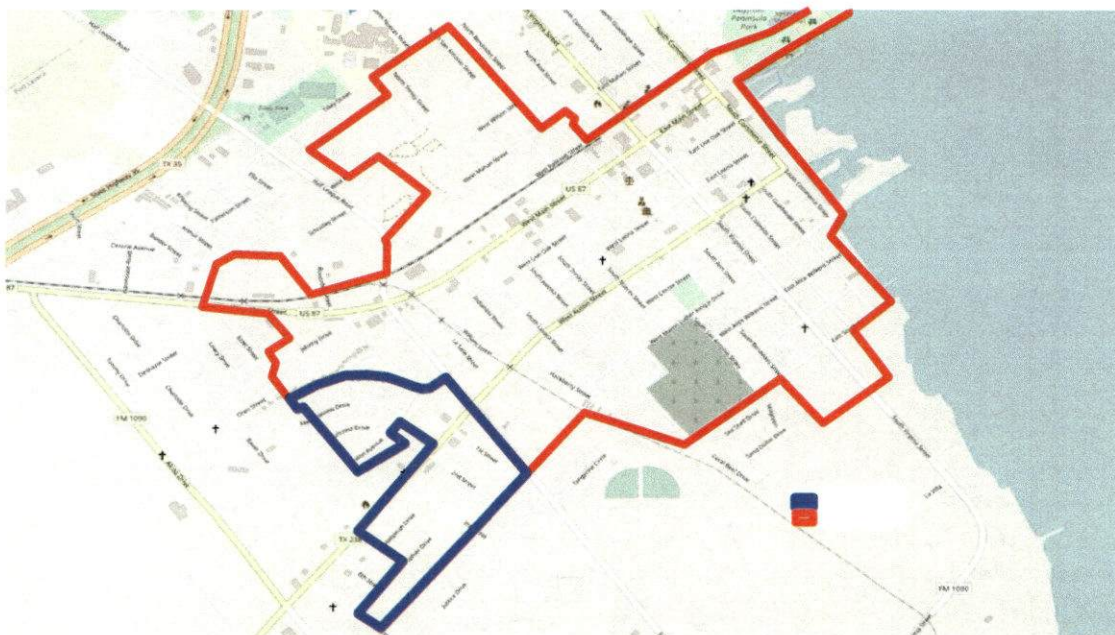
8. List of excursions for the past 24 months from the permitted parameters Set forth in the permit, including the actual measured, reported, or calculated values for each parameter where the permit minimum was not met or the maximum or limit was exceeded; **The following chart shows excursions for the last 24 months.**

	2023	2024	2025
Jan		Enterococci daily max 1986.3	No Excursions
Feb		No Excursions	No Excursions
Mar		Enterococci daily max 1986.3	No Excursions
Apr	Enterococci daily max 127.6	Enterococci daily max 613.1, 1119.9, 630.1, 238.2	
May	Enterococci daily max 307.6, 2419.6, 613, 656, 299.7,	Enterococci daily max 161.6	
June	No Excursions	Enterococci daily max 151.5	
July	No Excursions	No Excursions	
Aug	No Excursions	No Excursions	
Sep	No Excursions	No Excursions	
Oct	copper daily average 11.273, enterococci daily max 307.6, 235.9, 2419, 2419, 275	Enterococci daily max 313	
Nov	No Excursions	No Excursions	
Dec	enterococci daily max 153.9, 166.4	No Excursions	

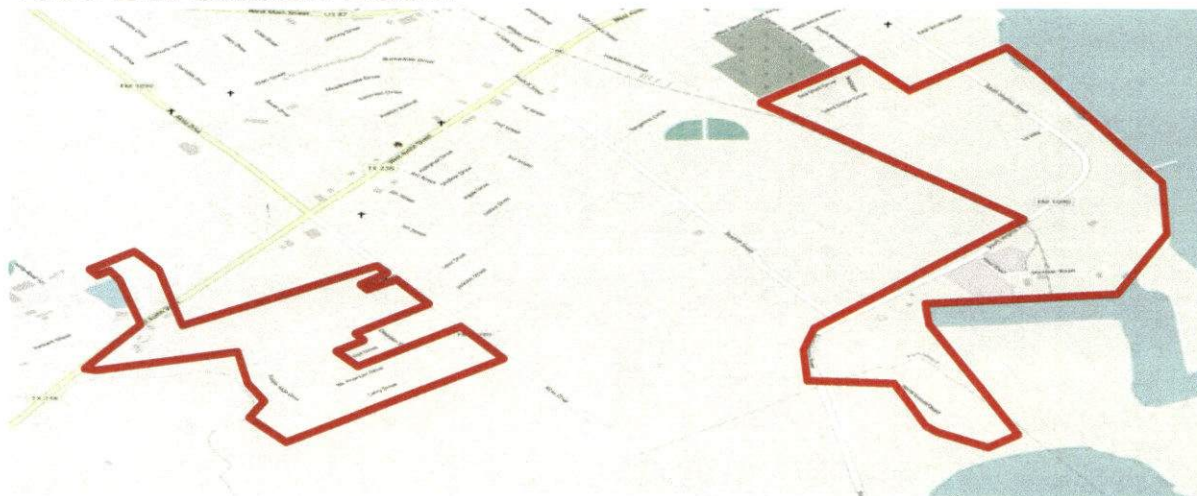
9. Age of the collection system and treatment plant; **Plant is 43 years old, many parts of the collection system are far older.**

10. Any sewer system evaluation surveys (SSES) and/or infiltration and inflow (I/I) studies conducted during the past five years; **Smoke testing has been completed in the following two areas with plans to continue in the oncoming years.**

ANN Lift Station Basin



Hill Terrace, and Loop 1090 Lift Station Basin



11. Future plans for the expansion/rehabilitation and/or construction of any new facilities including a timetable; **We are currently engaged in engineering to upgrade the WWTF to a 4MGD plant, plans should be at 90% in June.**
12. Copy of the existing permit **is attached at the end of this document.**
13. Brief explanation/cause why facility exceeded 75/90 flow. **Years 2021 and 2022 saw an expansion project at the Formosa plastics refinery which increased our population and flows immensely. Additionally, during this time we saw covid 19 which kept our population at home which we speculate had an effect on flows as well.**

COMMUNICATION

SUBJECT: Consider Resolution No. R-052725-1 of the City of Port Lavaca authorizing the hiring of Bickerstaff Heath Delgado Acosta LLP on a contingent fee basis as bond counsel to the City of Port Lavaca. Presenter is Jody Weaver

INFORMATION:

NOTICE FOR HIRING BOND COUNSEL

The City of Port Lavaca (“City”) will be considering the approval of a contingent fee contract for legal services (“Legal Services Contract”) at the special meeting of the City Council to be held on May 27, 2025, at 5:30 p.m., at the City Council Chambers, 202 N. Virginia St., Port Lavaca, Texas. The approval of the Legal Services Contract will be considered in connection with the City’s sale and issuance of public securities, including the proposed issuance of certificates of obligation in connection with certain Texas Water Development Board financing for the expansion of the City’s Lynn’s Bayou Treatment Plant, (the “Obligations”). The City intends to select the law firm of Bickerstaff Heath Delgado Acosta LLP (“BHDA”) to serve as the City’s bond counsel in connection with the sale and issuance of such Obligations (the “Issuance”).

BHDA has demonstrated that it has the competence, qualifications, and experience required to serve as the City’s bond counsel in connection with the sale and issuance of public securities. BHDA has successfully represented Texas local governments as bond counsel in connection with the issuance of public securities, such as those anticipated to be issued in connection with the Issuance, for over 30 years. BHDA has served as bond counsel to the City since 2003.

Attorneys that represent local governments in transactions such as the Issuance typically are bond counsel recognized for their work in the specialized area of public finance. The City’s successful sale and issuance of public securities, such as those anticipated to be issued in connection with the Issuance, will require the preparation of numerous transactional documents, the compilation of those documents into a transcript, and obtaining the approval of the Attorney General of the State of Texas for the sale of any public securities, as well as other procedural steps. The City does not have any attorneys on staff that have the specialized experience required for a successful sale of public securities related to the Issuance.

Each sale of public securities by a local government presents a unique set of legal issues, and bond counsel traditionally bills for services on a contingent fee basis. Because bond counsel services are based on a fixed contingency rate, the City can know with certainty the precise amount of the fees before the sale of the public securities, and therefore, can more easily budget and plan for the use of the proceeds.

For the preceding reasons, entering into a contingent fee contract for bond counsel services with BHDA is in the best interest of the residents of the City.

RESOLUTION NO. R-052725-1**RESOLUTION AUTHORIZING HIRING OF BOND COUNSEL ON A
CONTINGENCY FEE BASIS**

THE STATE OF TEXAS §
COUNTY OF CALHOUN §
CITY OF PORT LAVACA §

WHEREAS, City of Port Lavaca, Texas ("City") has a substantial need for legal services in connection with the issuance of public securities or the administration of its affairs that pertain to the issuance of public securities or the administration of its affairs pertaining to the issuance of public securities as contemplated by Tex. Govt. Code Section 1201.027 in connection with certain Texas Water Development Board financing for the expansion of the City's Lynn's Bayou Treatment Plant (the "Obligations"); and

WHEREAS, the legal services cannot be adequately performed by the attorneys and supporting personnel of the City because the issuance of Obligations by the City requires specialized skills and experience and the services of a firm that is nationally recognized as bond counsel who can opine on the validity and appropriateness of the Obligations, when issued; and

WHEREAS, the services required are not typically available and cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because such a contract would require the City to incur costs and expenses which would need to be borne even if the City ultimately determined not to issue Obligations. The nature of the bond counsel engagement with Bickerstaff Heath Delgado Acosta LLP of Austin, Texas ("BHDA"), is feasible only because BHDA is agreeing to provide the services on a contingent fee basis and thus bears the risk if the City ultimately determined that it was not practical or feasible to issue the Obligations; and

WHEREAS, absent the issuance of Obligations, the City does not have funds to pay the estimated amounts required under a contract providing only for the payment of hourly fees; and

WHEREAS, the City, by and through its City Council (the "City Council") and pursuant to all relevant authority, desires to retain and acquire legal counsel and the professional legal services of BHDA regarding the City's sale and issuance of public securities as contemplated by the requirements of Subchapter C of Chapter 271 of the Texas Local Government Code, which is further described in the attached **Exhibit 1**; and

WHEREAS, the City Council has duly posted written notice of its consideration of the decision to hire BHDA in accordance with Section 2254.2036 of the Texas Government Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS THAT the City Council, for and on behalf of the City and in the public interest, hereby makes the following findings, which incorporate each of the preceding recitals as if fully stated below, and orders and approves the following:

- (1) It is necessary, proper, and advisable for the City and City Council to be represented by BHDA regarding the City's sale and issuance of public securities due to the legitimate and principal interests of the City and the public as herein described.
- (2) BHDA is hereby retained by the City Council on behalf of the City and is formally engaged to provide legal counsel and related professional and personal services pursuant to and described in the contract for legal services ("Engagement Agreement") in connection with City's sale and issuance of public securities, said agreement being approved in substantially the form attached hereto as **Exhibit 1**.
- (3) The Mayor is authorized and directed to execute the Engagement Agreement on behalf of the City.
- (4) Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine, feminine, or neuter gender shall each include the other, and the singular and plural number shall each include the other where necessary for a correct meaning in this resolution.
- (5) This resolution shall take effect immediately from and after its passage and enactment.
- (6) All preliminary recitals of this resolution and all attached documents are incorporated by reference as findings of the City Council.
- (7) This resolution was considered and approved at a meeting held in compliance with the Open Meetings Act, Chapter 551, Texas Government Code.

[The remainder of this page intentionally left blank.]

PASSED AND APPROVED THIS 27th DAY OF MAY, 2025.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

[CITY SEAL]

[SIGNATURE PAGE – HIRING RESOLUTION]

EXHIBIT 1

(Engagement Agreement for Legal Services)

May 27, 2025

The Honorable Jack Whitlow
Mayor of the City of Port Lavaca
202 North Virginia
Port Lavaca, TX 77979

RE: Bond Counsel Agreement

Dear Mayor Whitlow:

This letter is submitted to state our fees and describe the legal services that we will provide in performing the duties of bond counsel for the City of Port Lavaca (the "City") in connection with the issuance of public securities by the City pertaining to certain Texas Water Development Board financing for the expansion of the City's Lynn's Bayou Treatment Plant (the "Obligations") (the "Obligations") or other financing, as may be assigned to the firm by the City from time to time during the term of this agreement.

SERVICES

Generally, we will perform all usual and necessary legal services as bond counsel in connection with the authorization, issuance, and delivery of the Obligations. Specifically, we will prepare and direct the legal proceedings and perform the other necessary legal services with reference to the authorization, issuance, and delivery of the Obligations, including the following:

1. Prepare all resolutions, orders, notices and other instruments pursuant to which the Obligations will be authorized, issued, delivered and secured, including election proceedings, if necessary, in cooperation and upon consultation with the City Council, their consultants, and other legal and financial advisors and consultants of the City.
2. If the Obligations are a refunding issue, prepare documents establishing the escrow agreement with the escrow agent.
3. If an election is required, prepare documents for calling the bond election.
4. Attend meetings of the City Council with reference to the authorization and issuance of the Obligations to the extent required or requested.
5. Cooperate with the City Council and all other interested parties in the sale of the Obligations to the purchasers.

6. Submit the bond transcript to the Attorney General for approval and obtain the registration of the Obligations by the Comptroller of Public Accounts of the State of Texas as required by law.

7. Supervise the execution of the Obligations and the delivery thereof to the purchasers.

8. Prepare documents for closings, provide instructions and advice for closings, and attend closings.

9. When the Obligations are issued, we will give our approving opinion covering the validity of the Obligations, the status of the refunded obligations, if any, and the exemption of interest from federal income taxes, it being understood that the approving opinion will be fully acceptable nationally in regular commercial investment banking bond marketing channels.

COMPENSATION

The fee covering the legal services of this firm, as bond counsel, for the issuance of the Obligations, is as follows:

New Money Obligations

\$12,000 for the first million dollars of Obligations; and
\$1.00 per \$1,000 of Obligations over \$1 million.

\$12,000 minimum fee.

Refunding Obligations

\$13,000 for the first million dollars of Obligations; and
\$1.00 per \$1,000 of Obligations over \$1 million.

\$13,000 minimum fee.

Also, we would expect to be reimbursed for our actual out-of-pocket expenses reasonably and necessarily incurred in connection with the authorization, issuance, and delivery of such Obligations, *i.e.*, travel, overnight delivery service, photocopies, outgoing facsimile transmissions, courier, Form 8038-G preparation, and the Attorney General's filing fee. Our standard terms of engagement and a list of client costs advanced are enclosed.

Our fees and expenses in connection with the issuance of the Obligations will be payable at the time of the delivery of and payment for the Obligations, but our fees for these services are wholly contingent upon actual issuance of the Obligations. Should the Obligations not be issued, the City would be responsible only for payment of the costs of any newspaper publications or translation services incurred.

LIMITATION OF REPRESENTATION

The foregoing legal services as bond counsel do not include any direct responsibility for the "disclosure obligations" owed to the investing public under the federal securities laws and the various state securities laws, and this is to state that our engagement is not that broad. We will, however, provide assistance to the City in identifying what the City's responsibility is in meeting its continuing disclosure responsibilities.

Your financial advisor will be responsible for the preparation of an Official Statement or any other disclosure document with respect to the Obligations. While we are not responsible for performing an independent investigation to determine the accuracy, completeness or sufficiency of any such document, our responsibility will include the preparation or review of any description within the Official Statement of: (i) federal law pertinent to the validity of the Obligations and the tax treatment of interest paid on the Obligations, (ii) the terms of the Obligations, and (iii) our opinion.

The fees discussed herein do not apply in litigation work in reference to the Obligations or matters separate from that actual issuance of debt. The scope of any litigation representation or other work assigned by the City and the rates and fees in respect to these services shall be agreed upon between the City and the undersigned prior to the initiation of services and will be billed monthly.

CANCELLATION OF AGREEMENT

The agreement may be terminated by either the firm or the City at any time on 30 days' written notice to the other party.

[The remainder of this page intentionally left blank.]

ACCEPTANCE

If the arrangement proposed herein is satisfactory, please indicate the City's acceptance by signing the acceptance clause below and return one copy of this letter to the undersigned.

Respectfully submitted,

BICKERSTAFF HEATH DELGADO ACOSTA LLP

Gregory D. Miller

ACCEPTED this 27th day of May, 2025.

CITY OF PORT LAVACA, TEXAS

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

[SIGNATURE PAGE]

STANDARD TERMS OF ENGAGEMENT

This statement sets forth the standard terms of our engagement as your attorneys. Unless modified in writing by mutual agreement, these terms will be an integral part of our agreement with you. Therefore, we ask that you review this statement carefully and contact us promptly if you have any questions. We suggest that you retain this statement in your file.

1. The Scope of Our Work

You should have a clear understanding of the legal services we will provide. Any questions that you have should be dealt with promptly. We will provide services related only to matters as to which we have been specifically engaged.

We will at all times act on your behalf to the best of our ability. Any expressions on our part concerning the outcome of your legal matters are expressions of our best professional judgment but are not guarantees. Such opinions are necessarily limited by our knowledge of the facts and are based on the state of the law at the time they are expressed. We cannot guarantee the success of any given matter, but we will strive to represent your interests professionally and efficiently.

2. Fees For Legal Services

Our charges for professional services are customarily based on the time devoted to the matter, the novelty and difficulty of the questions presented, the requisite experience, reputation and skill requested to deal with those questions, time limitations imposed by the circumstances, and the amount involved and the results obtained. Unless otherwise indicated in writing, our fees for legal services are determined on the basis of the hourly rates of the respective lawyers and paralegals who perform the services. These rates vary depending on the expertise and experience of the individual. We adjust these rates annually, increasing them to reflect experience, expertise, and current economic conditions. We will notify you in writing if this fee structure is modified.

3. Other Charges

All out-of-pocket expenses (such as copying charges, travel expenses, messenger expenses and the like) incurred by us in connection with our representation of you will be billed to you as a separate item on your monthly statement. We have enclosed a description of the most common expenses.

4. Billing Procedures and Terms of Payment

Our fee is contingent upon the closing and delivery of the obligations.

If you have any question or disagreement about any statement that we submit to you for payment, please contact me at your earliest convenience so that we can resolve any problems without delay. Typically, such questions or disagreements can be resolved to the satisfaction of both sides with little inconvenience or formality.

5. Termination of Services

You have the right at any time to terminate our employment upon written notice to us, and if you do we will immediately cease to render additional services. We reserve the right to discontinue work on pending matters or terminate our attorney-client relationship with you at any time that payment of your account becomes delinquent. Additionally, in the event that you fail to follow our advice and counsel, or otherwise fail to cooperate reasonably with us, we reserve the right to withdraw from representing you upon short notice, regardless of the then status of your matter. No termination shall relieve you of the obligation to pay fees and expenses incurred prior to such termination.

6. Retention of Documents

Although historically we have attempted to retain for a reasonable time copies of most documents generated by this Firm, we are not obligated to do so, and we hereby expressly disclaim any responsibility or liability for failure to do so. You must ultimately retain all originals and copies you desire among your own files for future reference.

7. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, United States of America. Venue of any case or controversy arising under or pursuant to this Agreement shall be in Travis City, Texas, United States of America.

8. Questions

If you have any questions from time to time about any aspect of our arrangements, please feel entirely free to raise those questions. We want to proceed in our work for you with a clear and satisfactory understanding about every aspect of our billing and payment policies; and we encourage an open and frank discussion of any or all of the matters mentioned in this memorandum.

Client Costs Advanced
Bickerstaff Heath Delgado Acosta LLP

The firm incurs expenses on behalf of clients only when required by the legal needs of the clients. Some cases or matters require extensive use of outside copy facilities, and other cases may not be so paper-intensive. Standard services handled within the firm are not charged, and client-specific expenses are billed to the client needing those services. An explanation of the billing structure is as follows:

Not Charged

Secretarial and word processing time, routine postage, file setup, file storage, local or ordinary long-distance charges, fax charges, and computerized legal research data charges.

Delivery Services

Outside delivery services are used for the pickup and delivery of documents to the client as well as to courts, agencies, and opposing parties. Outside delivery fees are charged to the client at the rate charged to the firm. Overnight delivery services are also charged at the rate charged to the firm. Firm Office Services Department personnel may provide delivery service in urgent situations and charges for such in-house service will not exceed the charge that would be made by an outside service in a similar situation.

Copies and Prints

Our standard rate for black and white copies and prints made by firm personnel is \$0.15 per page. Color copies and prints are charged at a standard rate of \$0.55 per page. These charges cover paper, equipment costs, and other supplies. If savings can be realized within the required time frame by sending copy jobs to subcontractors, the firm uses only qualified legal services copiers and the cost charged to the client is the same as the amount billed to the firm.

Phone Charges

Only charges for conference calls or international calls are charged, and charges are billed at the same amount billed to the firm by the outside provider.

Postage

Our postal equipment calculates exact U.S. postage for all sizes and weights of posted material. The rate charged for postage is the same as the amount affixed to the material that is mailed. We will not charge clients for postage on routine correspondence; however, the cost of large-volume mail, certified mail, or other additional mail services will be charged to the client.

Travel

Attorney and other timekeeper time spent traveling on behalf of a client is billed to the client. Hotel, meals, local transportation, and similar expenses are charged based on receipts and travel expense forms submitted by the attorney. Documentation is available to the client if requested.

Maps

Maps produced in conjunction with a project will be billed at \$50 for each 34 x 44-inch map and \$20 for each smaller map, plus cost (time fees) for preparation.

Other Expenses

Expenses incurred with outside providers in connection with the client's legal services will be paid by the client directly to the outside provider unless specifically arranged in advance. If the firm agrees to pay outside providers, the cost charged to the client is the same as the amount billed to the firm. Examples of such charges include court reporter fees, filing fees, newspaper charges for publication notices, expert witness fees, consultants and other similar expenses.

**ACKNOWLEDGMENT OF NOTICE OF
SPECIAL MEETING FOR ABSENTEES**

THE STATE OF TEXAS §
COUNTY OF CALHOUN §
CITY OF PORT LAVACA §

The undersigned member of the City Council of the City of Port Lavaca, Texas (the “City Council”), hereby acknowledges and certifies that he/she was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the Special Meeting of said City Council, which was held at the regular meeting place located at the City Hall, 202 North Virginia Street, Port Lavaca, TX 77979, on May 27, 2025, and that the following:

RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO
 ISSUE COMBINATION TAX AND SURPLUS REVENUE CERTIFICATES OF
 OBLIGATION; and

RESOLUTION EXPRESSING INTENT TO FINANCE EXPENDITURES TO BE
 INCURRED BY THE CITY’S LYNN’S BAYOU WASTEWATER TREATMENT
 PLAN, TEXAS WATER DEVELOPMENT BOARD PROJECT NO. 73963

would be duly introduced and considered for passage at said Special Meeting, and that he/she consented in advance to the holding of said Special Meeting for such purposes.

SIGNED this 27th day of May, 2025.

 Jack Whitlow, Mayor

ATTEST:

 Mandy Grant, City Secretary

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
COUNTY OF CALHOUN §
CITY OF PORT LAVACA §

I, the undersigned, City Secretary of said City, do hereby certify as follows:

1. That on the 27th day of May, 2025, a Special Meeting of the City Council of said City (the "City Council"), was held at the regular meeting place at Port Lavaca City Hall located at 202 North Virginia Street, Port Lavaca, TX 77979; and the roll was called of the duly constituted officers and members of the said City Council, to-wit:

Jack Whitlow	Mayor
Daniel Aguirre	Councilmember, District 1
Tim Dent	Councilmember, District 2
W. Allen Tippit, Jr.	Councilmember, District 3
Rosie Padron	Councilmember, District 4
Rose Bland-Stewart	Councilmember, District 5
Justin Burke	Councilmember, District 6

and all of said persons were present, except for the following: _____; thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting a written Resolution entitled:

**RESOLUTION AUTHORIZING HIRING OF BOND COUNSEL ON A
 CONTINGENCY FEE BASIS**

was duly introduced for consideration of said City Council. It was then duly moved and seconded that said Resolution be passed; and, after due discussion, said motion, carrying with it the passage of said Resolution, prevailed and carried by the following vote:

AYES: _____

NOES: _____

ABSTENTIONS: _____

2. A true, full and correct copy of the aforesaid Resolution passed at the meeting described in the above and foregoing paragraph is attached to and follows this Certificate; said Resolution has been duly recorded in the official minutes of said City Council; the above and foregoing paragraph is a true, full and correct excerpt from the agenda of said meeting pertaining to the passage of said Resolution; the persons named in the above and foregoing paragraph, at the time of said meeting and the passage of said Resolution, were the duly chosen, qualified and acting officers and members of said City Council as indicated therein; each of said officers and members was duly and sufficiently notified officially and personally in advance, of the time, place and purpose of the aforesaid meeting and that said Resolution would be introduced and considered for passage at said meeting, and each of said officers and members consented in advance to the holding of said meeting for such purpose; and said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED this 27th day of May, 2025.

Mandy Grant, City Secretary
City of Port Lavaca, Texas

[CITY SEAL]

COMMUNICATION

SUBJECT: Consider Resolution No. R-052725-2 of the City of Port Lavaca expressing intent to Finance Expenditures to be incurred by the City of Port Lavaca's Lynn's Bayou Wastewater Treatment Plant Expansion, Texas Water Development Board Project No. 73963.
Presenter is Jody Weaver

INFORMATION:

RESOLUTION NO. R-052725-2**RESOLUTION EXPRESSING INTENT TO FINANCE EXPENDITURES
TO BE INCURRED BY THE CITY OF PORT LAVACA, TEXAS**

WHEREAS, the City of Port Lavaca, Texas (the “Issuer” or “City”) is a political subdivision of the State of Texas authorized to issue obligations to finance its activities pursuant to CHAPTER 271, TEXAS LOCAL GOVERNMENT CODE, and other provisions, the interest on which is excludable from gross income for federal income tax purposes (“tax-exempt obligations”) pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”);

WHEREAS, the Issuer will make, or has made not more than 60 days prior to the date hereof, payments with respect to the acquisition of the equipment listed on Exhibit “A” attached hereto;

WHEREAS, the Issuer desires to reimburse itself for the costs associated with the projects listed on Exhibit “A” attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof; and,

WHEREAS, the Issuer reasonably expects to issue tax-exempt obligations to reimburse itself for the costs associated with the projects listed on Exhibit “A” attached hereto.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

Section 1. The Issuer reasonably expects to reimburse itself for all costs that have been or will be paid subsequent to the date that are 60 days prior to the date hereof and that are to be paid in connection with the acquisition of the equipment listed on Exhibit “A” attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof.

Section 2. This Resolution is also made to evidence the intent of the Issuer to make such reimbursements under Treas. Reg. Section 1.150-2 and Section 1201.042, Texas Government Code.

Section 3. The Issuer reasonably expects that the maximum principal amount of tax-exempt obligations issued to reimburse the Issuer for the costs associated with the project listed on Exhibit “A” attached hereto will not exceed \$39,150,000.

Section 4. The Issuer intends to reimburse the expenditures hereunder not later than 18 months after the later of the date the original expenditure is paid or the date the project is placed in service or abandoned, but in no event more than three years after the original expenditure is paid unless the project is a construction project for which the Issuer and a licensed architect or engineer have certified on Exhibit “A” that at least five years are necessary to complete the project in which event the maximum reimbursement period is five years after the date of the original expenditure.

PASSED AND APPROVED THIS 27th DAY OF MAY, 2025.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

[CITY SEAL]

EXHIBIT “A”

DESCRIPTION OF PROJECTS

Paying contractual obligations of the City to be incurred for the (i) the expansion, renovation, and updating of the City of Port Lavaca’s Lynn’s Bayou Wastewater Treatment Plant, which project is identified as Texas Water Development Board Project No. 73963 (the “Treatment Plant Expansion Project”), and the following activities which are part of and integral to the Treatment Plant Expansion Project: construction and construction phase services, development of specifications and bidding for services, design, engineering, equipping, improving, planning, preparing environmental information and discharge permit applications, and other services necessary or useful for the completion of the Treatment Plant Expansion Project, and (ii) the payment of professional services and costs of issuance related thereto.

The City reasonably expects that the original expenditures from the projects will be paid from the City’s Public Utility Fund.

The City intends to reimburse such expenditures with the proceeds of certificates of obligation to be issued in an amount not to exceed \$39,150,000.

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
COUNTY OF CALHOUN §
CITY OF PORT LAVACA §

I, the undersigned, City Secretary of said City, do hereby certify as follows:

1. That on the 27th day of May, 2025, a Special Meeting of the City Council of said City (the "City Council"), was held at the regular meeting place at Port Lavaca City Hall located at 202 North Virginia Street, Port Lavaca, TX 77979; and the roll was called of the duly constituted officers and members of the said City Council, to-wit:

Jack Whitlow	Mayor
Daniel Aguirre	Councilmember, District 1
Tim Dent	Councilmember, District 2
W. Allen Tippit, Jr.	Councilmember, District 3
Rosie Padron	Councilmember, District 4
Rose Bland-Stewart	Councilmember, District 5
Justin Burke	Councilmember, District 6

and all of said persons were present, except for the following: _____; thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting a written Resolution entitled:

**RESOLUTION EXPRESSING INTENT TO FINANCE EXPENDITURES TO BE
INCURRED BY THE CITY OF PORT LAVACA, TEXAS**

was duly introduced for consideration of said City Council. It was then duly moved and seconded that said Resolution be passed; and, after due discussion, said motion, carrying with it the passage of said Resolution, prevailed and carried by the following vote:

AYES: _____

NOES: _____

ABSTENTIONS: _____

2. A true, full and correct copy of the aforesaid Resolution passed at the meeting described in the above and foregoing paragraph is attached to and follows this Certificate; said Resolution has been duly recorded in the official minutes of said City Council; the above and foregoing paragraph is a true, full and correct excerpt from the agenda of said meeting pertaining to the passage of said Resolution; the persons named in the above and foregoing paragraph, at the time of said meeting and the passage of said Resolution, were the duly chosen, qualified and acting officers and members of said City Council as indicated therein; each of said officers and members was duly and sufficiently notified officially and personally in advance, of the time, place and purpose of the aforesaid meeting and that said Resolution would be introduced and considered for passage at said meeting, and each of said officers and members consented in advance to the holding of said meeting for such purpose; and said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED this 27th day of May, 2025.

Mandy Grant, City Secretary
City of Port Lavaca, Texas

[CITY SEAL]

[SIGNATURE PAGE FOR REIMBURSEMENT RESOLUTION]

COMMUNICATION

SUBJECT: Consider Resolution No. R-052725-3 of the City of Port Lavaca authorizing publication of Notice of Intention to Issue Combination Tax and Surplus Revenue Certificates of Obligation for the Lynn's Bayou Wastewater Treatment Plant Expansion project, which project is identified as Texas Water Development Board Project No. 73963. Presenter is Jody Weaver

INFORMATION:

RESOLUTION NO. R-052725-3
RESOLUTION AUTHORIZING PUBLICATION
OF NOTICE OF INTENTION TO ISSUE
COMBINATION TAX AND SURPLUS REVENUE
CERTIFICATES OF OBLIGATION

THE STATE OF TEXAS §
COUNTY OF CALHOUN §
CITY OF PORT LAVACA §

WHEREAS, the City Council of the City of Port Lavaca, Texas (the “City Council”) deems it advisable to give notice of intention to issue combination tax and surplus revenue certificates of obligation of said City, as hereinafter provided; and

WHEREAS, it is officially found and determined that the meeting at which this Resolution has been considered and acted upon was open to the public and public notice of the time, place and subject of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

Section 1. FORM OF NOTICE. Attached hereto and marked Exhibit “A” is a form of Notice of Intention to Issue Combination Tax and Surplus Revenue Certificates of Obligation, the form and substance of which are hereby adopted and approved.

Section 2. PUBLICATION OF NOTICE. Said Notice shall be published, in substantially the form attached hereto, in a newspaper, as defined in Subchapter C of Chapter 2051, Texas Government Code, of general circulation in said City once a week for two consecutive weeks, the date of the first publication thereof to be at least forty-five (45) days prior to the date tentatively set for passage of the ordinance authorizing the issuance of such certificates.

Section 3. POSTING OF NOTICE ON WEBSITE. Further, said Notice shall be posted in substantially the form attached hereto continuously on the City’s website for at least forty-five (45) days prior to the date tentatively set for passage of the ordinance authorizing the issuance of such certificates.

PASSED AND APPROVED THIS 27th DAY OF MAY, 2025.

 Jack Whitlow, Mayor

ATTEST:

 Mandy Grant, City Secretary

[CITY SEAL]

Exhibit “A”**NOTICE OF INTENTION TO ISSUE
COMBINATION TAX AND SURPLUS REVENUE
CERTIFICATES OF OBLIGATION**

NOTICE IS HEREBY GIVEN that the City Council of the City of Port Lavaca, Texas, will convene at the City Council Chambers, 202 N. Virginia St., Port Lavaca, Texas at 6:30 p.m. on August 11, 2025 and, during such meeting, the City Council will consider passage of an ordinance and take such other actions as may be deemed necessary to authorize the issuance of combination tax and surplus revenue certificates of obligation in an aggregate principal amount not to exceed \$39,150,000 for the purpose of paying contractual obligations of the City to be incurred for (i) the expansion, renovation, and updating of the City of Port Lavaca’s Lynn’s Bayou Wastewater Treatment Plant, which project is identified as Texas Water Development Board Project No. 73963 (the “Treatment Plant Expansion Project”), and the following activities and services which are part of and integral to the Treatment Plant Expansion Project: construction and construction phase services; development of specifications and bidding for services; designing, engineering, equipping, improving, planning and renovating; preparing environmental information documents and discharge permit applications; and other services necessary or useful for the completion of the Treatment Plant Expansion Project, and (ii) the payment of professional services and costs of issuance related thereto. The certificates of obligation will be payable from the levy of an annual ad valorem tax, within the limits prescribed by law, upon all taxable property within the City and surplus revenues of the City’s Waterworks and Sewer System within the limits prescribed by law. The certificates of obligation are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Local Government Code, Section 271.041, et seq.

As further required by Local Government Code Section 271.049(b)(4), the following additional information is provided:

- (A) The current principal of all outstanding debt obligations of the City is \$20,820,000.
- (B) The current combined principal and interest required to pay all outstanding debt obligations of the City on time and in full is \$30,754,714.
- (C) The maximum principal amount of the certificates to be authorized is \$39,150,000.
- (D) The estimated combined principal and interest required to pay the certificates to be authorized on time and in full is approximately \$65,801,953.
- (E) The maximum interest rate for the certificates may not exceed the maximum legal interest rate.
- (F) The maximum maturity date of the certificates to be authorized is February 15, 2054.

Pursuant to Texas Local Government Code Section 271.049(c), an election on the question of the issuance of the certificates will be called if before the time tentatively set for the authorization and issuance or if before the authorization of the certificates, the City Secretary receives a petition signed by at least five percent of the qualified voters of the City protesting the issuance of the certificates, the City may not issue the certificates unless the issuance is approved at an election ordered, held and conducted in the manner provided for bond elections under Chapter 1251, Government Code.

/s/ Jack Whitlow
Mayor, City of Port Lavaca, Texas

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
COUNTY OF CALHOUN §
CITY OF PORT LAVACA §

I, the undersigned, City Secretary of said City, do hereby certify as follows:

1. That on the 27th day of May, 2025, a Special Meeting of the City Council of said City (the "City Council"), was held at the regular meeting place at Port Lavaca City Hall located at 202 North Virginia Street, Port Lavaca, TX 77979; and the roll was called of the duly constituted officers and members of the said City Council, to-wit:

Jack Whitlow	Mayor
Daniel Aguirre	Councilmember, District 1
Tim Dent	Councilmember, District 2
W. Allen Tippit, Jr.	Councilmember, District 3
Rosie Padron	Councilmember, District 4
Rose Bland-Stewart	Councilmember, District 5
Justin Burke	Councilmember, District 6

and all of said persons were present, except for the following: _____; thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting a written Resolution entitled:

**RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO
 ISSUE COMBINATION TAX AND SURPLUS REVENUE CERTIFICATES OF
 OBLIGATION**

was duly introduced for consideration of said City Council. It was then duly moved and seconded that said Resolution be passed; and, after due discussion, said motion, carrying with it the passage of said Resolution, prevailed and carried by the following vote:

AYES: _____

NOES: _____

ABSTENTIONS: _____

2. A true, full and correct copy of the aforesaid Resolution passed at the meeting described in the above and foregoing paragraph is attached to and follows this Certificate; said Resolution has been duly recorded in the official minutes of said City Council; the above and foregoing paragraph is a true, full and correct excerpt from the agenda of said meeting pertaining to the passage of said Resolution; the persons named in the above and foregoing paragraph, at the time of said meeting and the passage of said Resolution, were the duly chosen, qualified and acting officers and members of said City Council as indicated therein; each of said officers and members was duly and sufficiently notified officially and personally in advance, of the time, place and purpose of the aforesaid meeting and that said Resolution would be introduced and considered for passage at said meeting, and each of said officers and members consented in advance to the holding of said meeting for such purpose; and said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED this 27th day of May, 2025.

Mandy Grant, City Secretary
City of Port Lavaca, Texas

[CITY SEAL]

COMMUNICATION

SUBJECT: Announcement by Mayor that City Council will retire into closed session:

INFORMATION:

- To discuss Personnel matters in accordance with Title 5, Section 551.074 of the Texas Government Code (to discuss the appointment, employment, evaluation, duties and responsibilities, reassignment, discipline, or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee: [Municipal Court Judge]). Presenter is Mayor Whitlow

COMMUNICATION

SUBJECT: Return to Open Session and take any action deemed necessary with regard to matters in closed session. Presenter is Mayor Whitlow

INFORMATION:

