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## OFFICE OF THE CITY MANAGER

# MEMORANDUM

**TO:** Mayor and Council  
**FROM:** Susie Byrd, City Representative, District #2  
**DATE:** March 10, 2008  
**RE:** Agenda Item Backup Memo

Dear Mayor and Council:

On the March 18, 2008 agenda, I have posted the following item:

Discussion and action on authorizing the City Manager to apply as a third-party administrator for the Texas Commission on Environmental Quality's Supplemental Environmental Program (SEP).

I am been researching additional revenues that might be available for environmental projects. When we were in Austin for the TCEQ hearing on ASARCO, I met with staff at TCEQ to learn more about their Supplemental Environmental Program (SEP). I am requesting that the City Council support me in authorizing the City Manager to apply as a third-party administrator for TCEQ's SEPs program.

When a company or person violates a TCEQ regulation, they are cited and fined. The fine goes back into the TCEQ's general fund. The SEP program puts those dollars to work in El Paso instead of putting them back into TCEQ's general fund. If a violator chooses to pursue the SEP program rather than just pay the fine to the TCEQ, they would give the money to the third party administrator and the administrator would put those funds towards a program that would be beneficial to the environment and would match the environmental media of the violation (For example, to address a wastewater discharge violation, you would focus on improving water quality.)

I think this would be a beneficial source of revenue to address environmental issues in El Paso. From September 1 to November 30, 2007, TCEQ found four companies in violation of their regulations and fined them a total of \$17,485. We could use that money in El Paso towards clean up projects, air projects, water projects and health projects if the companies choose to participate in the SEP program.

The following considerations should be made in evaluating whether to apply as a third-party administrator:

- What programs should we ask for pre-authorization for? There should probably be a couple of programs in each environmental media category (illegal dumping, air quality, etc.) Perhaps staff could evaluate the programs that they can't do for lack of funding and propose those to the Environmental, Health and Public Safety Legislative Review Committee.

- What additional staff time would be required to become a third-party administrator? From speaking with TCEQ staff, they said that for the program to be successful it usually requires some outreach to the business community to let them know that they can use the SEP program instead of paying the fine to the TCEQ and quarterly reporting.

For your consideration, I have enclosed the following documents to help you in evaluating whether or not to support this:

- Supplemental Environmental Projects (SEPS), Putting Fines to Work Closer to Home (a brochure produced by TCEQ)
- Information about how to become a third-party administrator
- Pre-approved SEPs (a listing of projects that other cities and entities have applied to be third party administrators for)

Thank you for your consideration.

Sincerely,

Susie Byrd  
City Council Representative, District 2

CC: Joyce Wilson, City Manager  
Charlie McNabb, City Attorney  
Katherine Palafox  
Ellen Smyth  
Dr. Robert Galvan  
Ed Archuleta

# SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPS)

## PUTTING FINES TO WORK CLOSER TO HOME

GI-352 (formerly RG-367), PDF version (May 2006)

### INTRODUCTION

When your plant or facility is found to be in violation of certain environmental regulations, you may be assessed a monetary penalty, or fine. This fine is paid to the state's General Revenue Fund and is not directly applied toward environmental remediation. But another option under state law allows you to put your fine to work closer to home and help improve the environmental quality of your region. This option is called a Supplemental Environmental Project.

### What's a Supplemental Environmental Project?

A Supplemental Environmental Project, or SEP, allows you to fully comply with the enforcement process while voluntarily taking a positive step toward enhanced protection and improvement of the Texas environment. If a SEP is approved, an alleged violator, or respondent, may offset a portion of an assessed monetary penalty by taking on an environmental-enhancement project or contributing to an existing environmental project in, or near, the community where the violation occurred.

Under Texas law, the Texas Commission on Environmental Quality (TCEQ) may consider your willingness to contribute to a SEP in the settlement of enforcement actions. So, early in the enforcement process, you may discuss the possibility of investing in a project that improves the environment—a Supplemental Environmental Project.

SEPs can include a wide range of actions that protect or improve the environment in or near the community where an environmental violation took place. The use of SEPs advances the goals of clean air, water, and soil throughout Texas and enhances the environment in communities affected by environmental violations.

This publication amends and replaces the previous edition, *Use of Supplemental Environmental Projects* (RG-367, October 2002). This publication does not create any rights on behalf of alleged violators or other parties involved in the development of environmental projects. The approval of any particular proposed agreed order, or SEP, or related conditions is wholly subject to the discretion of the TCEQ commissioners.

### Who's Eligible to Undertake a SEP?

The TCEQ encourages all respondents to consider undertaking a SEP. However, the TCEQ must evaluate each case individually to determine whether a SEP is appropriate in that instance. In its evaluation process, the TCEQ may consider the respondent's history of completing SEPs. The TCEQ may also consider other factors, such as the respondent's good-faith participation in the settlement of the enforcement action, and the respondent's degree of culpability for the violations at issue.

In each case, the TCEQ tries to bring the enforcement process to a conclusion as soon as reasonably possible, while still providing the respondent an opportunity to do a SEP. In order to be considered for a SEP, within 30 days after the exit interview that concludes an investigation, a respondent must declare intent to undertake a SEP. For the SEP approval process to be completed, the respondent must resolve any dispute concerning the amount of the proposed monetary penalty and be willing to sign an agreed order.

Opportunities for public comment are available during the enforcement process.

### WHAT MAKES FOR AN ACCEPTABLE SEP?

In order to be considered acceptable as a Supplemental Environmental Project, a project must include several key elements, as follows.

#### Three Principal Criteria: The Project Must . . .

There are three principal criteria that the TCEQ uses to assess the validity of a SEP proposal. To adequately meet the agency's standards, the project must . . .

#### *Be Environmentally Beneficial*

The project should improve and protect the environment and reduce environmental risks to the public. Projects that are directly beneficial to the environment are preferred. Projects that have only an indirect benefit to the environment may be acceptable, but—if approved—the amount of the penalty that may be

offset by the project would be limited to a smaller portion than is allowed with a project that directly benefits the environment. An example of a directly beneficial project is the cleanup of an illegal dump site. An example of an indirectly beneficial project is an environmental research project conducted to develop new techniques to control pollution.

If the proposed project would provide some direct benefit to you, the respondent, the project may not be approvable or it may only allow limited portions of the penalty amount to be offset by the project.

### ***Be Done as a Result of a Settlement***

The project must follow, not precede, an enforcement action. You cannot receive SEP credit for a project that you have already completed, or already included in your budget, or already committed to undertake. For example, a city could not offset a penalty amount with a household hazardous waste (HHW) project, if it had previously committed to implement such a project or received grant funds to implement one. However, if that same city proposed to expand the HHW project beyond its previous commitments, then the project may be appropriate.

### ***Go Beyond What Is Required for Compliance***

A SEP must directly or indirectly benefit the environment above and beyond legal compliance requirements. If federal, state, or local law requires you to carry out the project being proposed, the project cannot qualify as a SEP. Nor can you use a SEP to fix the problems that are the basis of the enforcement action taken against you by the TCEQ.

### **Other Factors Considered**

The TCEQ will also consider the following three questions when determining whether to approve a SEP (and whether to allow a dollar-for-dollar offset).

- *Does the project meet state, regional, or community environmental priorities?*
- *Will the project be done in or near the community where the violation occurred?* The agency gives preference to SEPs that benefit the same community where the violation occurred. In addition to SEPs performed within the immediate geographic locale of the violation, a project benefiting the same community may include one that provides an environmental enhancement to the same watershed or nonattainment area where the violation occurred.
- *Does the project match the environmental media of the violation?* The agency gives preference to SEPs that involve the same environmental media (air, water, or waste) as the alleged violation. For example, to address a wastewater discharge violation, you might focus on improving water quality, perhaps by extending wastewater treatment services to low-income families who do not have such service.

The agency cannot approve projects that are necessary to return the respondent to compliance, but otherwise it has broad discretion in its implementation of the SEP program.

## **Exceptions to SEP Policy**

In limited circumstances, the TCEQ's executive director may make an exception to the agency's SEP policy if there is an extraordinary benefit to human health or the environment that outweighs the considerations used in developing this policy. Such cases will be evaluated on an individual basis and must directly benefit the individuals, community, or area potentially or actually affected by the violations, or otherwise address environmental priorities of the state, region, or community. Any exception to the policy must ultimately be approved by the TCEQ commissioners before the project can be implemented.

## **WHAT ARE THE BASIC TYPES OF SEPS?**

There are two basic "types" of SEPs: pre-approved SEPs and custom SEPs. Opting for a pre-approved SEP makes the individual proposal process simpler, and therefore likely to take less time. Opting for a custom SEP, although making the proposal process more complex, provides a respondent with a unique opportunity to construct a project tailored to the respondent's capabilities and the community's environmental needs.

### **Pre-approved SEPs**

The TCEQ maintains a list of pre-approved Supplemental Environmental Projects. These are generally limited to direct-benefit projects. They're fully designed and ready to be implemented, or already in progress. You can find a list of these pre-approved SEPs on the TCEQ Web site, at [www.tceq.state.tx.us](http://www.tceq.state.tx.us). Or you can ask your enforcement coordinator for a list of pre-approved projects available in your area.

Most of these pre-approved SEPs are meant to be implemented by third parties, but some are meant to be implemented by individual respondents.

### **Third-Party-Operated**

The TCEQ has agreements with a number of nonprofit and governmental organizations to conduct fully developed environmental-enhancement projects that have been approved as SEPs and that are on our list of pre-approved projects. You can make a cash contribution toward one of these pre-approved SEPs that are performed by another entity. This would be a "third party" pre-approved SEP.

### **Respondent-Operated**

Alternatively, you can opt to take on a pre-approved SEP on your own. The TCEQ maintains a list of fully developed environmental-enhancement projects that have already been approved as SEPs, and that can be implemented by a respondent. This would be a "respondent operated" pre-approved SEP.

## Custom SEPs

Yet another option would be to undertake a custom Supplemental Environmental Project—one you design, propose, and implement. A custom SEP must have a significant, enduring, and quantifiable environmental benefit, which must be described in detail in a proposal. Please see page 6 for a description of the proposal process.

## WHERE CAN A SEP BE LOCATED?

The location of a proposed SEP is an important factor in its feasibility and approvability. There are several considerations to keep in mind.

### General Rule

The agency gives preference to SEPs that benefit the same community where the violation occurred, including projects that provide environmental enhancement to the same watershed or nonattainment area where the violation occurred. But a SEP cannot generally be located "on-site"—at the actual site of the facility that committed the violations. Also, a SEP cannot generally be located outside the state.

### Special Cases

There are some exceptions to the policies that prohibit locating a SEP on the site of the respondent's facility, or outside the state's borders. These exceptions are described below.

#### On-site SEPs

On-site SEPs are SEPs that are performed at the same site or facility where the violations occurred. As mentioned above, on-site SEPs are generally not approvable. However there are three exceptions to this rule, so long as the SEP is not necessary to bring the respondent into compliance with environmental laws and is not necessary to remediate the environmental harm caused by the respondent's violation:

- Cities, counties, or governmental entities may perform a SEP within their jurisdiction.
- Nonprofit organizations under enforcement may also be eligible to perform a SEP on-site when the benefit to the environment far outweighs the benefit to the nonprofit organization.
- An on-site SEP might be approvable if the project would make the respondent eligible for a Proposition 2 tax exemption and the respondent does not apply for this tax exemption.

#### Transboundary SEPs

There are many border communities in Texas that are affected by the same water-quality and air-quality conditions as their sister cities in Mexico. In light of this fact, the Texas Legislature has given the TCEQ the authority to consider for approval some projects that operate across the international boundary with Mexico. In limited circumstances, therefore, a respondent may

propose to undertake a project on the Mexican side of the border, if that project would also benefit the environment on the Texas side of the border.

If you wish to propose a transboundary SEP, there are additional factors that the TCEQ must consider before approving the project:

- The project cannot benefit a Mexican city at the expense of its Texas sister city.
- The project must address a problem of strong concern to Texans.
- The project should directly benefit the border environment.
- There must be an existing infrastructure through which the project can be accomplished.
- There must be channels for international communication about the project.
- The project goals should be capable of quick realization.
- The respondent must assume direct responsibility for oversight and implementation of the project.

For more information on the acceptability of transboundary SEPs, please call a SEP staff person, at 512/239-4000.

## HOW DOES IT ALL WORK, IN TERMS OF MONEY?

When it comes to the percentage of a penalty that can be offset through a SEP, there is a set of formulas in place. Which formula is applied in a specific case depends principally on the benefit the project will provide the environment—that is, on whether the project is considered a direct-benefit project, an indirect-benefit project, or a mixed-benefit project. Another factor that comes into play in the case of direct-benefit projects is the nature of the respondent organization.

### Direct-Benefit SEPs

Governments and not-for-profit organizations may offset up to 100 percent of the penalty by performing a direct-benefit, media-specific SEP. The offset for a direct-benefit project that does not involve the same media as that of the violation will be determined based on how the project addresses state, regional, or community environmental priorities.

For-profit businesses may offset only up to 50 percent of their penalty with a direct-benefit project. On a case-by-case basis, however, the executive director may approve a higher offset percentage for a business proposing a SEP, based on the project's significant relationship to the affected community or the project's extraordinary opportunity for environmental enhancement.

A direct-benefit SEP is one that directly benefits the environment. It should provide significant, immediate, and enduring enhancements to the quality of the environment, or prevent or reduce further environmental degradation. The environmental benefits of direct-benefit projects should be readily quantifiable.

General examples of direct-benefit projects include environmental restoration projects, projects to fund public works for a

neighboring municipality or county to benefit the environment in a way that is beyond ordinary compliance with the law, and projects to clean up illegal municipal and industrial dump-sites.

Potential direct-benefit projects include the removal of exotic invasive species from an affected habitat; the installation and maintenance of air or water monitors compatible with the agency's Environmental Monitoring and Response System (EMRS) initiative; the removal of abandoned underground storage tanks and the completion of associated soil remediation; off-site pollution-prevention projects; the conversion of gasoline-powered equipment used by local governments or school districts to alternative-powered, low-emission equipment; and the collecting of community household hazardous waste.

A project is media specific when it pertains to the same environmental media (air, water, or waste) as the violation. For example, a respondent in a case involving a wastewater discharge violation could undertake a SEP that would extend wastewater treatment services to a low-income community that lacks this service.

### **Indirect-Benefit SEPs**

Projects that indirectly benefit the environment can only offset up to 33 percent of any regulated entity's penalty.

An indirect-benefit SEP is one that does not have an immediate effect of improving the environment. General examples of indirect-benefit projects include education, public-awareness, and technical-assistance projects. The projects' environmental benefits must be quantifiable to be approved. Potential indirect-benefit SEPs include environmental-education programs where the number of participants can be tracked, or technical-assistance programs for small businesses where there are methods to measure their impact.

### **Mixed-Benefit SEPs**

Mixed-benefit projects can only offset up to 50 percent of the penalty.

A mixed-benefit SEP is one that has both indirect and direct benefits. General examples of mixed-benefit SEPs include pollution-reduction projects that don't have an immediate quantifiable benefit, projects that have both educational and direct environmental benefits, and handheld air-monitoring projects conducted by environmental groups. A specific example of a mixed-benefit SEP could be one that involves both cleaning up an illegal dump site and educating the public on the hazards of illegal dumping.

### **Examples of Penalty Offsets**

After you submit a SEP proposal, it will be reviewed to determine whether it will qualify as a direct-, indirect-, or mixed-benefit project. The following examples show how much penalty can be offset in each case.

If an organization offsets only a portion of its penalty amount through a SEP, the balance of the penalty must be paid to the state's General Revenue Fund.

#### ***With a Direct-Benefit SEP***

If a government or nonprofit organization has a \$30,000 fine and proposes doing a SEP that has a direct environmental benefit, the entity will be able to offset the entire \$30,000 by spending \$30,000 on a SEP. A for-profit business with a \$30,000 fine will be able to offset \$15,000 of the penalty by spending \$15,000 on a SEP.

#### ***With an Indirect-Benefit SEP***

If an entity has a \$30,000 fine and proposes an indirect-benefit SEP, the entity is allowed to offset up to \$10,000 of the penalty.

#### ***With a Mixed-Benefit SEP***

If an entity has a \$30,000 penalty and proposes a mixed-benefit SEP, the entity can offset \$15,000 of the penalty.

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## **HOW DOES THE PROPOSAL PROCESS WORK?**

When a TCEQ investigator determines that your case is required to be submitted for formal enforcement action, you will be informed of your option to perform a SEP, and given any guidance you might need in the proposal process.

You or your facility representative will be informed of the option to perform a SEP either during the exit interview that concludes the investigation, or during a telephone call subsequent to the exit interview. The investigator will make note of the conversation on the exit-interview form.

### **Declaration of Intent to Undertake a SEP**

The investigator will inform you that in order to maintain your eligibility to propose a SEP, you must declare to the TCEQ your intent to perform a SEP, and the TCEQ must receive your notice of intent within 30 days after the date of the exit interview.

If the exit interview is performed in person, the investigator will provide you with a pre-printed postcard that, when received by the TCEQ, will serve as your notice of intent to propose a SEP. If the exit interview is conducted by telephone, the investigator will notify you that the postcard is available on the TCEQ's Web site. After the exit interview, an enforcement coordinator will be assigned to you and will call you to explain the enforcement process.

### **Submission of a SEP Proposal**

Your SEP proposal must be submitted within 30 days after the date of receipt of the draft settlement offer (the draft agreed order). If a SEP proposal is not received during this time period, the case will be either settled without a SEP or, if no settlement is reached, forwarded to the TCEQ's Litigation Division.

If your SEP proposal is for a custom SEP, you may be given more time to develop the details of your project, but you must submit at least a summary describing the basic SEP within the 30-day period.

## Review and Approval of a SEP Proposal

Once a SEP proposal is submitted, it will proceed through the review and approval process. This process will vary, depending on whether the proposal is for a pre-approved or a custom SEP. But in either case, if the proposal is approved, the SEP must be incorporated into the settlement agreed order.\*

### Pre-approved SEPs

A proposal for a pre-approved SEP must indicate the enforcement case, the penalty amount, and the location where the violations occurred, including the name of the county. It also needs to include a statement declaring that the SEP is attributable only to the settlement of the current enforcement action, and that no funding has been allocated to the project prior to the approval of the project.

If a pre-approved SEP is proposed, the project has already been determined to meet applicable SEP criteria, and approved by the TCEQ. The SEP provision will be drafted by the enforcement coordinator and incorporated into the agreed order immediately after the proposal is received and has been determined to meet applicable offset percentages. The enforcement coordinator will already have a list of offset values for any pre-approved project.

### Custom SEPs

If the proposal involves a custom SEP, the SEP coordinator will help you develop any further details of your custom SEP as necessary and will draft the SEP provision of the agreed order. Once the details of the custom project are complete, the SEP coordinator will review the project to determine that it meets applicable offset percentages and the criteria for an acceptable SEP and will confer with the TCEQ regional office to evaluate the environmental benefits of the SEP for the community where the SEP is located.

After the SEP coordinator finishes this review of the custom SEP and determines that all criteria are met, the proposal will be forwarded to the Office of the Executive Director for approval. If approved, it will be incorporated into the agreed order by the enforcement coordinator. Specifically, a written provision will be added to the agreed order requiring the completion of the proposed SEP.

## The Agreed Order

The agreed order, incorporating the SEP, will be provided to you and must be signed and returned to the agency within the time frame established by the enforcement coordinator, which is usually 10 days. You should not yet make any payment to the SEP, or begin the SEP, when you sign and return the agreed order.

Once the agency receives the signed agreed order, it will be scheduled to be presented to the TCEQ commissioners for approval. The TCEQ commissioners have full discretion in the final approval of any agreed order and associated SEP. Once the com-

missioners approve the agreed order and associated SEP, you should begin to implement the project in accordance with the agreed order.

## WHAT ARE THE REPORTING REQUIREMENTS?

Written provisions requiring reporting on the actual quantified benefits achieved during project implementation (such as pounds of reduction in nitrogen oxides, or the number of tires properly disposed) are included in any agreed orders with SEPs (and also in third-party agreements for pre-approved projects). It is important to report quantified benefits so that the TCEQ can gather and report—to the public and the affected community—accurate information on the environmental benefits generated by the SEP program.

### Quarterly Reports

Once your SEP has been approved by the TCEQ, you must provide the TCEQ with quarterly reports on the status of the project. The reports should itemize each expenditure and give the status of the project with supporting documentation such as receipts and photographs.

### Final Report

At the conclusion of the SEP, you must submit a detailed report verifying completion of the project and supplying data regarding benefits to the environment (for example, the number of pounds collected of household hazardous waste). You must provide any necessary documentation to support the facts in your report, including evidence of expenditures. SEP staff and the Field Operations Division coordinate to perform on-site visits to verify SEP completion for selected projects. The results of all SEPs are available to the public and are consolidated into an annual report, posted on the TCEQ Web site.

## WHAT ABOUT "THIRD PARTY" AGREEMENTS?

As has been mentioned earlier, the TCEQ can enter into agreements with third-party nonprofit and governmental organizations to conduct environmental-enhancement projects. These agreements are generally limited to projects that directly benefit the environment. Once approved as SEPs, these "third-party projects" are added to our list of pre-approved projects, which appears on the TCEQ Web site, at [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

### Basic Eligibility

A third party that is interested in obtaining and using SEP dollars to implement an environmental-enhancement on pages 1–2. In addition, eligible third-party organizations must:

- have Internal Revenue Code section 501c (3) status as a nonprofit organization, or be a governmental organization;

\* An agreed order is a document used to settle an enforcement action. The agreed order—which is agreed to by you and the TCEQ—sets forth alleged violations and the actions required to resolve the alleged violations; and requires payment of a monetary penalty. The agreed order can also require the performance of a SEP to offset all or a portion of the penalty, when a regulated entity has elected to use a SEP.

- have the ability to receive and manage SEP monies, and to report to the TCEQ on the use of these monies, with verifying documentation;
- estimate the quantifiable benefits in the proposal (e.g., number of tires to be removed); and
- commit to providing a report on the actual quantified benefits achieved during project implementation (such as, pounds of reduction in nitrogen oxides, or the number of tires properly disposed).

The TCEQ may consider other factors in determining the appropriateness of entering into a third-party arrangement with an organization. For example, an organization's experience in implementing and managing environmental-enhancement projects may be taken into consideration.

### Submitting a Third-Party Proposal

Field Operations investigator committees can provide input in developing your third-party SEP proposal. Your proposal will be reviewed by a panel of TCEQ staff from the Litigation, Enforcement, Field Operations, and Small Business and Local Government Assistance divisions (the "SEP Panel") to ensure that the proposed SEP meets criteria and that all agency priorities are met. Other areas of the agency will be consulted, as appropriate.

Proposed SEPs that meet agency criteria, as determined by the SEP Panel, will be submitted to the commissioners for approval on an annual basis. Opportunities for public comment are available when the commissioners consider new projects for the pre-approved list. If the project is approved by the commissioners, it will then be added to the list of pre-approved SEPs and

become eligible to receive SEP funds arising out of enforcement actions that are resolved in the following year.

Please see the TCEQ Web site, at [www.tceq.state.tx.us](http://www.tceq.state.tx.us), for further guidance on drafting a proposal for a third-party, pre-approved project. You can also find a number of other publications and forms, including the standard reporting form used to report the results of a SEP.

**Getting TCEQ Rules or Other Publications**

There are various ways to obtain copies of rules, publications, or forms from the TCEQ:

Go to [www.tceq.state.tx.us](http://www.tceq.state.tx.us), and—under the "Site Navigation" bar—follow the links "Forms and Publications" and "Rules, Policy, & Legislation."

You can also contact the TCEQ Publications Unit at 512/239-0028. Try to give rule, publication, or form numbers as well as the title; this information will help the TCEQ staff get the correct item to you as quickly as possible. You may also fax your order to 512/239-4488, or write to TCEQ Publications, MC 195; P.O. Box 13087; Austin, TX 78711-3087.

**For Further SEP Assistance**

Call a SEP staff person, at 512/239-3400.  
Or visit our Web site, for forms & information:  
[www.tceq.state.tx.us/legal/sep/index.html](http://www.tceq.state.tx.us/legal/sep/index.html).

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## PREPARING A PROPOSAL FOR A CUSTOM SEP

A proposal for a custom SEP will require more information than one for a pre-approved SEP. If your proposal is for a custom SEP, you should contact the TCEQ SEP coordinator, who can help you prepare the proposal.

Your custom SEP must have a significant, enduring, and quantifiable environmental benefit, which should be described in detail in the proposal. A quantified estimate of projected benefits of a SEP is necessary so that the TCEQ can assess the proposed project's expected benefit to the environment. The following information must be included in a proposal for a custom SEP.

### Enforcement Action

Indicate the name of the entity and the location of the site associated with the enforcement action.

### Regulatory Information

Provide a brief summary of all environmental enforcement orders, including compliance status, relating to the site identified above.

### Name of Project

Provide the name of the proposed SEP.

### Project Implementer

Provide the name, mailing address, telephone number, and fax number for the project director, the organization conducting the project, and the person who will be responsible for submitting status reports (if different from the project director). If the project will be conducted by a third party to the TCEQ enforcement action, the proposal should be accompanied by a letter or resolution from the appropriate board, governing body, or executive staff expressing the organization's commitment to the project if approved.

## TCEQ Contact Person

Provide the name, division, and telephone number of any TCEQ staff person who has assisted with the development of this project.

## Geographical Area to Benefit from Project

Identify cities, counties, and watersheds and/or nonattainment areas that would be affected by the project.

## Kind of Project

Identify the kind of project that is being proposed. The agency's SEP policy identifies the following six kinds of projects as appropriate SEPs.

- Pollution-prevention and/or -reduction projects.
- Environmental-restoration projects that go beyond repair, serving to enhance the environment in the vicinity of the violating facility.
- Assistance to other TCEQ-regulated entities that are faced with economic and/or technological hardships.
- Environmental-education and/or -engineering assistance to members of the regulated community or the public.
- Projects to fund public works for a neighboring municipality or county that will benefit the environment in a way that is beyond ordinary compliance with the law.
- Projects to clean up illegal municipal and industrial solid waste dumps.

## Project Description

Describe the project, including the following information: the need for the project; the availability of other similar services or projects in the area; and the requirements for implementing the project, which can include technology, operation, or process changes.

## Expected Environmental Benefits

Explain the expected environmental benefits of this project and quantify these expected benefits to the extent practical.

- *For pollution-prevention or -reduction projects:* Quantify the amount of each pollutant that is expected to be reduced beyond the level required for environmental compliance. Specify the media (air, water, land) to be affected.
- *For all other types of projects:* Quantify the participants, programs offered, sites cleaned, types of contamination contained or removed, acres restored or affected, etc.

## Project Budget

Provide projected initial and annual project costs with specific subcategories. Costs must be clearly and solely attributable to the proposed SEP. The budget can include credit for labor costs, but only if it is for overtime or contracted labor.

## Rate-of-Return Analysis

Provide an analysis of estimated annual financial returns on the project.

## Project Schedule

Provide a proposed schedule that addresses project implementation and the submittal of status reports to the TCEQ. Project implementation must not commence until after the commissioners have approved the agreed order that includes this SEP.

## Accounting

Describe how SEP contributions would be accounted for if a third party is the proposed project implementer.

## Reporting

Describe the information and documentation that would be included in project status reports. Reports must provide sufficient information for the TCEQ to monitor the implementation status of the project, verify and document proper expenditure of SEP funds, and evaluate the effectiveness and benefits of the project. Reporting must include the quantified environmental benefits.

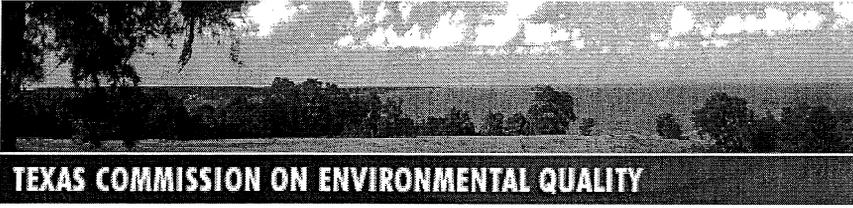
## Regulatory Requirements and/or Prior Commitments

- Identify any applicable local, state, or federal regulations that would require implementation of this project or any part of this project.
- Identify any binding private commitments to implement this project or any part of this project.
- Identify whether this project is part of one or more of the following:
  - a pollution-prevention commitment identified in a plan developed pursuant to the state's Waste Reduction Policy Act (WRPA)
  - a commitment made under the Clean Texas Program
  - the U.S. Environmental Protection Agency's Project XL
  - any other incentive or regulatory flexibility program

Indicate the time frame for implementation of the project under any identified commitments.

## Certification of Expenditures by Respondent

Provide a separate certification that the proposed SEP is solely attributable to the settlement of the current enforcement action; that no funding has been budgeted to the project prior to the approval of the project; and that the proposed project is not funded by grants, donations, low-interest loans, or other sources of funding not attributable to the respondent's normal budgetary process. Also certify that the proposed project is not being done, nor will it receive credit, as part of an environmental incentive or awards program.



**TCEQ TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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## SEPs: How to Become a Third-Party Administrator

### For nonprofits and governments proposing an independent SEP project

- [Third-Party Forms](#)
- [Guidance Document](#)
- [What to Include](#)
- [SEP Categories](#)
- [List of Appropriate SEPs](#)

This proposal guideline is intended for use by **nonprofit** or **governmental organizations** seeking SEP consideration for independent projects. For-profit organizations are not eligible to become third-party administrators. In order for the executive director's staff to begin its evaluation of a proposed SEP, the information specified below is required. The entity proposing a SEP must be willing and able to supply detailed documentation to substantiate all statements made in a proposal within one week of a follow-up request from TCEQ staff. If you have questions regarding this guideline, please contact the SEP coordinator in the Litigation Division by phone at 512/239-3400 or by e-mail at [olsadmin@tceq.state.tx.us](mailto:olsadmin@tceq.state.tx.us).

Several documents linked from this page are in Portable Document Format (PDF), Microsoft Word format, or Microsoft Excel format.

(Help with [PDF](#).) (Help with [Downloading Files](#).)

### Download Forms

- [Third-party application \(PDF · Word\)](#)
- [Quarterly Report Instructions \(PDF\)](#)
- [Blank Quarterly Report Form \(Excel\)](#)
- [Request for Extension of Time to Complete a SEP Project \(Word\)](#)
- [Request for Extension of Time to Submit a SEP Report \(Word\)](#)
- [Core Data Form \(PDF\)](#)

### Guidance Document

[SEPs: Putting Fines to Work Closer to Home](#) (publication GI-352, May 2006)

### What to Include

**1. Applicant Information**—Give the name, mailing address, telephone number, and e-mail address for the project implementer, the organization conducting the project, and the name of the person who will be responsible for submitting status reports (if different from the project director). The proposal should be

accompanied by a letter or resolution from the appropriate board, governing body, or executive staff expressing the organization's commitment to the project if approved. A Third Party Administrator must be willing to maintain SEP funds in a separate, interest-bearing account. A TCEQ Third Party application must be completely filled out, signed by an authorized representative, and submitted to the SEP Coordinator. Nonprofit 501(c)(3)status—Supply verification of status as a nonprofit or governmental organization. Submit supporting documentation.

## **2. Name of Proposed Project**

**3. Project Description**—Describe the project including the following information: the need for the project; the availability of other similar services or projects in the area; and project implementation tasks such as technology, operation, or process changes. Geographical Area to Benefit from Project—Identify cities, counties, watersheds, and nonattainment areas that would be affected.

**For the Type of project**—See the list below.

- *For projects to prevent or reduce pollution*—Quantify the reduction expected for each pollutant beyond the level required for environmental compliance. Specify the media (air, water, land) to be affected.
- *For projects of all other types*—Quantify the number of participants, programs offered, sites cleaned, types of contamination contained or removed, acres restored or affected, etc.

**4. Expected Environmental Benefit**—Every SEP must have a quantifiable environmental benefits; Explain the expected environmental benefits of this project and quantify the environmental benefits to the extent practical.

**5. Project Schedule**—Supply a proposed schedule that addresses project implementation and the submission of status reports to the TCEQ. Describe how SEP contributions would be accounted for from receipt until expenditure of the full amount. Describe the information and documentation that would be included in project status reports. Project reports must include sufficient information for the TCEQ to monitor project implementation, to verify and document the proper expenditure of SEP funds, and to evaluate the effectiveness and benefits of the SEP. Reports must include the quantified environmental benefits.

**6. Budget**—By double-clicking on the expenses table, you will project initial and annual costs with specific subcategories. Costs must be clearly and solely attributable to the proposed SEP.

**7. Rate of Return**—List purchases made by capital, non-depreciable, or other expenses. If you are not buying equipment, land, or other large items, you may include all expenses under "Other."

**8. Certification Section**—This section must be signed by an authorized representative of the recipient organization. The signature will certify that the organization is not or will not be receiving duplicative funding for the project.

You are encouraged to begin discussing SEP possibilities early in the enforcement process. However, work on a proposed SEP should not commence until the TCEQ Commission has made its final determination. Send your completed application form by e-mail to the SEP coordinator at [olsadmin@tceq.state.tx.us](mailto:olsadmin@tceq.state.tx.us) or by U.S. mail to:

SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087

Austin, TX 787112-3087

## SEP Categories

Commission policy identifies the six types of projects listed below as appropriate SEPs. The inclusion of any particular proposed SEP and related conditions in an Agreed Order presented to the Commission is subject to the Executive Director's discretion. The Executive Director has delegated the authority to accept SEPs to the Deputy Director of the Litigation Division. The final decision regarding the approval of any such agreed order rests wholly with the Commission. For additional guidance on SEPs, please consult—

SEPs: Putting Fines to Work Closer to Home (publication GI-352, May 2006)

### The following types of projects would be appropriate SEPs:

1. projects to prevent or reduce pollution;
2. environmental-restoration projects that go beyond repair to the enhancement of the environment in the vicinity of the violating facility;
3. technical assistance to other TCEQ-regulated entities who are faced with economic or technological hardships (or both);
4. environmental education, engineering assistance, or both for members of the regulated community or the public (the respondent will only be able to offset 1/3 of their penalty if undertaking this kind of project);
5. projects to fund public works for a neighboring municipality or county that will benefit the environment in a way that is beyond ordinary compliance with the law; and
6. projects to clean up illegal municipal and industrial solid-waste dumps.

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**PRE-APPROVED SEPs<sup>1</sup>**

RECIPIENT OF SEP FUNDS	PROJECT TITLE	PROJECT DESCRIPTION	MINIMUM CONTRIBUTION	ELIGIBLE COUNTIES
<b>CLEAN-UP PROJECTS</b>				
Angelina Beautiful Clean NEW	Illegal Dump Site Cleanups	Clean up of illegal dump sites throughout the county.	\$500	Angelina
Gregg County	Illegal Dump Site Cleanup	Clean up illegal dump sites and tire sites located throughout the county.	\$1,000	Gregg
Gulf Coast Waste Disposal Authority	River, Lakes, Bays 'N Bayous Trash Bash	Clean up trash and pollutants from Galveston Bay and waterways in the San Jacinto watershed.	Any Amount	Galveston and Harris
City of Houston	Household Hazardous Waste Collection Facility	Coordinate and manage a Household Hazardous Waste Collection Facility that will be open to the public two days per week and accept hazardous waste common to households including, but not limited to, paint and thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers.	\$500	Fort Bend, Harris, and Montgomery
	Contract pending. E-Waste Collection and Recycling or Disposal	Coordinate e-waste collection events and properly dispose or recycle the e-waste collected.	Contract pending \$500	Harris
Keep Odessa Beautiful, Inc.	Earth Day/Texas Recycles Day Household Hazardous Waste Collection	Properly disposing of household hazardous waste and tires collected at these events.	\$7,000	Ector
Keep Texas Beautiful NEW	Stop Trashing Texas Program (formerly known as <i>Illegal Dump Site Cleanup Program</i> )	Clean up illegal dump sites throughout the state in counties where contributions are received.	\$500	All counties in the State of Texas

<sup>1</sup> The TCEQ Executive Director may revise this list from time to time to add similar projects, make minor modifications, or delete projects for which the recipient of SEP funds has withdrawn from the program. Availability of listed projects is subject to coordination with recipients.

RECIPIENT OF SEP FUNDS	PROJECT TITLE	PROJECT DESCRIPTION	MINIMUM CONTRIBUTION	ELIGIBLE COUNTIES
	Texas Waterways Cleanup Program (formerly known as <i>Lakes and Rivers Clean Up Program</i> )	A clean up program for inland waterways that focuses primarily on illegal dumpsites, trash, and litter affecting Texas water bodies.	\$500	All counties in the State of Texas
Lower Colorado River Authority	Household Hazardous Waste and Reusable Materials Collection	Properly disposing of household hazardous waste and tires collected at these events.	\$1,000	Bastrop, Blanco, Burnet, Colorado, Fayette, Lampasas, Llano, Matagorda, San Saba, Travis, and Wharton
Northeast Texas Municipal Water District	Illegal Dump Site Cleanups	Clean up approximately 80 illegal dump sites in Northeast Texas where a responsible party cannot be identified or is financially unable to clean the site.	\$5,000	Camp, Cass, Harrison, Marion, Morris and Upshur
Texas Association of RC&D Areas	Abandoned Tire Cleanup	Coordinate with local city and county government officials to clean-up sites where tires have been disposed of illegally.	\$2,500	All counties in the State of Texas
	Anti-freeze Recycling Facilities	Coordinate with local private and public entities to purchase and install anti-freeze collection facilities.	\$4,500	All counties in the State of Texas
	Clean Up of Unauthorized Trash Dumps	Coordinate with city and/or county government officials the clean up of sites where trash has been disposed of illegally.	\$5,000	All counties in the State of Texas
	Household Hazardous Waste Cleanup	Provide a day for local residents to bring in household hazardous waste such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers for proper disposal.	\$4,500	All counties in the State of Texas
	Plugging Abandoned Water Wells	Work with TCEQ certified contractors to plug abandoned water wells where there is no responsible party that can be identified to plug the well.	\$2,500	All counties in the State of Texas
	Pulling Underground Storage Tanks	Pull tanks at sites where there is no responsible party who is able to pull the tanks.	\$10,000	All counties in the State of Texas

RECIPIENT OF SEP FUNDS	PROJECT TITLE	PROJECT DESCRIPTION	MINIMUM CONTRIBUTION	ELIGIBLE COUNTIES
<b>— AIR PROJECTS —</b>				
Clean Air Force <b>NEW</b>	School Bus Project	Retrofit and replace school buses with lower emission technology in Central Texas. When a bus is replaced, the higher emission bus will be permanently retired.	\$5,000	Bastrop, Caldwell, Hays, Travis, and Williamson
City of Fort Worth <b>NEW</b>	Mower Exchange Air Pollution Reduction Project	Coordinates exchange of gasoline-powered mowers for electric mowers. Gasoline-powered mowers that are replaced will be permanently retired.	\$5,000	Collin, Dallas, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant
Gregg County	Purchase of Alternative Fueled Equipment	Purchase equipment and convert gas-powered equipment.	\$1,000	Gregg
Harris County	Meteorological Monitoring Equipment  This project is fully funded at this time	Harris County Pollution Control division is currently installing ozone monitors in a few public buildings, such as libraries, in Harris County, to improve the current ozone monitoring system for the area. With SEP monies, meteorological monitoring equipment will be added to the ozone monitoring stations at some of the same public locations. Project will be made compatible with EMRS initiative.	This project is fully funded at this time <b>Any amount</b>	Harris
	Fourier Transform InfraRed (FTIR) Camera Monitoring <b>NEW</b>	Harris County Public Health and Environmental Services has been conducting this air monitoring project for over one year. HCPHES works closely with the TCEQ's Monitoring Operations Division and the project is EMRS compatible.	\$500	Harris
	Hazardous Air Pollutants Monitoring <b>NEW</b>	Harris County Public Health and Environmental Services will conduct monitoring of hazardous air pollutants in the county.	Any Amount	Harris
City of Houston Contract pending	Alternative-Fueled Vehicles and Equipment	Purchase of alternative-fueled equipment such as propane or electric-powered lawn mowers, propane-powered light and heavy-duty equipment, and alternative-fueled vehicles to be used by the city instead of gasoline-powered equipment and vehicles. Additionally, SEP funds would be used to convert current gasoline-powered equipment used by the city to alternative-powered equipment.	Contract pending. \$500	Harris

RECIPIENT OF SEP FUNDS	PROJECT TITLE	PROJECT DESCRIPTION	MINIMUM CONTRIBUTION	ELIGIBLE COUNTIES
The Houston-Galveston Area Emission Reduction Credit Organization (AERCO)	Clean Cities Clean Vehicles	Assist in the purchase of new "clean fuel technology" buses or retrofitting and refurbishing existing diesel buses for the school district and for local transit agencies. When new "clean fuel technology" buses are purchased, old "high emission" buses will be permanently retired.	Any Amount	Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller
Jefferson County  Fully funded at this time		Purchase equipment and convert gas-powered equipment; upgrade vehicles to lower emission technology.	Fully funded at this time. \$1,000	Jefferson
	Southeast Texas Regional Air Monitoring Network	The County will maintain and repair the existing Southeast Texas Regional Air Monitoring Network. The network includes seven monitoring stations located at Sabine Pass, Mauriceville, the Southeast Texas Regional Airport, West Orange, Beaumont, Port Neches, and Cove School. Project will be made compatible with EMRS initiative.	Fully funded at this time. \$1,000	Jefferson
	West Port Arthur Ambient Air Monitoring Station	The County will install, operate and maintain a stationary ambient air monitoring station in the vicinity of the Memorial High School Ninth Grade Campus. The station will employ canister sampling, and a hydrocarbon analyzer and/or gas chromatography. Project will be made compatible with EMRS initiative.	Fully funded at this time. \$1,000	Jefferson
South East Regional Planning Commission	West Port Arthur Home Energy Efficiency Program	Project involves insulating homes and appliances of low-income homeowners for improved energy efficiency which will reduce fuel and electricity usage, thus reducing air emissions.	Any Amount	Jefferson
Texas A&M University at Kingsville <b>NEW</b>	San Patricio County Ozone Monitoring	Install, maintain, and operate three air quality stations in San Patricio County to provide continuous ozone monitoring in the Corpus Christi air shed. Data obtained from the monitoring stations will be made available to the public via the TCEQ website as soon as possible upon availability. EMRS compatible.	\$10,000	Aransas, Nueces, and San Patricio
Texas Association of RC&D Areas - <b>NEW</b>	School Bus Project	Retrofit and replace school buses with lower emission technology throughout Texas. When a bus is replaced, the higher emission bus will be permanently retired.	\$5,000	Statewide

RECIPIENT OF SEP FUNDS	PROJECT TITLE	PROJECT DESCRIPTION	MINIMUM CONTRIBUTION	ELIGIBLE COUNTIES
University of Texas	Corpus Christi Air Monitoring and Surveillance Camera Project	Install, maintain and operate a network of at least seven air-monitoring stations, and at least two surveillance cameras along the Corpus Christi ship channel. Data obtained from the monitors will be made available to the public via the TCEQ website as soon as possible upon availability. The public will be able to view the images captured by the surveillance cameras via the Internet. Project will be made compatible with ERMS initiative.	\$10,000	Nueces
<b>WASTEWATER, DRINKING WATER, AND WATER QUALITY PROJECTS</b>				
City of Andrews NEW	Water and Wastewater Assistance	First time water and wastewater service provided for low-income residents.	\$2,500	Andrews
Bolivar Peninsula Special Utility District NEW	Wastewater Treatment Assistance	Wastewater treatment assistance provided for low income residents. Project would repair or replace failing septic systems impacting High Island in the county.	\$1,000	Galveston
Gregg County	Provide Assistance for Failing Septic Systems	Provide assistance to low income homeowners to repair or replace failing on-site wastewater treatment systems or install appropriate wastewater systems.	\$1,000	Gregg
Northeast Texas Municipal Water District	Wastewater Treatment Assistance	Provide assistance to low-income homeowners to repair or replace failing on-site septic systems.	\$5,000	Camp, Cass, Franklin, Harrison, Marion, Morris, Titus and Upshur
Orange County	Wastewater Treatment Assistance Project	Cleanup potential health hazards associated with failing septic tanks and disposal fields for low-income homeowners. Assistance will be targeted for low-income families that cannot afford the construction of new approved facilities to replace failing and overloaded facilities that pose health risks to the families and neighborhoods.	\$3,750	Orange
The Rensselaerville Institute	Self-Help Rio Grande	Provide low income homeowners who have no water or wastewater service or who have failing on-site wastewater treatment systems with technical and financial assistance to install, repair or replace those water and wastewater sewage systems.	Any Amount	Cameron, Hidalgo, Starr, Webb, Willacy, and Zapata

RECIPIENT OF SEP FUNDS	PROJECT TITLE	PROJECT DESCRIPTION	MINIMUM CONTRIBUTION	ELIGIBLE COUNTIES
Tarleton State University - Texas Institute for Applied Environmental Research Contract pending	Continuous Water Quality Monitoring for Assessment in Water Bodies	Will install water monitors within a twenty-eight county area surrounding Tarleton State University and assess water quality, including temperature, dissolved oxygen concentration, pH specific conductance, and turbidity by taking biweekly samples. Data will be reported to the TCEQ in real time. Data validation procedures will conform with TCEQ validation procedures. Project will be made compatible with EMRS initiative.	Contract pending, To be Determined	Bell, Bosque, Brown, Callahan, Coleman, Comanche, Coryell, Dallas, Eastland, Ellis, Erath, Hamilton, Hill, Hood, Jack, Johnson, Lampasas, McLennan, Mills, Navarro, Palo Pinto, Parker, San Saba, Shackelford, Somervell, Stephens, Tarrant, Wise, and Young
Texas Association of RC&D Areas	Wastewater Treatment Assistance	Provide low income homeowners with assistance to enable repair or replacement of their failing on-site wastewater systems.	Any Amount	All counties in the State of Texas
Texas State University – River Systems Institute	Continuous Water Quality Monitoring Network	Will install water monitors within a 100 mile radius of Texas State University campus and assess water quality, including temperature, dissolved oxygen concentration, pH and specific conductance by taking biweekly samples. Data will be reported to the TCEQ in real time. Data validation procedures will conform with TCEQ validation procedures. Project will be made compatible with EMRS initiative.	\$10,000	Bandera, Bell, Bexar, Blanco, Burnet, Hays, Lee, Travis, and Williamson
<b>HEALTH-BASED PROJECTS</b>				
Texas Department of Health - Environmental Health Institute Contract pending	Environmental Health Institute	Examine ways to identify, treat, manage, prevent, and reduce health problems associated with environmental contamination. Individuals in areas immediately surrounding federal or state superfund sites will be provided with health screenings and health care related to exposure to contaminated sites.	Contract pending, \$1,000	Dallas, Denton, and Tarrant
University of Texas Environmental Law Clinic Contract pending	Water and Wastewater Treatment Assistance	Provide low income homeowners who have no water or wastewater service or who have failing on-site wastewater treatment systems with technical and financial assistance to install, repair or replace those water and wastewater sewage systems.	Contract pending, To be Determined	Bastrop, Burnet, Blanco, Caldwell, Comal, Guadalupe, Hays, Llano, Travis, and Williamson

RECIPIENT OF SEP FUNDS	PROJECT TITLE	PROJECT DESCRIPTION	MINIMUM CONTRIBUTION	ELIGIBLE COUNTIES
University of Texas School of Public Health Contract pending	Houston Exposure to Air Toxics	The University will evaluate exposure to air toxics along the Houston ship channel. A study will provide valuable data regarding source contribution ratios, amount of exposure, averaging time comparison, and duration of exposure. SEP monies will be used to purchase gas chromatography with photoionization detector and thermal desorber for the gas chromatography. This equipment will be used to analyze field samples.	Contract pending To be determined	Harris
<b>HABITAT RESTORATION, PRESERVATION, AND ACQUISITION PROJECTS</b>				
Armand Bayou Nature Center	Armand Bayou Nature Center Coastal Tallgrass Prairie Management Prescribed Burn Program and Prairie Restoration Project	ABNC will preserve the tall grass prairie ecosystem at the Armand Bayou Nature Center by performing prescribed burning, an accepted method of keeping invasive species from crowding out the native prairie grasses. ABNC will also plant native plants and trees.	Any Amount	Harris
Coastal Bend Bay Estuaries Program	Colonial Waterbird Rookery Island Enhancement Project	Restoration of shorelines of two islands to prevent erosion, stabilize the islands and preserve and create critical bird habitat.	Any Amount	Nueces
Ducks Unlimited, Inc.	Reforestation and Enhancement of Tony Houseman State Park & Wildlife Management Area at Blue Elbow Swamp	Restoration and enhancement of forested wetlands at Tony Houseman State Park & Wildlife Management Area at Blue Elbow Swamp between the Sabine River and Orange, Texas.	\$1,000	Orange
Friends of Laguna Atascosa National Wildlife Refuge	Flooding of Bahia Grande	Work with the United States Fish and Wildlife Service to re-flood the Bahia Grande in Eastern Cameron County to restore tidal wetland habitats that went dry with the construction of the Brownsville ship channel.	Any Amount	Cameron
Friends of the Trinity River	Trinity River Project	Habitat restoration, conservation, and land acquisition along the Trinity River.	\$500	Liberty
Galveston Bay Foundation	The Galveston Bay Restoration "Marsh Mania"	Restore shoreline elevations, growing plants for shoreline restoration, and planting new habitat.	Any Amount	Brazoria, Chambers, Galveston and Harris

RECIPIENT OF SEP FUNDS	PROJECT TITLE	PROJECT DESCRIPTION	MINIMUM CONTRIBUTION	ELIGIBLE COUNTIES
Guadalupe Blanco River Trust NEW	Aransas National Wildlife Refuge habitat enhancement project	Project near the Whitmire Lake and the Calhoun County Canal System to restore wetlands and other habitat.	Any Amount	Aransas, Calhoun, Jackson, Matagorda, Refugio, and Victoria
Harris County and the Texas Department of Criminal Justice Contract pending	Wetland Enhancement Project	Harris County will utilize inmates provided by the Texas Department of Criminal Justice' Job Training program to remove exotic plant life from wetlands, plant native species, and clean-up illegally dumped solid waste.	Contract pending To be Determined	Harris
Hill Country Conservancy	Bunny Run Preserve Restoration Project	Plant native plants and seeds on a 37-acre tract of land on the south side of the Colorado River just west of the Loop 360 Bridge near the City of Austin.	\$500	Hays
	Wenzel Tract Project Contract pending.	Diversion up to 275 acre-feet of water into an 18-acre abandoned quarry. The quarry will then capture and hold the water so that the water can be absorbed into the Edwards Aquifer that runs beneath the quarry.	Contract pending To be Determined	Travis
Jefferson County  Fully funded at this time.	Pleasure Island Shoreline Stabilization	Stabilize the shoreline by placing vinyl sheets of piling and erosion control blankets along a stretch of waterway along Pleasure Island.	Fully funded at this time.	Jefferson
Jefferson County Waterway and Navigation District	Texas Point NWR Beneficial Use of Dredged Material Project	Use dredge spoil to restore eight miles of shoreline within the Texas Point National Wildlife Refuge in Jefferson County.	To be Determined	Jefferson
National Audubon Society (through Audubon Texas)	Anti-erosion, revegetation and pest control, Sundown Sanctuary Island	Dredge spoil will be used to restore the size of the islands and revegetation will be conducted, using native plants, and the plants will be treated to control pest populations.	\$1,000	Calhoun

RECIPIENT OF SEP FUNDS	PROJECT TITLE	PROJECT DESCRIPTION	MINIMUM CONTRIBUTION	ELIGIBLE COUNTIES
	Audubon Society Sabine Woods Sanctuary Habitat Improvement	Removal of newly sprouted tallow seedlings; removal of non-native "McCartney Rose"; removal of non-native privet; removal of excess mustang grape vines; mowing to maintain some areas in early stages of succession; acquisition of additional live oak trees and planting in the eastern part of the property; fence and property line clearing to act as fire break to protect habitat.	\$500	Jefferson
	Boy Scout Woods Bird Sanctuary, Exotic Plant Removal	Remove exotic Chinese tallow trees, which are growing on 40 acres of sanctuary coastal prairie. Herbicides will be utilized to remove the invasive trees.	\$1,000	Galveston
	Damuth Wildlife Sanctuary	Protection—fencing and signage.	Any Amount	Liberty
	Dogwood Canyon Park Wildlife Area Acquisition and Preservation	116 acres of land would be acquired for the purpose of protecting critical habitat for the endangered Golden-Cheeked Warbler and Black-Capped Vireo.	\$1,000	Dallas
	Exotic Species Control, Sabal Palm Sanctuary	Manually remove non-native plants in the sanctuary.	Any Amount	Cameron
	Habitat Improvement, Tyrrell Park and Cattail Marsh	Remove non-native tallow trees from around the periphery of the Cattail Marsh Artificial Wetlands in Tyrrell Park.	Any Amount	Jefferson
	Habitat Protection for Lesser Prairie Chicken	Acquire and restore land that provides a habitat for populations of Lesser Prairie Chickens.	Any Amount	Armstrong, Carson, Deaf, Donley, Gray, Hartley, Smith, Moore, Potter, Randall, and Swisher
	Keystone marsh/wetland	Purchase and restoration of marsh/wetland site.	\$1,000	El Paso
	Mitchell Lake Project	Restore 600-acre upland habitat at the Mitchell Lake Audubon Center and Sanctuary by removing non-native, exotic plant species and re-establishing native grasses, forbs, and woody vegetation.	Any Amount	Bexar
	North Bay Sanctuary Habitat Improvement	Maintain the existing roads in the sanctuary, Control Prickly Pear Cacti in a 20-acre section of the sanctuary, and assist in removal of invasive reeds and other plants from the eastern section of the pond.	\$12,000	San Patricio

RECIPIENT OF SEP FUNDS	PROJECT TITLE	PROJECT DESCRIPTION	MINIMUM CONTRIBUTION	ELIGIBLE COUNTIES
	Restoration and revegetation of Green Island and Three-Islands	Improve nesting conditions for colonial waterbirds on these four islands by planting appropriate native plants, thus further reducing damage due to erosion.	Any Amount	Cameron and Willacy
	Rio Bosque Wetlands Park	Wetland restoration of 372 acres. Planting native plants, habitat redefinition and wetlands restoration.	Any Amount	El Paso
	South Plains Riparian Restoration	Restore and enhance approximately one-half mile of riparian habitat on the North Fork of the Double Mountain Fork of the Brazos River in Lubbock County. Control invading exotics and plant native willows and cottonwoods to create a streambed canopy and a variety of fruiting deciduous shrubs and trees to form a mid-story level.	\$1	Lubbock
	Tyler Audubon Society Habitat Improvement - Langley Island on Lake Tyler	Transportation via boat to the island, purchase of hand tools for clearing undergrowth and unwanted trees, and needed signs to mark trails and post rules for island usage.	\$500	Smith
	Winter's Bayou Wildlife Sanctuary	Protection—fencing and signage.	Any Amount	San Jacinto
Native Prairies Association of Texas	Purchase of Tallgrass Prairie Remnants	Purchase prairies in fee simple and purchase conservation easements in counties with identified tallgrass prairie remnants. The properties purchased will be kept as nature preserves and will not be sold for residential or commercial purposes.	\$7,500	Austin, Bell, Brazoria, Burleson, Chambers, Colorado, Collin, Cooke, Falls, Fayette, Fort Bend, Galveston, Grayson, Grimes, Harris, Hunt, Jackson, Jefferson, Kaufman, Liberty, Orange, Rockwell, Tarrant, Van Zandt, Victoria, Waller, Washington, and Wharton
Texas A&M University at Kingsville	South Texas Constructed Wetland and Water Reuse Project	Collect and reclaim wastewater from cooling towers at Texas A&M University at Kingsville by channeling the water into a constructed wetland.	Any Amount	Kleberg and Nueces

RECIPIENT OF SEP FUNDS	PROJECT TITLE	PROJECT DESCRIPTION	MINIMUM CONTRIBUTION	ELIGIBLE COUNTIES
	South Texas Native Plant Restoration Native Seed Increase and Native Plant Growing	Evaluate seeds for viability and vigor. Send viable seeds to locations in South Texas.	\$2,500	Atascosa, Bee, Bexar, Brooks, Cameron, Duval, Dimmit, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Karnes, Kenedy, Kinney, Kleberg, La Salle, Live Oak, Maverick, McMullen, Medina, Nueces, Refugio, San Patricio, Star, Uvalde, Val Verde, Victoria, Webb, Willacy, Wilson, Zapata, and Zavala
	Native Plant and Wildlife Park	Construct a 35-acre wildlife research park on the northwest side of the Texas A&M University-Kingsville campus.	\$3,000	Kleberg
Trust for Public Land	Galveston Bay Natural Area Acquisition and Conservation Program	Acquisitions to preserve open space in the Galveston Bay watershed, contribute to improved water quality, conserve wetlands and other habitat, and increase public access to the bay, its tributaries, and their habitats.	\$10,000	Brazoria, Chambers, Galveston, and Harris
	Starvation Cove Acquisition and Conservation Project	The project involves the purchase of a complex of marsh, coastal prairie and associated habitats on Galveston Island within the City of Galveston, near starvation Cove. TPL will utilize the SEP monies to acquire three to four acres of this complex and will transfer ownership to Galveston County. Galveston County will be the ultimate fee title holder and permanent steward of the property. TPL will ensure the property is encumbered with a conservation easement which will preserve the property in perpetuity.	\$10,000	Brazoria, Chambers, Galveston, and Harris

RECIPIENT OF SEP FUNDS	PROJECT TITLE	PROJECT DESCRIPTION	MINIMUM CONTRIBUTION	ELIGIBLE COUNTIES
UT Austin Marine Science Institute	UTMSI Wetlands Center	The UTMSI will create a wetland at their site in Port Aransas, Texas. The site will be approximately 3.5 acres and will be bound on the north by the south jetty of the Aransas Pass Ship Channel and the Pier Laboratory, on the south by the service road north of the UTMSI Visitors Center, on the east by the UTMSI property line, and on the west by the UTMSI boat basin bulkhead.	\$10,000	Aransas, Kleberg, Nueces, and San Patricio

<b>SEPS COMMONLY DIRECTLY PERFORMED BY CITIES OR COUNTIES</b> (These SEPs would still require a proposal that addresses the details of the project.)	
1.	A tire, household hazardous waste, electronics, or large MSW collection day, where the city/county will advertise to citizens that they may bring in these items for proper disposal at no cost to the citizens.
2.	Removal of dilapidated housing that contains asbestos or lead paint. A site owned by the respondent is not eligible unless the respondent: 1) is a governmental entity that acquired the site through escheat, foreclosure, eminent domain, or bequest after the dumping occurred; and 2) there is a clear benefit to the community, such as when the land is cleaned up for preservation as a park.
3.	An erosion control project around a creek, river or lake.
4.	Illegal tire site or dumpsite clean-ups –Eligible sites will be those where a responsible party cannot be found or is unable to clean the site and where reasonable efforts have been made to prevent the dumping. A site owned by the respondent is not eligible unless the respondent: 1) is a governmental entity that acquired the site through escheat, foreclosure, eminent domain, or bequest after the dumping occurred; and 2) there is a clear benefit to the community, such as when the land is cleaned up for preservation as a park.
5.	Extend first time sewer service to low-income recipients utilizing failing septic systems.
6.	Extend first time water service to low-income recipients utilizing shallow or contaminated well water.
7.	Improve wastewater treatment plants where the city does not have adequate funding to make such improvements.
8.	Dam repairs for dams on the agency's list of high-risk dams.
9.	Funding for swap-outs of gas for electric equipment.