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**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2007-0601-MWD-E **TCEQ ID:** RN101609758 **CASE NO.:** 33222  
**RESPONDENT NAME:** Wildwood Property Owners Association

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Wildwood STP, located at the corner of Balsawood and Chestnut Streets in the community of Wildwood, approximately 0.25 miles south of Lake Kimble and approximately 2.5 miles west of the intersection of U.S. Highways 69 and 287 and Farm-to-Market Road 3063, Hardin County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment facility</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on September 3, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Ms. Libby Hogue, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-1165; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468  <b>Respondent:</b> Ms. Nona Smith, President, Wildwood Property Owners Association, P.O. Box 903, Village Mills, Texas 77663  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> March 13, 2007</p> <p><b>Date of NOE Relating to this Case:</b> April 5, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine records review. Two violations were documented.</p> <p><b>WATER</b></p> <p>1) Failed to comply with the permitted effluent limitations [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011184001, Effluent Limitations and Monitoring Requirements Nos. 2 and 6]</p> <p>2) Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2006 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0011184001 Sludge Provisions].</p>	<p><b>Total Assessed:</b> \$1,375</p> <p><b>Total Deferred:</b> \$275  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$1,100</p> <p><b>Total Paid (Due) to General Revenue:</b> \$0</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. In September 2006, installed a new aerator at the facility;</p> <p>b. On October 31, 2006, came into compliance with permitted effluent limits;</p> <p>c. In December 2006, set automatic email alert system for reminders of reports due;</p> <p>d. In February 2007, began periodic smoke testing on the Wildwood sewer lines that carry sewer water to lift stations and also those which carry sewer water from lift station to sewer pond for detection of leaks; and</p> <p>e. On April 16, 2007, submitted the sludge report for the monitoring period ending July 31, 2006.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to implement and complete the Supplemental Environmental Project (SEP) (See Attachment A).</p>

Attachment A  
Docket Number: 2007-0601-MWD-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Wildwood Property Owners Association  
**Payable Penalty Amount:** One Thousand One Hundred Dollars (\$1,100)  
**SEP Amount:** One Thousand One Hundred Dollars (\$1,100)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up  
**Location of SEP:** Tyler County

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

**1. Project Description**

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.



C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802-2700

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**5. Publicity**

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

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

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





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	9-Apr-2007	<b>Screening</b>	16-Apr-2007	<b>EPA Due</b>	
	<b>PCW</b>	16-Apr-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Wildwood Property Owners Association		
<b>Reg. Ent. Ref. No.</b>	RN101609758		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	33222	<b>No. of Violations</b>	2
<b>Docket No.</b>	2007-0601-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Enf. Coordinator</b>	Libby Hogue
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>
			\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$1,100**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 35% Enhancement **Subtotals 2, 3, & 7** **\$385**

**Notes** A 35% enhancement is recommended for having seven NOV's for self-reported same or similar effluent violations.

**Culpability** No 0% Enhancement **Subtotal 4** **\$0**

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 10% Reduction **Subtotal 5** **\$110**

Before NOV      NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		(mark with x)

**Notes** The Respondent came into compliance with permitted effluent limits on October 31, 2006, and submitted the sludge report for the monitoring period ending July 31, 2006 on April 16, 2007.

**Total EB Amounts** \$70      **0% Enhancement\*** **Subtotal 6** **\$0**  
**Approx. Cost of Compliance** \$1,250      \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$1,375**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

**Final Penalty Amount** **\$1,375**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$1,375**

**DEFERRAL** 20% Reduction **Adjustment** **-\$275**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$1,100**

Screening Date: 16-Apr-2007

Docket No. 2007-0601-MWD-E

PCW

Respondent Wildwood Property Owners Association

Policy Revision 2 (September 2002)

Case ID No. 33222

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101609758

Media [Statute] Water Quality

Enf. Coordinator Libby Hogue

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	7	35%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 35%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

A 35% enhancement is recommended for having seven NOVs for self-reported same or similar effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 35%

Screening Date 16-Apr-2007

Docket No. 2007-0601-MWD-E

PCW

Respondent Wildwood Property Owners Association

Policy Revision 2 (September 2002)

Case ID No. 33222

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101609758

Media [Statute] Water Quality

Enf. Coordinator Libby Hogue

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011184001, Effluent Limitations and Monitoring Requirements Nos. 2 and 6

Violation Description Failed to comply with the permitted effluent limitations. See Table - Attachment.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent 10%	
	Release	Major	Moderate		Minor
	Actual				x
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent 0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 62

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$63

Violation Final Penalty Total \$1,250

This violation Final Assessed Penalty (adjusted for limits) \$1,250

## Economic Benefit Worksheet

**Respondent:** Wildwood Property Owners Association  
**Case ID No.:** 33222  
**Reg. Ent. Reference No.:** RN101609758  
**Media:** Water Quality  
**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	31-Jul-2006	31-Oct-2007	1.3	\$63	n/a	\$63

Notes for DELAYED costs

The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. Date required is the date the noncompliance started and the final date is the date respondent came into compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$63

Screening Date 16-Apr-2007

Docket No. 2007-0601-MWD-E

PCW

Respondent Wildwood Property Owners Association

Policy Revision 2 (September 2002)

Case ID No. 33222

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101609758

Media [Statute] Water Quality

Enf. Coordinator Libby Hogue

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0011184001, Sludge Provisions.

Violation Description Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2006, as documented during a record review conducted on March 13, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1%

Matrix Notes

Greater than 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 228 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

## Economic Benefit Worksheet

**Respondent:** Wildwood Property Owners Association  
**Case ID No.:** 33222  
**Reg. Ent. Reference No.:** RN101609758  
**Media:** Water Quality  
**Violation No.:** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	1-Sep-2006	16-Apr-2007	0.6	\$8	n/a	\$8

Notes for DELAYED costs

The estimated cost to generate and submit the annual sludge report. Date required is the date the sludge report was due to be submitted to the TCEQ and the final date is the date respondent came into compliance.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

**TOTAL**

\$8

ATTACHMENT

**Effluent Violation Table**  
 Wildwood Property Owners Association  
 TPDES Permit No. WQ0011184001  
 Docket No. 2007-0601-MWD-E

Permitted Effluent Limits	Monitoring Period End Date	
	07/31/2006	08/31/2006
Chlorine residual > or = to 1.0mg/L nor exceed 4.0 mg/L	4.9	5.0
Oxygen, dissolved Bi-weekly avg. Minimum 4.0 mg/L	C	2.0

( > or = ) = greater than or equal to

mg/L = milligrams per liter

C = Compliant



# Compliance History

Customer/Respondent/Owner-Operator:	CN600641021	Wildwood Property Owners Association	Classification: AVERAGE	Rating: 0.30
Regulated Entity:	RN101609758	WILDWOOD STP	Classification: AVERAGE	Site Rating: 0.30
ID Number(s):	WASTEWATER	PERMIT	WQ0011184001	
	WASTEWATER	PERMIT	TPDES0103641	
	WASTEWATER	PERMIT	TX0103641	
	WASTEWATER LICENSING	LICENSE	WQ0011184001	

Location: AT THE CORNER OF BALSABOOD AND CHESTNUT STREETS IN THE COMMUNITY OF WILDWOOD, APPROXIMATELY 0.25 MILES SOUTH OF LAKE KIMBLE AND APPROXIMATELY 2.5 MILES WEST OF THE INTERSECTION OF U.S. HIGHWAYS 69 AND 287 AND FARM-TO-MARKET ROAD 3063, IN HARDIN COUNTY, TEXAS

Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: April 13, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 09, 2002 to April 09, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Libby Hogue Phone: 512-239-1165

## Site Compliance History Components

- |  |            |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes        |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No         |
| 3. If Yes, who is the current owner?   | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)?  | N/A        |
| 5. When did the change(s) in ownership occur?  | N/A        |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |    |            |          |
|----|------------|----------|
| 1  | 04/17/2002 | (222423) |
| 2  | 05/17/2002 | (222427) |
| 3  | 06/17/2002 | (222428) |
| 4  | 07/17/2002 | (222431) |
| 5  | 08/19/2002 | (222434) |
| 6  | 10/17/2002 | (222438) |
| 7  | 11/18/2002 | (222441) |
| 8  | 12/16/2002 | (322356) |
| 9  | 01/17/2003 | (222447) |
| 10 | 02/08/2003 | (222416) |

11 03/17/2003 (222419)  
 12 04/16/2003 (222424)  
 13 05/19/2003 (322347)  
 14 06/16/2003 (322348)  
 15 07/16/2003 (322350)  
 16 08/18/2003 (322351)  
 17 09/17/2003 (322353)  
 18 10/17/2003 (322354)  
 19 11/18/2003 (322355)  
 20 12/17/2003 (322357)  
 21 01/20/2004 (322358)  
 22 02/17/2004 (322344)  
 23 03/18/2004 (322345)  
 24 04/19/2004 (322346)  
 25 05/17/2004 (364120)  
 26 06/04/2004 (322352)  
 27 06/17/2004 (322349)  
 28 07/15/2004 (364121)  
 29 08/16/2004 (364122)  
 30 09/17/2004 (364123)  
 31 10/04/2004 (364124)  
 32 12/16/2004 (388584)  
 33 01/17/2005 (388585)  
 34 01/26/2005 (388583)  
 35 02/14/2005 (426089)  
 36 02/16/2005 (426087)  
 37 03/07/2005 (346858)  
 38 03/17/2005 (426088)  
 39 04/18/2005 (426090)  
 40 05/09/2005 (426091)  
 41 06/17/2005 (426092)  
 42 07/15/2005 (446516)  
 43 08/10/2005 (446517)  
 44 09/19/2005 (446518)  
 45 10/10/2005 (479221)  
 46 11/18/2005 (479222)  
 47 12/08/2005 (479223)  
 48 01/20/2006 (479224)  
 49 02/16/2006 (479219)  
 50 03/16/2006 (479220)  
 51 04/19/2006 (505034)  
 52 05/17/2006 (505035)  
 53 06/14/2006 (505036)  
 54 07/10/2006 (527333)  
 55 08/08/2006 (527334)  
 56 09/12/2006 (527335)  
 57 10/09/2006 (551097)  
 58 11/10/2006 (551098)  
 59 12/18/2006 (551099)  
 60 04/05/2007 (543928)

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

Date	08/31/2002	(322352)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	11/30/2002	(322356)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			

Date	12/31/2002	(222447)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	01/31/2003	(222416)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	11/30/2004	(388584)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	07/31/2006	(527334)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	08/31/2006	(527335)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
WILDWOOD PROPERTY OWNERS  
ASSOCIATION  
RN101609758**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-0601-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Wildwood Property Owners Association ("Wildwood") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Wildwood appear before the Commission and together stipulate that:

1. Wildwood owns and operates a wastewater treatment facility located at the corner of Balsawood and Chestnut Streets in the community of Wildwood, approximately 0.25 mile south of Lake Kimble and approximately 2.5 miles west of the intersection of U.S. Highways 69 and 287 and Farm-to-Market Road 3063 in Hardin County, Texas, (the "Facility").
2. Wildwood has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Wildwood agree that the Commission has jurisdiction to enter this Agreed Order, and that Wildwood is subject to the Commission's jurisdiction.
4. Wildwood received notice of the violations alleged in Section II ("Allegations") on or about April 10, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Wildwood of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of One Thousand Three Hundred Seventy-Five Dollars (\$1,375) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Two Hundred Seventy-Five Dollars (\$275) is deferred contingent upon Wildwood's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Wildwood fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Wildwood to pay all or part of the deferred penalty. One Thousand One Hundred Dollars (\$1,100) shall be conditionally offset by Wildwood's completion of a Supplemental Environmental Project.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Wildwood have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Wildwood has implemented the following corrective measures at the Facility:
  - a. In September 2006, installed a new aerator at the facility;
  - b. On October 31, 2006, came into compliance with permitted effluent limits;
  - c. In December 2006, set automatic email alert system for reminders of reports due;
  - d. In February 2007, began periodic smoke testing on the Wildwood sewer lines that carry sewer water to lift stations and also those which carry sewer water from lift station to sewer pond for detection of leaks; and
  - e. On April 16, 2007, submitted the sludge report for the monitoring period ending July 31, 2006.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Wildwood has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, Wildwood is alleged to have:



- Failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011184001, Effluent Limitations and Monitoring Requirements Nos. 2 and 6, as documented during a record review conducted on March 13, 2007, as indicated in the table below.

<b>Effluent Violation Table</b>		
Wildwood Property Owners Association TPDES Permit No. WQ0011184001 Docket No. 2007-0601-MWD-E		
Permitted Effluent Limits	Monitoring Period End Date	
	07/31/2006	08/31/2006
Chlorine residual > or = to 1.0mg/L nor exceed 4.0 mg/L	4.9	5.0
Oxygen, dissolved Bi-weekly avg. Minimum 4.0 mg/L	C	2.0

( > or = ) = greater than or equal to
mg/L = milligrams per liter
C = Compliant

- Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2006, in violation of 30 TEX. ADMIN CODE § 305.125(17) and TPDES Permit No. WQ0011184001 Sludge Provisions, as documented during a record review conducted on March 13, 2007.

### III. DENIALS

Wildwood generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

- It is, therefore, ordered by the TCEQ that Wildwood pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Wildwood's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Wildwood Property Owners Association, Docket No. 2007-0601-MWD-E" to:



Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. Wildwood shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX WATER CODE § 7.067. As set forth in Section I, Paragraph 6, One Thousand One Hundred Dollars (\$1,100) of the assessed administrative penalty shall be offset with the condition that Wildwood implement the SEP defined in Attachment A, incorporated herein by reference. Wildwood's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon Wildwood. Wildwood is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Wildwood fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Wildwood's failure to comply is not a violation of this Agreed Order. Wildwood shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Wildwood shall notify the Executive Director within seven days after Wildwood become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Wildwood shall be made in writing to the Executive Director. Extensions are not effective until Wildwood receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Wildwood in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Wildwood, or three days after the date on which the Commission mails notice of the Order to Wildwood, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John Sadler  
\_\_\_\_\_  
For the Executive Director

9/7/07  
\_\_\_\_\_  
Date

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

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

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

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

NONA T. Smith  
\_\_\_\_\_  
Signature

6-27-07  
\_\_\_\_\_  
Date

NONA T. Smith  
Name (Printed or typed)  
Authorized Representative of  
Wildwood Property Owners Association

President  
\_\_\_\_\_  
Title

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



**Attachment A**  
**Docket Number: 2007-0601-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Wildwood Property Owners Association</b>
<b>Payable Penalty Amount:</b>	<b>One Thousand One Hundred Dollars (\$1,100)</b>
<b>SEP Amount:</b>	<b>One Thousand One Hundred Dollars (\$1,100)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc. ("RC&amp;D")- Unauthorized Trash Dump Clean-Up</b>
<b>Location of SEP:</b>	<b>Tyler County</b>

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

**1. Project Description**

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.



C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802-2700

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**5. Publicity**

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

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

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

