EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2005-0750-MWD-E **TCEQ ID:** RN102075744 and RN102096823 **CASE NO.:** 25256

RESPONDENT NAME: Texas Department of Transportation

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
X WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
___MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Palo Pinto County Southbound Rest Area, located on the northwest side on Interstate Highway 20 at a point approximately 0.25 miles west of the Parker County line in Palo Pinto County and the Johnson County Northbound Rest Area (TPDES Permit No. 12951-001), located on the northbound right-of-way Interstate Highway 35W approximately 0.8 mile north of Farm-to-Market Road 917, Johnson County

TYPE OF OPERATION: Domestic wastewater treatment

SMALL BUSINESS: ____ Yes _X_ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding these facility locations.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 22, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Michael Meyer, Enforcement Division, Enforcement Section IV, MC 128, (512) 239-4492; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: Mr. Larry J. Wagner, Secretary/Treasurer, Texas Department of Transportation, P.O. Box 6868, Fort Worth, Texas 76115

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint ___ Routine ___ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Record Reviews Relating to this Case:** February 10, 2005 and April 4, 2005 **Date of NOEs Relating to this Case:** March 16, 2005 and April 7, 2005(NOE) **Background Facts:** These were routine scheduled record reviews. **WATER** 1) Failed to comply with its permitted effluent limitations at the Palo Pinto County Southbound Rest Area Wastewater Treatment Plant [30 TEX. ADMIN. CODE §305.125(1), Texas Pollutant Discharge Elimination System (TPDES) Permit Number 11311-001, Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE §26.121(a)]. 2) Failed to submit the annual sludge report for the Palo Pinto County Southbound Rest Area Wastewater Treatment Plant for the monitoring period of August 1, 2003 to July 31, 2004 by September 1, 2004 [30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 11311-001, Section III. Requirements Applying to All Sludge Disposed in a Municipal Solid Waste Landfill, paragraph G. Reporting Requirements]. 3) Failed to comply with the permitted effluent limitations at the Johnson County Northbound Rest Area Wastewater Treatment Plant [30 TEX. ADMIN. CODE §305.125(1), TPDES Permit Number 12951-001, Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE §26.121(a)]. 4) Failed to submit the annual sludge report for the Johnson County Northbound Rest Area Wastewater Treatment Plant for the period of August 1, 2003 to July 31, 2004 by September 1, 2004 [30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 12951-001, Section III.	**Total Assessed:** $14,260 **Total Deferred:** $2,852 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $11,408 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** ___ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** 1) The Executive Director recognizes that TXDOT has implemented the following corrective measures at the Facilities: a) The Palo Pinto County Southbound Rest Area Wastewater Treatment Plan has been compliant with the effluent limits of TPDES Permit No. 11311-001 since October 2004; and b) The Johnson County Northbound Rest Area Wastewater Treatment Plant has been compliant with the effluent limits of TPDES Permit No. 12951-001 since June 2004. **Ordering Provisions:** 2) The Order will require the Respondent to: a) Submit copies of the annual sludge report covering the period of August 1, 2003 to July 31, 2004 for TPDES Permit No. 11311; and b) Submit payment for all outstanding fees, including any associated penalties and interest.

Requirements Applying to All Sludge Disposed in a Municipal Solid Waste Landfill, paragraph G. Reporting Requirements]. 5) Failed to pay voluntary cleanup program fees for TCEQ Financial Account (FA) No. 0900745 and public health service fees, including late fees, for TCEQ FA Nos. 90410012, 923500046, 92350047, 90900042, 90900043, 91770005, and 91810176 [30 TEX. ADMIN. CODE §290.51(a)(6) and TEX. WATER CODE §5.702].		

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

TCEQ

DATES						
Assigned	11-Apr-2005					
PCW	22-Apr-2005	Screening	20-Apr-2005	EPA Due		

RESPONDENT/FACILITY INFORMATION

Respondent	Texas Department of Transportation	Johnson County Northbound Rest Area	
Reg. Ent. Ref. No.	RN102096823		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	25256	No. of Violations	2
Docket No.	2005-0750-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Michael Meyer
Multi-Media		EC's Team	Enforcement Team 8
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1*: $3,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 72% Enhancement — *Subtotals 2, 3, & 7*: $2,160

Notes: The Respondent has 13 months of self-reported effluent violations, one written NOV for same or similar violations dated 10/08/2004 and one written NOV for dissimilar violations dated 03/7/2003.

Culpability: No — 0% Enhancement — *Subtotal 4*: $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5*: $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	*(mark with a small x)*

Notes: The Respondent is not yet in compliance.

Economic Benefit — 0% Enhancement* — *Subtotal 6*: $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$36
Approx. Cost of Compliance	$1,020

SUM OF SUBTOTALS 1-7 — Final Subtotal: $5,160

OTHER FACTORS AS JUSTICE MAY REQUIRE — 3% Reduction — Adjustment: -$150

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

Notes: Recommend reduction in penalty so that monthly self-reported violations don't overly impact the penalty amount.

Final Penalty Amount: $5,010

STATUTORY LIMIT ADJUSTMENT — Final Assessed Penalty: $5,010

DEFERRAL — 20% Reduction — Adjustment: -$1,002

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY: $4,008

Screening Date 20-Apr-2005 **Docket No.** 2005-0750-MWD-E **PCW**
Respondent Texas Department of Transportation Johnson County Northbound Re*ember 2002)*
Case ID No. 25256 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102096823
Media [Statute] Water Quality
Enf. Coordinator Michael Meyer

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)*	14	70%
	Other written NOVs	1	2%
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 judgements 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*	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) **72%**

>> 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

The Respondent has 13 months of self-reported effluent violations, one written NOV for same or similar violations dated 10/08/2004 and one written NOV for dissimilar violations dated 03/7/2003.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **72%**

Screening Date 20-Apr-2005 **Docket No.** 2005-0750-MWD-E **PCW**

Respondent Texas Department of Transportation Johnson County Northbound Re*ember 2002)*

Case ID No. 25256 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102096823

Media [Statute] Water Quality

Enf. Coordinator Michael Meyer

Violation Number 1

Primary Rule Cite(s) TPDES Permit No. 12195-001, Effluent Limitations and Monitoring Requirments No. 1, Texas Water Code § 26.121(a) and 30 Tex. Admin. Code § 305.125(1)

Secondary Rule Cite(s)

Violation Description Failed to comply with the permitted effluent limitations as listed in the Attached Effluent Limit Violation Table, as documented during a record review investigation conducted by the TCEQ on February 10, 2005.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

	Release	Harm: Major	Moderate	Minor
OR	Actual			x
	Potential			

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health and the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 2

mark only one use a small x	
daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,000

Two quarterly events from 12/2003 to 5/2004, as documented during a record review investigation conducted on February 10, 2005.

Economic Benefit (EB) for this violation

Estimated EB Amount $35

Statutory Limit Test

Violation Final Penalty Total $3,340

This violation Final Assessed Penalty (adjusted for limits) $3,340

Economic Benefit Worksheet

Respondent Texas Department of Transportation — Johnson County Northbound Rest Area
Case ID No. 25256
Reg. Ent. Reference No. RN102096823
Media [Statute] Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$1,000	01-Dec-2004	31-May-2005	0.5	$2	$33	$35
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)				0.0	$0	n/a	$0
Notes for DELAYED costs	This is an estimate of the cost for implementing operational controls necessary to achieve and maintain compliance with permitted effluent limitations. The Date Required is the initial month of noncompliance and the Final Date is the last month of noncompliance.						
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** $35

Respondent	Texas Department of Transportation - Johnson County Northbound Rest Area
ID Number(s)	25265
Docket Number	2005-0750-MWD-E
Enf. Coordinator	Michael Meyer

Corresponds to Violation Number: 1

EFFLUENT PARAMETER

Permit Limit

Month/Year	Daily Average TSS Permit Limit 20 mg/L	Daily Average TSS Permit Limit 1.0 lbs/day											
December 2003	29	c											
January 2004	29	c											
February 2004	28.75	1.19											
March 2004	30.06	c											
April 2004	34.25	c											
May 2004	22.75	c											

Name	Abbreviation
milligrams per liter	mg/L
pounds per day	lbs/day
million gallons per day	MGD
total suspended solids	TSS
5-day biochemical oxygen demand	BOD5
carbonaceous biochemical oxygen demand	CBOD
ammonia-nitrogen	NH3-N
dissolved oxygen	DO
compliant (no excursions)	c

Screening Date 20-Apr-2005 **Docket No.** 2005-0750-MWD-E **PCW**

Respondent Texas Department of Transportation Johnson County Northbound Re*cember 2002)*

Case ID No. 25256 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102096823

Media [Statute] Water Quality

Enf. Coordinator Michael Meyer

Violation Number 2

Primary Rule Cite(s)	TPDES Permit No. 12195-001, Section III. Requirements Applying to All Sludge Disposed in a Municipal Solid Waste Landfill, paragraph G. Reporting Requirements and 30 Tex. Admin. Code § 305.125(1)
Secondary Rule Cite(s)	
Violation Description	Failed to submit an annual sludge report forthe Johnson County Northbound Rest Area Wastewater Treatment Plant for the period of August 1, 2003 to July 31, 2004 by September 1, 2004, as documented during a record review investigation conducted on February 10, 2005.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: 100 percent of the rule requirement was not met.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $1,000

One annual event for the monitoring period of August 1, 2003 to July 31, 2004, as documented during a record review investigation conducted on February 10, 2005.

Economic Benefit (EB) for this violation

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $1,670

This violation Final Assessed Penalty (adjusted for limits) $1,670

Economic Benefit Worksheet

Respondent Texas Department of Transportation — Johnson County Northbound Rest Area
Case ID No. 25256
Reg. Ent. Reference No. RN102096823
Media [Statute] Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$20	01-Sep-2004	31-Oct-2005	1.2	$0	$2	$2
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)				0.0	$0	n/a	$0
Notes for DELAYED costs	This is an estimate of the cost of preparing and submitting the annual sludge report for the monitoirng period of August 1, 2003 to July 31, 2004, The Date Required is the date the report was due (September 1, 2004) and the Final Date is the estimated date of 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 $20

TOTAL $2

Compliance History

Customer/Respondent/Owner-Operator:	CN600803456	Texas Department of Transportation	Classification: AVERAGE	Rating: 3.07
Regulated Entity:	RN102096823	JOHNSON CO NORTHBOUND REST AREA	Classification: AVERAGE	Site Rating: 1.03
ID Number(s):	WASTEWATER	PERMIT		WQ0012951001
	WASTEWATER	PERMIT		TPDES0095834
	WASTEWATER LICENSING	LICENSE		WQ0012951001
Location:	LOCATED ON THE NORTHBOUND RIGHT-OF-WAY OF IH 35W, APPROXIMATELY 0.8 MI N OF THE INTERSECTION OF IH 35W AND FM RD 917 IN JOHNSON COUNTY		Rating Date: 9/1/2006	Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	December 13, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	April 05, 2000 to April 04, 2005			

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

Name: Michael Meyer Phone: (512) 239-4492

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?	No
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?	N/A
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 01/16/2003 (320164)
2 07/09/2004 (320165)
3 07/09/2004 (320166)
4 04/08/2005 (350375)
5 03/07/2003 (26954)
6 03/02/2005 (387890)
7 03/23/2005 (387891)
8 12/15/2004 (387892)
9 12/13/2004 (387893)
10 12/15/2004 (387894)
11 07/10/2003 (33782)
12 12/15/2004 (387895)
13 12/15/2004 (387896)
14 12/15/2004 (387897)
15 12/15/2004 (387898)
16 12/15/2004 (387899)
17 12/31/2004 (387900)
18 02/03/2005 (387901)
19 02/26/2001 (216815)
20 02/25/2002 (216816)

21 04/03/2001 (216817)
22 03/18/2002 (216818)
23 03/24/2003 (216819)
24 06/08/2000 (216821)
25 05/15/2002 (216822)
26 06/02/2000 (216823)
27 05/31/2001 (216824)
28 05/31/2002 (216825)
29 06/28/2000 (216826)
30 07/05/2001 (216827)
31 01/14/2005 (346714)
32 06/24/2002 (216828)
33 08/09/2000 (216829)
34 07/22/2002 (216830)
35 08/28/2000 (216831)
36 08/30/2001 (216832)
37 08/23/2002 (216833)
38 10/05/2000 (216834)
39 10/09/2001 (216835)
40 09/20/2002 (216836)
41 10/27/2000 (216837)
42 11/01/2001 (216838)
43 10/31/2002 (216839)
44 07/09/2004 (320154)
45 11/19/2001 (216840)
46 07/09/2004 (320155)
47 12/20/2002 (216841)
48 01/09/2001 (216842)
49 05/12/2003 (320156)
50 01/02/2002 (216843)
51 05/22/2003 (320157)
52 07/11/2003 (320158)
53 11/13/2003 (320159)
54 01/31/2001 (216845)
55 01/14/2002 (216846)
56 11/13/2003 (320160)
57 01/30/2003 (216847)
58 10/02/2003 (320161)
59 10/12/2003 (320162)
60 11/13/2003 (320163)

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

Date: 12/31/2003 (320166)
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: 03/07/2003 (26954)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
Rqmt Prov: PERMIT IA
Description: Failure to document analysis times for field parameters.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Rqmt Prov: PERMIT IA
Description: Failure to document quality assurance/quality control (QAQC) for field parameters

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT IA
Description: Failure to accurately compute the monthly biochemical oxygen demand (BOD) and total suspended solids (TSS) daily average lbs/day calculations.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)

Rqmt Prov: PERMIT IA

Description: Failure to comply with the permit required sampling frequencies.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT IA

Description: Failure to document facility process control.

Date: 10/08/2004 (292911)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)

30 TAC Chapter 30, SubChapter J 30.350(d)

Description: Failure to employ a licensed wastewater operator; Mr. Martin's WWC expired in May 2004.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.4(a)(8)

30 TAC Chapter 317 317.7(i)

Description: Failure to install a RPZ backflow prevention device on the plant's main potable water line and vacuum breakers on all potable water hose bibs.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(8)

Description: Failure to dispose of sludge as authorized in permit requirements.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Effluent samples taken by the DFW Region during the investigation resulted in a pH of 2.98 s.u., and a high total chlorine residual of 5.38 mg/L.

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to produce effluent meeting the effluent parameters defined in the TPDES permit.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]

Description: Sampling records must be complete and include all items identified in 30 TAC 319.7(a). Sample records did not contain the identity of the sampler. In addition, the operator must document the 30 -minute settleability tests being

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to submit monthly discharge monitoring reports in a timely manner as evidenced by the November and December 2003 and January and February 2004 DMRs being received on July 9, 2004.

Date: 03/31/2004 (387892)

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: 04/30/2004 (387893)

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: 05/31/2004 (387894)

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: 04/30/2001 (216824)

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: 05/31/2001 (216827)
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: 01/31/2004 (320154)
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: 10/31/2001 (216840)
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: 02/29/2004 (320155)
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: 06/30/2003 (320159)
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: 12/31/2001 (216846)
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: 07/31/2003 (320160)
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: 08/31/2003 (320161)
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

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

DATES						
	Assigned	25-Mar-2005				
	PCW	15-Apr-2005	Screening	14-Apr-2005	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Texas Department of Transportation	Palo Pinto County Rest Area	
Reg. Ent. Ref. No.	RN102075744		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	25256	No. of Violations	3
Docket No.	2005-0750-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Michael Meyer
Multi-Media		EC's Team	Enforcement Team 8
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 120% Enhancement *Subtotals 2, 3, & 7* $6,000

Notes: The Respondent self-reported 21 months of effluent violations and had three written NOVs dated 8/22/2001, 1/9/2004 and 1/7/2005 for same or similar violations.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction *Subtotal 5* $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	*(mark with a small x)*

Notes: The Respondent is not yet in compliance.

Economic Benefit 0% Enhancement* *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$72
Approx. Cost of Compliance	$1,020

SUM OF SUBTOTALS 1-7 Final Subtotal $11,000

OTHER FACTORS AS JUSTICE MAY REQUIRE 16% Reduction Adjustment -$1,750

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

Notes: Recommend reduction in penalty so that monthly self-reported violations don't overly impact the penalty amount.

Final Penalty Amount $9,250

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $9,250

DEFERRAL 20% Reduction Adjustment -$1,850

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $7,400

Screening Date 14-Apr-2005 **Docket No.** 2005-0750-MWD-E **PCW**
Respondent Texas Department of Transportation Palo Pinto County Rest Area *ember 2002)*
Case ID No. 25256 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102075744
Media [Statute] Water Quality
Enf. Coordinator Michael Meyer

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)*	24	120%
	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 judgements 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*	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) 120%

>> 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

The Respondent self-reported 21 months of effluent violations and had three written NOVs dated 8/22/2001, 1/9/2004 and 1/7/2005 for same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 120%

Screening Date 14-Apr-2005 **Docket No.** 2005-0750-MWD-E **PCW**

Respondent Texas Department of Transportation Palo Pinto County Rest Area *ember 2002)*

Case ID No. 25256 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102075744

Media [Statute] Water Quality

Enf. Coordinator Michael Meyer

Violation Number 1

Primary Rule Cite(s)	Texas Pollutant Discharge Elimination System Permit No. 11311-001, Effluent Limitations and Monitoring Requirments No. 1, Texas Water Code § 26.121(a) and 30 Tex. Admin. Code § 305.125(1)
Secondary Rule Cite(s)	
Violation Description	Failure to comply with the permitted effluent limitations, as listed in the attached Effluent Limit Violation Table, as documented during a record review investigation conducted on February 10, 2005.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: A simplified model was used to determine the impact of the BOD violations. Human health has been exposed to insignificant amount of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 4

	daily	
	monthly	
mark only one	*quarterly*	x
use a small x	*semiannual*	
	annual	
	single event	

Violation Base Penalty $4,000

Four quarterly events from October 2003 to September 2004, as documented during a record review investigation conducted on February 10, 2005.

Economic Benefit (EB) for this violation

Estimated EB Amount $70

Statutory Limit Test

Violation Final Penalty Total $7,400

This violation Final Assessed Penalty (adjusted for limits) $7,400

Economic Benefit Worksheet

Respondent Texas Department of Transportation — Palo Pinto County Rest Area
Case ID No. 25256
Reg. Ent. Reference No. RN102075744
Media [Statute] Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$1,000	01-Oct-2003	30-Sep-2004	1.0	$3	$67	$70
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)				0.0	$0	n/a	$0
Notes for DELAYED costs	This is an estimate of the cost for implementing operational controls necessary to achieve and maintain compliance with permitted effluent limitations. The Date Required is the initial month of noncompliance and the Final Date is the last month of noncompliance.						
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 $70

Screening Date 14-Apr-2005 **Docket No.** 2005-0750-MWD-E **PCW**

Respondent Texas Department of Transportation Palo Pinto County Rest Area *ember 2002)*

Case ID No. 25256 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102075744

Media [Statute] Water Quality

Enf. Coordinator Michael Meyer

Violation Number 2

Primary Rule Cite(s) TPDES Permit No. 11311-001, Section III. Requirements Applying to All Sewage Sludge Disposed in a Municipal Solid Waste Landfill, paragraph G. Reporting Requirements and 30 Tex. Admin. Code § 305.125(1)

Secondary Rule Cite(s)

Violation Description Failed to submit the annual sludge report for the monitoring period of August 1, 2003 to July 31, 2004 by September 1, 2004, as documented during a record review inviestigation conducted on February 10, 2005.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: 100 percent of the rule requirement was not met.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 1

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

mark only one use a small x

Violation Base Penalty $1,000

One annual event for the monitoring period of August 1, 2003 to July 31, 2004, as documented during a record review investigation conducted on February 10, 2005.

Economic Benefit (EB) for this violation

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $1,850

This violation Final Assessed Penalty (adjusted for limits) $1,850

Economic Benefit Worksheet

Respondent Texas Department of Transportation — Palo Pinto County Rest Area
Case ID No. 25256
Reg. Ent. Reference No. RN102075744
Media [Statute] Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$20	01-Sep-2004	31-Oct-2005	1.2	$0	$2	$2
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)				0.0	$0	n/a	$0
Notes for DELAYED costs	This is an estimate of the cost of preparing and submitting the annual sludge report for the monitoirng period of August 1, 2003 to July 31, 2004. The Date Required is the date the report was due (September 1, 2004) and the Final Date is the estimated date of 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: $20

TOTAL $2

Screening Date 14-Apr-2005 **Docket No.** 2005-0750-MWD-E **PCW**

Respondent Texas Department of Transportation Palo Pinto County Rest Area *ember 2002)*

Case ID No. 25256 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102075744

Media [Statute] Water Quality

Enf. Coordinator Michael Meyer

Violation Number 3

Primary Rule Cite(s) Tex. Water Code § 5.702 and 30 Tex. Admin. code § 290.51(a)(6)

Secondary Rule Cite(s)

Violation Description Failed to pay voluntary cleanup fees for TCEQ Financial Account (FA) No. 0900745 and public health service fees, including late fees, for TCEQ FA Nos. 90410012, 923500046, 92350047, 90900042, 90900043, 91770005 and 91810176, as documented during a record review investigation conducted on 4/4/2005.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Adjustment -$10,000

Base Penalty Subtotal $0

Violation Events

Number of Violation Events

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $0

No additional administrative penalty was calculated for this violation as penalties and/or interest will be asessed by the Financial Administration Division on the next billing cycle.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $0

This violation Final Assessed Penalty (adjusted for limits) $0

Economic Benefit Worksheet

Respondent Texas Department of Transportation — Palo Pinto County Rest Area
Case ID No. 25256
Reg. Ent. Reference No. RN102075744
Media [Statute] Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)				0.0	$0	n/a	$0
Notes for DELAYED costs	N/A						
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 $0

TOTAL $0

Respondent	Texas Department of Transportation - Palo Pinto County Rest Area
ID Number(s)	25265
Docket Number	2005-0750-MWD-E
Enf. Coordinator	Michael Meyer

Corresponds to Violation Number: 1

EFFLUENT PARAMETER

Permit Limit

Month/Year	Daily Average BOD Permit Limit 20 mg/L	Daily Average BOD Permit Limit 2.0 lbs/day	Single Grab BOD Permit Limit 65 mg/L	Daily Average TSS Permit Limit 20 mg/L	Daily Average TSS Permit Limit 2.0 lbs/day	Daily Average TSS Permit Limit 65 mg/L	Daily Average Flow Permit Limit 0.012 MGD
October 2003	c	c	c	43.75	4.74	c	0.013
November 2003	c	c	c	31	2.58	c	c
December 2003	26.25	2.84	c	64	6.93	76	0.013
January 2004	21.07	c	72	29.75	3.22	c	0.013
February 2004	c	c	c	31.25	2.86	c	c
March 2004	c	c	c	23.25	2.32	c	c
April 2004	c	c	c	21.7	2.35	c	0.013
May 2004	c	c	c	c	c	c	0.013
June 2004	c	2.15	c	c	c	c	0.015
July 2004	c	c	c	c	c	c	0.014
August 2004	c	c	c	c	3.27	c	0.023
September 2004	c	c	c	c	c	c	0.023

Name	Abbreviation
milligrams per liter	mg/L
pounds per day	lbs/day
million gallons per day	MGD
total suspended solids	TSS
5-day biochemical oxygen demand	BOD5
carbonaceous biochemical oxygen demand	CBOD
ammonia-nitrogen	NH3-N
dissolved oxygen	DO
compliant (no excursions)	c

Compliance History

Customer/Respondent/Owner-Operator:	CN600803456	Texas Department of Transportation	Classification: AVERAGE Rating: 3.07
Regulated Entity:	RN102075744	PALO PINTO COUNTY REST AREA	Classification: AVERAGE Site Rating: 1.23

ID Number(s):	WASTEWATER	PERMIT	WQ0011311001
	WASTEWATER	PERMIT	TPDES0027855
	WASTEWATER	PERMIT	TX0027855
	WASTEWATER LICENSING	LICENSE	WQ0011311001

Location: Located on the northwest side on IH-20 at a point approximately 0.25 miles west of the Parker County line in Palo Pinto County

Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: December 13, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 05, 2000 to April 04, 2005

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

Name: Michael Meyer Phone: (512) 239-4492

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
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? N/A
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 05/01/2003 (176339)
2 10/31/2002 (176338)
3 04/20/2001 (176337)
4 03/31/2003 (176336)
5 04/01/2002 (176335)
6 03/15/2001 (176334)
7 02/24/2003 (176333)
8 02/27/2002 (176332)
9 03/07/2001 (176331)
10 03/10/2005 (373084)
11 03/17/2005 (350462)
12 01/07/2005 (342654)
13 08/31/2004 (271610)
14 01/14/2004 (257120)
15 03/23/2005 (442408)
16 08/22/2001 (39796)
17 03/02/2005 (383590)

18 12/15/2004 (383591)
19 12/15/2004 (383592)
20 12/15/2004 (383593)
21 01/16/2003 (176358)
22 12/15/2004 (383594)
23 01/14/2002 (176357)
24 07/09/2004 (303117)
25 01/30/2003 (176356)
26 12/15/2004 (383595)
27 07/09/2004 (303118)
28 12/13/2001 (176355)
29 12/15/2004 (383596)
30 12/09/2002 (176354)
31 05/22/2003 (303119)
32 11/09/2001 (176353)
33 06/30/2003 (303120)
34 12/15/2004 (383597)
35 11/13/2003 (303121)
36 12/15/2004 (383598)
37 10/31/2002 (176352)
38 12/31/2004 (383599)
39 10/02/2003 (303122)
40 10/19/2001 (176351)
41 09/16/2002 (176350)
42 10/12/2003 (303123)
43 11/11/2003 (303124)
44 09/27/2001 (176349)
45 07/09/2004 (303125)
46 08/23/2002 (176348)
47 08/14/2001 (176347)
48 07/09/2004 (303126)
49 04/17/2002 (176346)
50 08/05/2002 (176345)
51 07/23/2001 (176344)
52 06/17/2002 (176343)
53 06/20/2001 (176342)
54 05/15/2002 (176341)
55 05/14/2001 (176340)

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

Date: 01/31/2003 (176333)
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: 01/07/2005 (342654)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to submit noncompliance reports for effluent violations that deviate by more than 40% from the permit limit.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)[G]
Description: Failure to submit the annual sludge report .

Date: 01/09/2004 (257120)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to have calibration records

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to keep flow meter calibrated.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with TSS limits
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to submit noncompliance reports
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with permitted effluent limits
Date: 08/22/2001 (39796)
Self Report? NO Classification: Moderate
Rqmt Prov: OP IA
Description: FAILURE TO COMPLY
Date: 03/31/2004 (383591)
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: 04/30/2004 (383592)
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: 05/31/2004 (383593)
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: 06/30/2004 (383594)
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: 01/31/2004 (303117)
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: 07/31/2004 (383595)
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: 02/29/2004 (303118)
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: 09/30/2002 (176352)
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: 08/31/2004 (383596)
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: 05/31/2003 (303120)
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: 09/30/2004 (383597)
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: 07/31/2003 (303121)
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: 08/31/2003 (303122)
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: 08/31/2001 (176349)
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: 09/30/2003 (303123)
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: 10/31/2003 (303124)
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: 06/30/2003 (176346)
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: 11/30/2003 (303125)
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: 12/31/2003 (303126)
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: 04/30/2002 (176341)

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	
TEXAS DEPARTMENT OF	§	**TEXAS COMMISSION ON**
TRANSPORATION	§	
RN102075744 AND RN102096823	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2005-0750-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 Texas Department of Transporation ("TXDOT") under the authority of TEX. WATER CODE chs. 5, 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and TXDOT appear before the Commission and together stipulate that:

1. TXDOT owns and operates domestic wastewater treatment facilities for the Palo Pinto County Southbound Rest Area (TPDES Permit No. 11311-001), located on the northwest side on Interstate Highway 20 at a point approximately 0.25 miles west of the Parker County line in Palo Pinto County and the Johnson County Northbound Rest Area (TPDES Permit No. 12951-001), located on the northbound right-of-way Interstate Highway 35W approximately 0.8 mile north of Farm-to-Market Road 917 in Johnson County, Texas (the "Facilities").

2. TXDOT has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. The Commission and TXDOT agree that the Commission has jurisdiction to enter this Agreed Order, and that TXDOT is subject to the Commission's jurisdiction.

4. TXDOT received notice of the violations alleged in Section II ("Allegations") on or about March 21 and April 12, 2005.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by TXDOT of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Fourteen Thousand Two Hundred Sixty Dollars ($14,260) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). TXDOT has paid Eleven Thousand Four Hundred Eight Dollars ($11,408) of the administrative penalty and Two Thousand Eight Hundred Fifty-Two Dollars ($2,852) is deferred contingent upon TXDOT'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 TXDOT fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require TXDOT to pay all or part of the deferred penalty.

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 TXDOT 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 TXDOT has implemented the following corrective measures at the Facilities:

   a. the Palo Pinto County Southbound Rest Area Wastewater Treatment Plant has been compliant with the effluent limits of TPDES Permit No. 11311-001 since October 2004; and

   b. the Johnson County Northbound Rest Area Wastewater Treatment Plant has been compliant with the effluent limits of TPDES Permit No. 12951-001 since June 2004.

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 TXDOT 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 Facilities, TXDOT is alleged to have:

1. Failed to comply with its permitted effluent limitations at the Palo Pinto County Southbound Rest Area Wastewater Treatment Plant (listed in the table below), in violation of TPDES Permit No. 11311-001, Effluent Limitations and Monitoring Requirements No.1, TEX. WATER CODE § 26.121(a) and 30 TEX. ADMIN. CODE § 305.125(1), as documented during a record review conducted on February 10, 2005;

Month/Year	Daily Average BOD Permit Limit 20 mg/L	Daily Averge BOD Permit Limit 2.0 lbs/day	Single Grab BOD Permit Limit 65 mg/L	Daily Average TSS Permit Limit 20 mg/L	Daily Average TSS Permit Limit 2.0 lbs/day	Daily Average TSS Permit Limit 65 mg/L	Daily Average Flow Permit Limit 0.012 MGD
October 2003	c	c	c	43.75	4.74	c	0.013
November 2003	c	c	c	31	2.58	c	c
December 2003	26.25	2.84	c	64	6.93	76	0.013
January 2004	21.07	c	72	29.75	3.22	c	0.013
February 2004	c	c	c	31.25	2.86	c	c
March 2004	c	c	c	23.25	2.32	c	c
April 2004	c	c	c	21.7	2.35	c	0.013
May 2004	c	c	c	c	c	c	0.013
June 2004	c	2.15	c	c	c	c	0.015
July 2004	c	c	c	c	c	c	0.014
August 2004	c	c	c	c	3.27	c	0.023
September 2004	c	c	c	c	c	c	0.023

Name	Abbreviation
milligrams per liter	mg/L
pounds per day	lbs/day
million gallons per day	MGD
5-day biochemical oxygen demand	BOD
total suspended solids	TSS

2. Failed to submit the annual sludge report for the Palo Pinto County Southbound Rest Area Wastewater Treatment Plant for the monitoring period of August 1, 2003 to July 31, 2004 by September 1, 2004, in violation of TPDES Permit No. 11311-001, Section III. Requirements Applying to All Sludge Disposed in a Municipal Solid Waste Landfill, paragraph G. Reporting Requirements and 30 TEX. ADMIN. CODE § 305.125(1), as documented during a record review investigation conducted on February 10, 2005;

3. Failed to comply with the permitted effluent limitations at the Johnson County Northbound Rest Area Wastewater Treatment Plant (listed in the table below), in violation of TPDES Permit No. 12951-001, Effluent Limitations and Monitoring Requirements No.1, TEX. WATER CODE § 26.121(a) and 30 TEX. ADMIN. CODE § 305.125, as documented during a record review investigation conducted on February 10, 2005;.

Month/Year	Daily Average TSS Permit Limit 20 mg/L	Daily Average TSS Permit Limit 1.0 lbs/day
December 2003	29	c
January 2004	29	c
February 2004	28.75	1.19
March 2004	30.06	c
April 2004	34.25	c
May 2004	22.75	c

4. Failed to submit an annual sludge report for the Johnson County Northbound Rest Area Wastewater Treatment Plant for the period of August 1, 2003 to July 31, 2004 by September 1, 2004, in violation of TPDES Permit No. 12951-001 Section III. Requirements Applying to All Sludge Disposed in a Municipal Solid Waste Landfill, paragraph G. Reporting Requirements and 30 TEX. ADMIN. CODE § 305.125(1), as documented during a record review investigation conducted on February 10, 2005; and.

5. Failed to pay voluntary cleanup program fees for TCEQ Financial Account (FA) No. 0900745 and public health service fees, including late fees, for TCEQ FA Nos. 90410012, 923500046, 92350047, 90900042, 90900043, 91770005 and 91810176, in violation of 30 TEX WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6), as documented during a record review investigation conducted on April 4, 2005.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that TXDOT pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and TXDOT'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: Texas Department of Transporation, Docket No. 2005-0750-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. It is further ordered that TXDOT shall, within 30 days after the effective date of this Agreed Order, undertake the following technical requirements:

a. Submit copies of the annual sludge report covering the period of August 1, 2003 to July 31, 2004 for TPDES Permit No. 11311 to:

Stuart Beckley
Compliance Monitoring Team, MC 224
Enforcement Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and for TPDES Permit No. 12951-001 to:

Mae Harper
Compliance Monitoring Team, MC 224
Enforcement Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Work Leader
Team 5, Section III
Enforcement Division, MC 149
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

b. Submit payment for all outstanding fees, including any associated penalties and interest, with the notation "Texas Department of Transportation, Financial Administration Account Nos. 0900745, 90410012, 92350046, 923500047, 90900042, 90900043, 91770005 and 91810176" 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

3. The provisions of this Agreed Order shall apply to and be binding upon TXDOT. TXDOT is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facilities operations referenced in this Agreed Order.

4. If TXDOT 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, TXDOT's failure to comply is not a violation of this Agreed Order. TXDOT shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. TXDOT shall notify the Executive Director within seven days after TXDOT becomes 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 TXDOT shall be made in writing to the Executive Director. Extensions are not effective until TXDOT 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 TXDOT 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 TXDOT, or three days after the date on which the Commission mails notice of the Order to TXDOT, 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

For the Executive Director

10/18/07
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, if any, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

Signature

9-28-05
Date

LARRY J. WAGNER
Name (Printed or typed)
Authorized Representative of
Texas Department of Transportation

Secretary / Treasurer
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.