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July 18, 2013

FOR SETTLEMENT PURPOSES ONLY PURSUANT TO Fed. R. Evid. 408.

Mr. Brandon Robers
Department of Justice
Environmental Enforcement Section
P.O. Box 7611 – Ben Franklin Station
Washington, D.C. 20044

VIA EMAIL AND FIRST CLASS USPS MAIL

Re: City of Corpus Christi

Dear Mr. Robers:

As discussed during our meeting in Dallas last week, the City of Corpus Christi (the "City") provides the attached spreadsheet tracking Fats, Oils, and Grease ("FOG") Notices of Violation ("NOVs"), as well as information regarding the City's analysis of its wastewater treatment plants ("WWTPs").

Attachment A is the City's FOG NOV spreadsheet (with legend/description), which reflects the City's interim measure since late 2012 to track NOV letters resulting from FSE inspections. As discussed at last week's meeting, the City's FOG Program is in transition and thus, older inspections are not captured on this spreadsheet (as they only exist in paper form). Additionally, with the City's upcoming transition to new FOG software, the existing spreadsheet will become obsolete for future years, as the new software will allow for better NOV tracking, among other functions. Please let us know if you have any questions about the spreadsheet, recognizing its transitory nature.

With respect to the WWTP analysis, the City hereby provides a description of the analysis currently underway in Attachment B.

Please let us know as you have questions concerning this information. As discussed last week, we anticipate detailed discussions regarding the City's WWTPs in approximately three to four months. Before then, however, the City will provide information regarding its Capital Improvement Projects, as they relate to WWTPs.

Sincerely,

Lauren Kalisek

Lauren Kalisek

Enclosures (2)

cc: Mr. Mark Walters, Assistant Attorney General
Mr. Ron Olson, City of Corpus Christi
Mr. Oscar Martinez, City of Corpus Christi
Mr. Carlos Valdez, City of Corpus Christi
Mr. Foster Crowell, City of Corpus Christi
Mr. Pete Anaya, City of Corpus Christi
Mr. Joe Trejo, City of Corpus Christi
Ms. Lisa Aguilar, City of Corpus Christi
Mr. Fredric P. Andes, *of Barnes & Thornburg, LLP*
Mr. Joe de la Fuente, *of the Firm*
Mr. Nathan Vassar, *of the Firm*

ATTACHMENT A

FOR SETTLEMENT PURPOSES ONLY PURSUANT TO

Fed. R. Evid. 408.

City of Corpus Christi Notice of Violations Tracking Spreadsheet Description

This spreadsheet tracks the City of Corpus Christi's (the "City's") Notices of Violation ("NOV") for its Fats, Oils, and Grease ("FOG") program.

Description of elements in the Excel NOV Tracking spreadsheet:

FSE Name & Address: Food Service Establishment ("FSE") name and physical location

NOV Frequency: The City issues an NOV when an inspection reveals the FSE is not cleaning the Grease Reduction Device ("GRD") at the appropriate frequency. Per CORPUS CHRISTI, TEX. REV. ORDINANCES ch. 55, art. XVII, § 55-220(a)(1), the default is a 90 day maximum period between cleanings, unless directed otherwise by a prior NOV or if the City requires more frequent cleaning (*see id*. at § 55-220(a)(2)). An "X" in this column indicates that an NOV was issued for an FSE's failure to meet the required cleaning frequency.

NOV HEM: The City also issues an NOV when the results of the Hexane Extractable Material ("HEM") sample analysis exceeds 200 mg/L HEM. An "X" in this column indicates that an NOV was issued for an FSE exceeding 200 mg/L HEM.

GRD Size Gallons: GRD liquid volume in gallons

Cleaning Frequency: The required GRD cleaning frequency, measured in days

NOV Letter Date: The date provided on the NOV letter which is hand delivered to(and acknowledged by) the owner or manager of the FSE

NOV Tracking

7/17/2013

FSE Name	Address	Frequency NOV	HEM NOV	GRD Size Gallons	Cleaning Frequency	NOV Letter Date
Super Times Market	4414 Prescott	X		300	60	12/2/2012
CC Country Club	6300 Everhart	X		1000	90	12/14/2012
Popeye's Port	1125 Port	X		500	90	12/14/2012
Taq. Chapala	1237 Nile	X		55	90	12/14/2012
Wildcat Donuts	14241 Northwest	X		50	90	1/11/2013
Smith deMerert	4402 Crosstown	X		50	90	1/29/2013
Southern Charm	2426 Rand Morgan		X	50	90	1/30/2013
Panjo's Pizza	1320 Airline	X		50	90	1/30/2013
Howard's BBQ	1002 Antelope	X	X	50	90	1/30/2013
El Mosquite BBQ	1653 Airline	X		200	90	1/30/2013
Speedy Stop #58	5157 Interstate 37	X		750	90	1/30/2013
Pete's Chicken N More	3801 Agnes	X		500	90	1/30/2013
Tequila Coast	224 Mesquite		X	1000	90	1/30/2013
Stripes	6801 Everhart	X		1500	90	1/30/2013
Taq. Jalisco #4	5330 Everhart	X		500	90	1/30/2013
New York Pizza	5838 Staples	X		500	90	1/30/2013
Alexander's Seafood	5013 Everhart	X		250	90	1/30/2013
Fiesta Mexicano	2331 Agnes	X		55	90	2/20/2013
Kiko's	5514 Everhart		X	1000	15	2/21/2013
Thai Spice	523 Weber		X	1000	90	2/21/2013
Thai Cottage	5830 McArdle		X	50	90	2/21/2013
Church's Chicken	5149 Weber	X	X	200	90	2/22/2013
Olive Garden	5258 SPID	X		4000	90	2/25/2013
Scuttlebutt's	14254 SPID		X	50	90	2/27/2013
Boat N Net	621 NAS		X	25	90	2/27/2013
McDonald's	1229 Waldron	X	X	1000	90	2/27/2013
JBs German Bakery	15137 SPID		X	10	30	2/27/2013
Wendy's	5934 SPID	X		750	90	2/27/2013
Waterford at CC	5813 Esplanade	X		1000	90	2/28/2013
Dairy Queen #4	5002 Greenwood	X		500	90	2/28/2013
Weinerschnitzel	3555 SPID	X		50	90	3/6/2013
Luciano's	1821 Alameda		X	300	30	3/22/2013
Taq. Acapulco	5937 McArdle		X	50	15	3/22/2013
KFC	2111 Staples		X	1000	60	3/22/2013
BBQ Man	4931 Interstate-37		X	500	90	3/22/2013
Blackbeard / Beach	3117 Surfside	X		100	90	3/22/2013
Coffee Waves	5738 Alameda		X	50	90	3/22/2013
Taqueria Rodeo	4402 Ayers	X	X	200	30	4/10/2013
Good N Crisp	14601 SPID	X		1000	90	4/10/2013
HuDat	14017 Northwest	X		1000	90	4/10/2013
Five Guys Burgers	5425 SPID	X		1000	90	4/29/2013
Panda Express	6153 Saratoga		X	1000	90	4/30/2013
Jack in the Box	1502 Airline	X		1000	90	4/30/2013
Sonic Drive In #5	6557 Staples	X	X	500	60	5/29/2013

NOV Tracking

FSE Name	Address	Frequency NOV	HEM NOV	GRD Size Gallons	Cleaning Frequency	NOV Letter Date
La Ribera	1302 Morgan		X	55	60	5/29/2013
Reparo Taquito	833 Airline		X	50	90	5/29/2013
McDonald's	2222 Staples		X	1000	90	5/29/2013
Water St. Oyster Bar	309 Water St		X	300	60	5/29/2013
HEB #13	5425 SPID	X		1150	90	5/29/2013
Torch	4425 Alameda		X	50	90	5/30/2013
McDonald's	1610 SPID	X		1000	60	5/30/2013
Jalisco Meat Market	2763 Staples	X		1000	90	5/30/2013
Good-N-Crisp	4031 US Hwy 77	X	X	500	90	5/31/2013
Green Papaya	4455 SPID suite 2	X		55	90	5/31/2013
Outback Steakhouse	4221 Staples		X	1000	15	5/31/2013
Nano's	4722 Holly		X	100	90	5/31/2013
McDonald's	5560 SPID		X	1000	60	5/31/2013
Walmart	3829 US Hwy 77		X	750	90	5/31/2013
Denny's	5165 US Hwy 77	X		1000	90	5/31/2013
El Gallo de Jalisco	10329 SPID	X		750	90	5/31/2013
Crawdaddy's	414 Starr	X		100	90	5/31/2013
Weinerschnitzel 594	4001 US Hwy 77	X		1500	90	5/31/2013
Taqueria Alteno	2601 Ayers	X	X	500	30	7/16/2013
Boat N Net	4431 Greenwood		X	500	15	7/17/2013
Floyd's	9502 SPID		X	50	60	7/17/2013
Miller's BBQ	2233 Airline		X	100	30	7/17/2013
McDonald's	2021 Morgan		X	1500	60	7/17/2013

ATTACHMENT B

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Description of Wastewater Treatment Plant Analysis

Task: Evaluate Wastewater Treatment Plant ("WWTP") effluent violations, remedial options, and costs to identify potential operational and capital improvements that address the current permit violations and associated planning level cost estimates.

Activities

a. Coordinate with City staff to obtain plant operation data, including process data, wastewater influent and effluent characteristics, and other information to be used for WWTP evaluation.
b. Perform appropriate site visits to WWTPs.
c. Hold workshop meeting with COCC staff and HDR treatment experts to review each WWTP and the associated issues related to the permits. This meeting will include the City's WWTP operators to discuss plant operations.
d. HDR to develop options for improvements, both operational and capital, along with the advantages and disadvantages of each, as well as preliminary costs for consideration.
e. Meet with City staff and HDR to review and discuss options, preliminary cost estimates, and develop a planning level schedule to implement solutions.
f. Finalize recommendations, planning level schedule and preliminary costs and present in a technical memorandum.