

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-0594-MWD-E **TCEQ ID:** RN102340486 **CASE NO.:** 29510
RESPONDENT NAME: Preston Club Utility Corporation and Robert J. Tate

ORDER TYPE:

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input checked="" type="checkbox"/> WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Preston Club wastewater treatment plant, approximately four miles west of the intersection of United States Highway 82 and Farm-to-Market Road 1417 and one-half mile south of United States Highway 82, Grayson County

TYPE OF OPERATION: wastewater treatment facility

SMALL BUSINESS: Yes No

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

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 October 23, 2006. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Merrilee Hupp, Enforcement Division, Enforcement Section I, MC 169, (512) 239-4490; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

TCEQ Field Investigator: Ms. Michelle Havelka, DFW Regional Office, MC R-04, (817) 588-5837

Respondent: Mr. Robert J. Tate, President, Preston Club Utility Corporation and Robert J. Tate, 4520 Texoma Parkway, Suite J, Sherman, Texas 75090
Preston Club Utility Corporation, 4520 Texoma Parkway, Suite J, Sherman, Texas 75090

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 9, 2006</p> <p>Date of NOE Relating to this Case: April 26, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. Five violations were documented.</p> <p>WATER</p> <p>1) Failed to comply with permitted effluent limits from January through December 2005 [30 TEX. ADMIN. CODE § 305.125(1), TPDES ("Texas Pollutant Discharge Elimination System") Permit No. 13309001, Interim I Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and TEX. WATER CODE § 26.121(a)]</p> <p>2) Failed to timely submit the Discharge Monitoring Reports ("DMRs") for January through December 2005 [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. 13309001, Monitoring and Reporting Requirements No. 1].</p> <p>3) Failed to report in writing to the TCEQ within five working days of becoming aware of any effluent violation which deviates from the permitted effluent limitation by more than 40 percent [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 13309001, Monitoring and Reporting Requirements No. 7.c]</p> <p>4) Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. 13309001, Operational Requirements No. 1].</p> <p>5) Failed to submit the annual sludge report for the monitoring period ending July 31, 2005 by September 1, 2005 [30 TEX. ADMIN. CODE § 305.125(1) and (17), and TPDES Permit No. 13309001, Sludge Provisions].</p>	<p>Total Assessed: \$40,204</p> <p>Total Deferred: \$8,041 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$1,803 (remaining \$30,360 due in 23 monthly payments of \$1,320 each)</p> <p>CN601360779; CN600657563, RN102340486</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondents to:</p> <p>a. Immediately after the effective date of this Agreed Order, begin reporting effluent violations;</p> <p>b. Within 30 days after the effective date of this Agreed Order, begin submitting DMRs for the Facility;</p> <p>c. Within 30 days after the effective date of this Agreed Order, submit the annual sludge report for 2005;</p> <p>d. Within 45 days after the effective date of this Agreed Order, ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, including removing excessive solids from the clarifier and taking the excess solids to an authorized site for disposal; and</p> <p>e. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 13309001 and Ordering Provisions a, b, c, and d. The certification shall, include detailed supporting documentation including receipts, photographs, and/or other records to demonstrate compliance.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	22-May-2006	Screening	24-May-2006	EPA Due	
	PCW	21-Aug-2006				

RESPONDENT/FACILITY INFORMATION			
Respondent	Preston Club Utility Corporation and Robert J. Tate		
Reg. Ent. Ref. No.	RN102340486		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	29510	No. of Violations	6
Docket No.	2006-0594-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Merrilee Hupp
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$18,200
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	245% Enhancement	Subtotals 2, 3, & 7	\$44,590
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Notes: The Respondents self-reported 44 months of effluent quality violations, received one Commission issued NOV with same or similar violations as those cited in this action, and one Agreed Order containing denial of liability.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The Respondents have not yet achieved compliance.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$263	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$3,390	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$62,790
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OTHER FACTORS AS JUSTICE MAY REQUIRE	36% Reduction	Adjustment	-\$22,586
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes: Recommend reduction in the penalty so that self-reported and reporting violations do not overly impact the penalty amount.

Final Penalty Amount	\$40,204
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$40,204
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DEFERRAL	20% Reduction	Adjustment	\$8,041
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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	\$32,163
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Screening Date 24-May-2006 **Docket No.** 2006-0594-MWD-E **PCW**
Respondent Preston Club Utility Corporation and Robert J. Tate *Policy Revision 2 (September 2002)*
Case ID No. 29510 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102340486
Media [Statute] Water Quality
Enf. Coordinator Merrilee Hupp

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 <i>(number of NOVs meeting criteria)</i>	45	225%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	1	20%
	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 <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
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) 245%

>> **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 Respondents self-reported 44 months of effluent quality violations, received one Commission issued NOV with same or similar violations as those cited in this action, and one Agreed Order containing denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 245%

Screening Date	24-May-2006	Docket No.	2006-0594-MWD-E	PCW
Respondent	Preston Club Utility Corporation and Robert J. Tate			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	29510			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN102340486			
Media [Statute]	Water Quality			
Enf. Coordinator	Merrilee Hupp			
Violation Number	1			
Primary Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. 13309001, Interim I Effluent Limitations and Monitoring Requirements Nos. 1 and 2.			
Secondary Rule Cite(s)				
Violation Description	Failure to comply with permitted effluent limits from January through October 2005, inclusive, as documented during a February 9, 2006 investigation and detailed in the accompanying effluent limit violation table.			
		Base Penalty	\$10,000	

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

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

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
						Percent

Matrix Notes

A simplified model was used to evaluate BOD5 to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. TSS and chlorine reported values were also considered. As a result of these discharges, 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.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events

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

Violation Base Penalty \$3,000

Three quarterly events are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$108	Violation Final Penalty Total \$6,627
This violation Final Assessed Penalty (adjusted for limits) \$6,627	

Economic Benefit Worksheet

Respondent: Preston Club Utility Corporation and Robert J. Tate
 Case ID No: 29510
 Reg. Ent. Reference No: RN102340486
 Media [Statute]: 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
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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)	\$2,000	31-Jan-2005	28-Feb-2006	1.1	\$108	n/a	\$108

Notes for DELAYED costs: Cost is an estimate for additional monitoring and assessment to determine the cause and correction for the noncompliances. Date required is when violations began in 2005, and the final date is when compliance is expected to be achieved.

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 \$2,000 TOTAL \$108

Screening Date	24-May-2006	Docket No.	2006-0594-MWD-E	PCW
Respondent	Preston Club Utility Corporation and Robert J. Tate			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	29510			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN102340486			
Media [Statute]	Water Quality			
Enf. Coordinator	Merrilee Hupp			
Violation Number	2			
Primary Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. 13309001, Interim I Effluent Limitations and Monitoring Requirements No. 1.			
Secondary Rule Cite(s)				
Violation Description	Failure to comply with permitted effluent limits in November and December 2005, as documented during a February 9, 2006 investigation and shown in the accompanying effluent violation table.			
Base Penalty	\$10,000			

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

OR	Harm			Percent <input type="text" value="25%"/>
	Release	Major	Moderate	
	Actual		X	
	Potential			

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent <input type="text"/>

Matrix Notes

A simplified model was used to evaluate BOD5 to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. TSS reported values were also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	X
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$5,523"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$5,523"/>	

Economic Benefit Worksheet

Respondent: Preston Club Utility Corporation and Robert J. Tate
 Case ID No: 29510
 Reg. Ent. Reference No: RN102340486
 Media (Statute): Water Quality
 Violation No: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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: The economic benefit for this violation is covered under that for Violation No. 1.

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

TOTAL

Screening Date	24-May-2006	Docket No.	2006-0594-MWD-E	PCW
Respondent	Preston Club Utility Corporation and Robert J. Tate		<i>Policy Revision 2 (September 2002)</i>	
Case ID No.	29510	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN102340486			
Media [Statute]	Water Quality			
Enf. Coordinator	Merrilee Hupp			
Violation Number	3			
Primary Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. 13309001, Monitoring and Reporting Requirements No. 1			
Secondary Rule Cite(s)				
Violation Description	Failure to timely submit the 12 DMRs for January through December 2005 to the TCEQ, as documented during the February 9, 2006 investigation.			
Base Penalty				\$10,000

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

OR	Harm			Percent <input type="text"/>	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>		<input type="text"/>

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent <input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	
Matrix Notes	The monthly reports were submitted late.			
Adjustment				-\$9,900

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$12"/>	Violation Final Penalty Total <input type="text" value="\$2,651"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,651"/>	

Economic Benefit Worksheet

Respondent Preston Club Utility Corporation and Robert J. Tate
 Case ID No. 29510
 Reg. Ent. Reference No. RN102340486
 Media [Statute] Water Quality
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Description 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)	\$240	20-Feb-2005	09-Feb-2006	1.0	\$12	n/a	\$12

Notes for DELAYED costs Cost is estimate for administrative labor and costs associated with the submittal of all of the DMRs required for 2005. Date required is the due date for the first DMR for 2005, and final date is the date the DMRs were obtained by the TCEQ Regional Office.

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 \$240

TOTAL \$12

Screening Date	24-May-2006	Docket No.	2006-0594-MWD-E	PCW
Respondent	Preston Club Utility Corporation and Robert J. Tate		<i>Policy Revision 2 (September 2002)</i>	
Case ID No.	29510	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN102340486			
Media [Statute]	Water Quality			
Enf. Coordinator	Merrilee Hupp			
Violation Number	4			
Primary Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 13309001, Monitoring and Reporting Requirements No. 7.c			
Secondary Rule Cite(s)				
Violation Description	Failed to report in writing to the TCEQ within five working days of becoming aware of any effluent violation which deviates from the permitted effluent limitation by more than 40%. Specifically, written notices were not provided in January, March, May, June, July, August, September, October, November, and December 2005, as documented during the February 9, 2006 investigation.			
Base Penalty			\$10,000	

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent <input type="text"/>
	Potential				

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification	X			Percent <input type="text" value="10%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Preston Club Utility Corporation and Robert J. Tate
 Case ID No. 29510
 Reg. Ent. Reference No. RN102340486
 Media [Statute] Water Quality
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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							

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	\$100	31-Jan-2005	31-Dec-2005	0.9	\$5	\$92	\$96
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 Cost is estimate for administrative costs associated with the submittal of written reports of significant noncompliance, as required. The date required is the first documented violation where such a report was necessary, and the final date is the last documented violation of this type.							

Approx. Cost of Compliance \$100

TOTAL \$96

Screening Date	24-May-2006	Docket No.	2006-0594-MWD-E	PCW
Respondent	Preston Club Utility Corporation and Robert J. Tate		<i>Policy Revision 2 (September 2002)</i>	
Case ID No.	29510	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN102340486			
Media [Statute]	Water Quality			
Enf. Coordinator	Merrilee Hupp			
Violation Number	5			
Primary Rule Cite(s)	30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. 13309001, Operational Requirements No. 1			
Secondary Rule Cite(s)				
Violation Description	Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, excessive solids were floating in the clarifier, as documented during the February 9, 2006 investigation.			
Base Penalty	\$10,000			

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

		Harm			
Release		Major	Moderate	Minor	
Actual					
Potential				X	Percent <input type="text" value="5%"/>

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
						Percent <input type="text"/>

Matrix Notes: Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended based on the February 9, 2005 investigation date.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$45"/>	Violation Final Penalty Total <input type="text" value="\$1,105"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,105"/>	

Economic Benefit Worksheet

Respondent: Preston Club Utility Corporation and Robert J. Tate
 Case ID No. 29510
 Reg. Ent. Reference No. RN102340486
 Media [Statute] Water Quality
 Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Description	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	\$1,000	09-Feb-2006	31-Dec-2006	0.9	\$45	n/a	\$45
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Cost is estimate for removal of excessive solids from the clarifier. Date required is the investigation date and final date is when compliance is expected to be achieved.

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 \$45

Screening Date	24-May-2006	Docket No.	2006-0594-MWD-E	PCW
Respondent	Preston Club Utility Corporation and Robert J. Tate			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	29510			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN102340486			
Media [Statute]	Water Quality			
Enf. Coordinator	Merrilee Hupp			
Violation Number	6			
Primary Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (17), and TPDES Permit No. 13309001, Sludge Provisions			
Secondary Rule Cite(s)				
Violation Description	Failure to submit the annual sludge report for the sludge for the monitoring period ending July 31, 2005 by September 1, 2005, as documented during the February 9, 2006 investigation.			
	Base Penalty	\$10,000		

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent <input type="text"/>
	Potential				

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
			X			Percent <input type="text" value="10%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Preston Club Utility Corporation and Robert J. Tate
 Case ID No: 29510
 Reg. Ent. Reference No: RN102340486
 Media [Statute]: Water Quality
 Violation No: 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$50	01-Sep-2005	31-Dec-2006	1.3	\$3	n/a	\$3

Notes for DELAYED costs: Estimated cost associated with completing the sludge report. Date Required is the date the report was due. Final Date is when the delinquent report is expected to be received by the TCEQ.

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 \$50 TOTAL \$3

Effluent Limit Violation Table for Violation No. 1	
Respondent	Preston Club Utility Corporation and Robert J. Tate
ID Number(s)	TPDES Permit No. 13309001; Case No. 29510
Docket No.	2006-0594-MWD-E
Enf. Coordinator	Merrilee Hupp

Month in 2005	TSS Daily Avg. Conc. (mg/L) Permit Limit = 15	BOD ₅ Daily Avg. Conc. (mg/L) Permit Limit=10	BOD ₅ Daily Avg. Loading (lbs/day) Permit Limit=1.0	TSS Daily Avg. Loading (lbs/day) Permit Limit=1.5	Chlorine Residual Min. (mg/L) Permit Min. = 1.0	Chlorine Residual Max. (mg/L) Permit Max.=4.0	TSS Single Grab (mg/L) Permit Limit=60	BOD ₅ Single Grab (mg/L) Permit Limit=35
January	17.8	15	c	c	0.75	c	c	c
February	19.5	11.3	c	c	c	c	c	c
March	22.5	c	c	1.69	c	c	c	c
April	15.5	c	c	c	0.67	c	c	c
May	36.0	22	1.6	2.9	0.86	4.7	78	49
June	105.75	17	c	2.49	0.1	c	140	40
July	53	c	1.62	10.3	c	5.4	65	c
August	33	c	c	c	c	5.1	c	c
September	88.75	c	c	c	0.6	c	139	c
October	88	c	c	c	c	c	116	c
November	68.25	11.25	c	c	c	c	95	c
December	45	12	1.7	1.9	c	c	c	c

mg/L: milligrams per liter
c: compliant

lbs/day: pounds per day BOD₅: biochemical oxygen demand
TSS: total suspended solids Avg: average Conc.: concentration

STATE OF TEXAS
COUNTY OF []

[Faint, illegible text, likely a legal document or contract]

Witness my hand and seal of office this [] day of [] 19[]

[]

Compliance History

Customer/Respondent/Owner-Operator: CN601360779 TATE, ROBERT J Classification: Rating:
Regulated Entity: RN102340486 PRESTON CLUB WASTEWATER TREATMENT PLANT Classification: AVERAGE Site Rating: 2.11
ID Number(s): WASTEWATER PERMIT WQ0013309001
WASTEWATER PERMIT TPDES0102164
Location: LOCATED APPROXIMATELY 4 MI W OF THE INTERSECTION OF US HIGHWAY 82 AND FM RD 1417 AND 1/2 MI S OF US HIGHWAY 82 IN GRAYSON COUNTY, TEXAS Rating Date: 9/1/2005 Repeat Violator: NO
TCEQ Region: REGION 04 - DFW METROPLEX
Date Compliance History Prepared: May 30, 2006
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: May 30, 2001 to May 30, 2006
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Merrilee G. Hupp Phone: 512-239-4490

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? 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 judgments, and consent decrees of the state of Texas and the federal government.

Effective Date: 03/06/2006 ADMINORDER 2003-0406-MWD-E

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 317 317.4(a)(8)
30 TAC Chapter 317 317.7(i)
Rqmt Prov: Final Limits PERMIT

Description: Failure to install an RPZ backflow prevention device on the main potable water line to the plant.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Not Available PERMIT

Description: Failure to comply with the permit limit for Biochemical Oxygen Demand (mg/l), Total Suspended Solids (mg/l), and Dissolved Oxygen (mg/l) at Outfall 001A. These violations meet referral criteria.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter O 305.535(c)(1)[G]
Rqmt Prov: M&RR No. 7a PERMIT
Permit Cond 2g PERMIT

Description: Failure to prevent an authorized discharge from the wastewater treatment plant and to submit noncompliance notification as required.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(b)(1)
30 TAC Chapter 317 317.4(b)(3)
Rqmt Prov: Permit PERMIT

Description: Failure to remove solids from the bar screen to prevent an unauthorized discharge.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 317 317.4(b)(4)
Rqmt Prov: Operation Requirements Nos 1 and 11(a) PERMIT

Description: Failure to properly dispose of screenings.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1).
30 TAC Chapter 317 317.4(g)(4)(B)[G]

Rqmt Prov: Operation Requirements No. 1 PERMIT

Description: Failure to maintain the diffusers in the aeration basin. One of the diffusers was not functioning properly and caused wastewater to be sprayed into the air.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11(b)

Rqmt Prov: Operation Requirements No. 2 PERMIT

Description: Failure to analyze field samples within the required holding times.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: Operating Requirement No. 1 PERMIT

Description: Failure to maintain sample records, chain of custody/tags, operations and maintenance records, process control records, chlorine residual analysis records, and sample analysis records.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125[G]

Rqmt Prov: Not Available PERMIT

Description: Failure to submit noncompliance notifications as required by the permit.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.6

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

30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: Oper Req 1 PERMIT

Description: Failure to maintain pH, Chlorine, and DO meter calibration records.

Classification: Moderate

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

30 TAC Chapter 317 317.6(b)(1)[G]

Rqmt Prov: Oper Req 1 PERMIT

Description: Failed to maintain the chlorination system so as to provide adequate disinfection prior to discharge.

Classification: Moderate

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

Rqmt Prov: Mon and Rep No. 5 PERMIT

Description: Failure to calibrate the secondary flow measuring device.

Classification: Moderate

Citation: 30 TAC Chapter 317 317.6(b)(1)(E)

Rqmt Prov: O R 1 PERMIT

Description: Failure to provide forced mechanical ventilation in the chlorination room.

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 01/31/2003 (221221)
2 02/28/2002 (221223)
3 03/10/2003 (221224)
4 10/06/2004 (336096)
5 04/20/2004 (263813)
6 04/28/2006 (454966)
7 04/23/2004 (363724)
8 05/21/2004 (363725)
9 10/01/2004 (363726)
10 01/07/2003 (IE0018504001002)
11 04/05/2002 (221193)
12 04/14/2003 (221194)
13 07/16/2001 (221195)
14 04/29/2002 (221196)
15 04/14/2003 (221197)
16 03/22/2004 (321867)
17 07/16/2001 (221198)
18 05/22/2003 (321868)
19 05/28/2002 (221199)

20 05/21/2003 (321869)
21 07/16/2001 (221200)
22 07/05/2002 (221201)
23 06/26/2003 (321870)
24 07/23/2003 (321871)
25 07/16/2001 (221203)
26 07/25/2002 (221204)
27 11/21/2003 (253340)
28 08/11/2003 (321872)
29 09/17/2003 (321873)
30 08/17/2001 (221206)
31 10/17/2003 (321874)
32 09/03/2002 (221207)
33 11/17/2003 (321875)
34 12/29/2003 (321876)
35 10/02/2001 (221209)
36 09/30/2002 (221210)
37 01/14/2004 (321877)
38 12/12/2001 (221212)
39 04/15/2005 (372488)
40 10/28/2002 (221213)
41 12/12/2001 (221215)
42 12/02/2002 (221216)
43 12/27/2001 (221217)
44 12/30/2002 (221218)
45 02/07/2002 (221220)

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

Date: 11/30/2001 (221220)

Self Report? YES

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

Classification: Moderate

Date: 11/30/2002 (221221)

Self Report? YES

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

Classification: Moderate

Date: 12/31/2001 (221223)

Self Report? YES

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

Classification: Moderate

Date: 12/31/2002 (221224)

Self Report? YES

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

Classification: Moderate

Date: 03/30/2004 (363724)

Self Report? YES

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

Classification: Moderate

Date: 04/30/2004 (363725)

Self Report? YES

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

Classification: Moderate

Date: 01/31/2002 (221193)

Self Report? YES

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

Classification: Moderate

Date: 01/31/2003 (221194)

Self Report? YES
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

Classification: Moderate

Date: 02/28/2002 (221196)

Self Report? YES
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

Classification: Moderate

Date: 02/28/2003 (221197)

Self Report? YES
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

Classification: Moderate

Date: 02/29/2004 (321867)

Self Report? YES
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

Classification: Moderate

Date: 03/31/2003 (321868)

Self Report? YES
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

Classification: Moderate

Date: 03/31/2002 (221199)

Self Report? YES
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

Classification: Moderate

Date: 04/30/2003 (321869)

Self Report? YES
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

Classification: Moderate

Date: 04/30/2002 (221201)

Self Report? YES
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

Classification: Moderate

Date: 05/31/2003 (321870)

Self Report? YES
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

Classification: Moderate

Date: 06/30/2003 (321871)

Self Report? YES
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

Classification: Moderate

Date: 05/31/2002 (221204)

Self Report? YES
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

Classification: Moderate

Date: 07/31/2003 (321872)

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 (321873)

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: 06/30/2001 (221206)

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 (321874)

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: 06/30/2002 (221207)

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 (321876)

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: 07/31/2002 (221210)

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: 04/12/2005 (372488)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 317 317.4(a)(8)
30 TAC Chapter 317 317.7(i)

Description: Failure to have the backflow prevention device tested annually by a certified technician and submit a copy of the test certification.

Self Report? NO

Classification: Moderate

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 reports, as required by the permit.

Self Report? NO

Classification: Minor

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

Description: Failure to have the flow measuring device tested annually by a certified technician and submit a copy of the test certification.

Self Report? NO

Classification: Moderate

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

Description: Failure to submit noncompliance notifications as required by the permit.

Self Report? NO

Classification: Major

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

Description: Failure to comply with the self-monitored effluent limitations.

Self Report? NO

Classification: Minor

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

Description: Failure to complete discharge monitoring reports accurately.

Self Report? NO
Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with the not less than 1.0 mg/L and not greater than 4.0 mg/L total chlorine residual (TCR) permit limitations.

Self Report? NO
Classification: Minor
Citation: 30 TAC Chapter 317 317.6(b)(1)(D)
Description: Failure to provide a self-contained breathing apparatus for use by plant personnel.

Date: 12/31/2003 (321877)

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 (221212)

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: 08/31/2002 (221213)

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: 09/30/2001 (221215)

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 (221216)

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 (221217)

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: 10/31/2002 (221218)

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: 12/31/2005

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: 08/31/2005

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: 07/31/2005

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: 09/30/2005

Self Report? YES
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

Classification: Moderate

Date: 06/30/2005

Self Report? YES
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

Classification: Moderate

Date: 10/31/2005

Self Report? YES
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

Classification: Moderate

Date: 01/31/2005

Self Report? YES
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

Classification: Moderate

Date: 02/28/2005

Self Report? YES
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

Classification: Moderate

Date: 03/31/2005

Self Report? YES
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

Classification: Moderate

Date: 05/31/2005

Self Report? YES
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

Classification: Moderate

Date: 04/30/2005

Self Report? YES
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

Classification: Moderate

Date: 11/30/2005

Self Report? YES
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

Classification: Moderate

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

10/1/2017

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10/1/2017

Compliance History

Customer/Respondent/Owner-Operator:	CN800657563	PRESTON CLUB UTILITY CORPORATION	Classification: AVERAGE Rating: 2.11
Regulated Entity:	RN102340486	PRESTON CLUB WASTEWATER TREATMENT PLANT	Classification: AVERAGE Site Rating: 2.11
ID Number(s):		WASTEWATER PERMIT WASTEWATER PERMIT	WQ0013309001 TPDES0102164
Location:	LOCATED APPROXIMATELY 4 MI W OF THE INTERSECTION OF US HIGHWAY 82 AND FM RD 1417 AND ½ MI S OF US HIGHWAY 82 IN GRAYSON COUNTY, TEXAS		Rating Date: 9/1/2005 Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	May 30, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	May 30, 2001 to May 30, 2006		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name: Merrilee G. Hupp	Phone: 512-239-4490		

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? 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.

Effective Date: 03/06/2006

ADMINORDER 2003-0406-MWD-E

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 317 317.4(a)(8)
30 TAC Chapter 317 317.7(f)
Rqmt Prov: Final Limits PERMIT

Description: Failure to install an RPZ backflow prevention device on the main potable water line to the plant.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Not Available PERMIT

Description: Failure to comply with the permit limit for Biochemical Oxygen Demand (mg/l), Total Suspended Solids (mg/l), and Dissolved Oxygen (mg/l) at Outfall 001A. These violations meet referral criteria.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter O 305.535(c)(1)[G]
Rqmt Prov: M&RR No. 7a PERMIT
Permit Cond 2g PERMIT

Description: Failure to prevent an authorized discharge from the wastewater treatment plant and to submit noncompliance notification as required.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(b)(1)
30 TAC Chapter 317 317.4(b)(3)
Rqmt Prov: Permit PERMIT

Description: Failure to remove solids from the bar screen to prevent an unauthorized discharge.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 317 317.4(b)(4)

Rqmt Prov: Operation Requirements Nos 1 and 11(a) PERMIT
Description: Failure to properly dispose of screenings.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 317 317.4(g)(4)(B)[G]

Rqmt Prov: Operation Requirements No. 1 PERMIT

Description: Failure to maintain the diffusers in the aeration basin. One of the diffusers was not functioning properly and caused wastewater to be sprayed into the air.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11(b)

Rqmt Prov: Operation Requirements No. 2 PERMIT

Description: Failure to analyze field samples within the required holding times.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: Operating Requirement No. 1 PERMIT

Description: Failure to maintain sample records, chain of custody/tags, operations and maintenance records, process control records, chlorine residual analysis records, and sample analysis records.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125[G]
Rqmt Prov: Not Available PERMIT

Description: Failure to submit noncompliance notifications as required by the permit.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.6

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

30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: Oper Req 1 PERMIT

Description: Failure to maintain pH, Chlorine, and DO meter calibration records.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 317 317.6(b)(1)[G]

Rqmt Prov: Oper Req 1 PERMIT

Description: Failed to maintain the chlorination system so as to provide adequate disinfection prior to discharge.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Mon and Rep No. 5 PERMIT

Description: Failure to calibrate the secondary flow measuring device.

Classification: Moderate

Citation: 30 TAC Chapter 317 317.6(b)(1)(E)
Rqmt Prov: O R 1 PERMIT

Description: Failure to provide forced mechanical ventilation in the chlorination room.

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 01/31/2003 (221221)
2 02/28/2002 (221223)
3 03/10/2003 (221224)
4 10/06/2004 (336096)
5 04/20/2004 (263813)
6 04/28/2006 (454966)
7 04/23/2004 (363724)
8 05/21/2004 (363725)
9 10/01/2004 (363726)
10 01/07/2003 (IE0018504001002)
11 04/05/2002 (221193)
12 04/14/2003 (221194)
13 07/16/2001 (221195)
14 04/29/2002 (221196)
15 04/14/2003 (221197)
16 03/22/2004 (321867)
17 07/16/2001 (221198)
18 05/22/2003 (321868)

19 05/28/2002 (221199)
20 05/21/2003 (321869)
21 07/16/2001 (221200)
22 07/05/2002 (221201)
23 06/26/2003 (321870)
24 07/23/2003 (321871)
25 07/16/2001 (221203)
26 07/25/2002 (221204)
27 11/21/2003 (253340)
28 08/11/2003 (321872)
29 09/17/2003 (321873)
30 08/17/2001 (221206)
31 10/17/2003 (321874)
32 09/03/2002 (221207)
33 11/17/2003 (321875)
34 12/29/2003 (321876)
35 10/02/2001 (221209)
36 09/30/2002 (221210)
37 01/14/2004 (321877)
38 12/12/2001 (221212)
39 04/15/2005 (372488)
40 10/28/2002 (221213)
41 12/12/2001 (221215)
42 12/02/2002 (221216)
43 12/27/2001 (221217)
44 12/30/2002 (221218)
45 02/07/2002 (221220)

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

Date: 11/30/2001 (221220)

Self Report? YES
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

Classification: Moderate

Date: 11/30/2002 (221221)

Self Report? YES
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

Classification: Moderate

Date: 12/31/2001 (221223)

Self Report? YES
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

Classification: Moderate

Date: 12/31/2002 (221224)

Self Report? YES
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

Classification: Moderate

Date: 03/30/2004 (363724)

Self Report? YES
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

Classification: Moderate

Date: 04/30/2004 (363725)

Self Report? YES
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

Classification: Moderate

Date: 01/31/2002 (221193)

Self Report? YES
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

Classification: Moderate

Date: 01/31/2003 (221194)

Self Report? YES
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

Classification: Moderate

Date: 02/28/2002 (221196)

Self Report? YES
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

Classification: Moderate

Date: 02/28/2003 (221197)

Self Report? YES
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

Classification: Moderate

Date: 02/29/2004 (321867)

Self Report? YES
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

Classification: Moderate

Date: 03/31/2003 (321868)

Self Report? YES
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

Classification: Moderate

Date: 03/31/2002 (221199)

Self Report? YES
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

Classification: Moderate

Date: 04/30/2003 (321869)

Self Report? YES
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

Classification: Moderate

Date: 04/30/2002 (221201)

Self Report? YES
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

Classification: Moderate

Date: 05/31/2003 (321870)

Self Report? YES
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

Classification: Moderate

Date: 06/30/2003 (321871)

Self Report? YES
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

Classification: Moderate

Date: 05/31/2002 (221204)

Self Report? YES
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

Classification: Moderate

Date: 07/31/2003 (321872)

Self Report? YES
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

Classification: Moderate

Date: 08/31/2003 (321873)

Self Report? YES
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

Classification: Moderate

Date: 06/30/2001 (221206)

Self Report? YES
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

Classification: Moderate

Date: 09/30/2003 (321874)

Self Report? YES
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

Classification: Moderate

Date: 06/30/2002 (221207)

Self Report? YES
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

Classification: Moderate

Date: 11/30/2003 (321876)

Self Report? YES
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

Classification: Moderate

Date: 07/31/2002 (221210)

Self Report? YES
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

Classification: Moderate

Date: 04/12/2005 (372488)

Self Report? NO
Citation: 30 TAC Chapter 317 317.4(a)(8)
30 TAC Chapter 317 317.7(i)
Description: Failure to have the backflow prevention device tested annually by a certified technician and submit a copy of the test certification.

Classification: Minor

Self Report? NO
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 reports, as required by the permit.

Classification: Moderate

Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to have the flow measuring device tested annually by a certified technician and submit a copy of the test certification.

Classification: Minor

Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to submit noncompliance notifications as required by the permit.

Classification: Moderate

Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with the self-monitored effluent limitations.

Classification: Major

Self Report? NO
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to complete discharge monitoring reports accurately.

Classification: Minor

Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with the not less than 1.0 mg/L and not greater than 4.0 mg/L total chlorine residual (TCR) permit limitations.

Classification: Minor

Self Report? NO
Citation: 30 TAC Chapter 317 317.6(b)(1)(D)
Description: Failure to provide a self-contained breathing apparatus for use by plant personnel.

Classification: Minor

Date: 12/31/2003 (321877)

Self Report? YES
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

Classification: Moderate

Date: 08/31/2001 (221212)

Self Report? YES
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

Classification: Moderate

Date: 08/31/2002 (221213)

Self Report? YES
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

Classification: Moderate

Date: 09/30/2001 (221215)

Self Report? YES
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

Classification: Moderate

Date: 09/30/2002 (221216)

Self Report? YES
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

Classification: Moderate

Date: 10/31/2001 (221217)

Self Report? YES
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

Classification: Moderate

Date: 10/31/2002 (221218)

Self Report? YES
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

Classification: Moderate

Date: 12/31/2005

Self Report? YES
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

Classification: Moderate

Date: 08/31/2005

Self Report? YES
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

Classification: Moderate

Date: 07/31/2005

Self Report? YES
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

Classification: Moderate

Date: 09/30/2005

Self Report? YES
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

Classification: Moderate

Date: 06/30/2005

Self Report? YES
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

Classification: Moderate

Date: 10/31/2005

Self Report? YES
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

Classification: Moderate

Date: 01/31/2005

Self Report? YES
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

Classification: Moderate

Date: 02/28/2005

Self Report? YES
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

Classification: Moderate

Date: 03/31/2005

Self Report? YES
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

Classification: Moderate

Date: 05/31/2005

Self Report? YES
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

Classification: Moderate

Date: 04/30/2005

Self Report? YES
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

Classification: Moderate

Date: 11/30/2005

Self Report? YES
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

Classification: Moderate

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
PRESTON CLUB UTILITY
CORPORATION AND ROBERT J.
TATE
RN102340486

§
§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-0594-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 Preston Club Utility Corporation ("Preston") and Robert J. Tate ("Mr. Tate") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Preston and Mr. Tate appear before the Commission and together stipulate that:

1. Preston and Mr. Tate ("the Respondents") own and operate a wastewater treatment facility located approximately four miles west of the intersection of United States Highway 82 and Farm-to-Market Road 1417 and one-half mile south of United States Highway 82 in Grayson County, Texas (the "Facility").
2. The Respondents have discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondents agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondents are subject to the Commission's jurisdiction.
4. The Respondents received notice of the violations alleged in Section II ("Allegations") on or about May 1, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Forty Thousand Two Hundred Four Dollars (\$40,204) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents have paid One Thousand Eight Hundred Three Dollars (\$1,803) of the

administrative penalty and Eight Thousand Forty-One Dollars (\$8,041) is deferred contingent upon the Respondents'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 the Respondents fail to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondents to pay all or part of the deferred penalty.

The remaining amount of Thirty Thousand Three Hundred Sixty Dollars (\$30,360) of the administrative penalty shall be payable in 23 monthly payments of One Thousand Three Hundred Twenty Dollars (\$1,320) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondents fail to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondents to meet the payment schedule of this Agreed Order constitutes the failure by the Respondents to timely and satisfactorily comply with all the terms of this Agreed Order.

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 the Respondents have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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 the Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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, the Respondents are alleged to have:

1. Failed to comply with permitted effluent limits from January through December 2005, inclusive, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TPDES ("Texas Pollutant Discharge Elimination System") Permit No. 13309001, Interim I Effluent Limitations and Monitoring Requirements Nos.

1 and 2, and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on February 9, 2006 and shown in the following table:

Month in 2005	TSS Daily Avg. Conc. (mg/L) Permit Limit = 15	BOD ₅ Daily Avg. Conc. (mg/L) Permit Limit=10	BOD ₅ Daily Avg. Loading (lbs/day) Permit Limit= 1.0	TSS Daily Avg. Loading (lbs/day) Permit Limit=1.5	Chlorine Residual Min. (mg/L) Permit Min. = 1.0	Chlorine Residual Max. (mg/L) Permit Max.= 4.0	TSS Single Grab (mg/L) Permit Limit= 60	BOD ₅ Single Grab (mg/L) Permit Limit= 35
January	17.8	15	c	c	0.75	c	c	c
February	19.5	11.3	c	c	c	c	c	c
March	22.5	c	c	1.69	c	c	c	c
April	15.5	c	c	c	0.67	c	c	c
May	36.0	22	1.6	2.9	0.86	4.7	78	49
June	105.75	17	c	2.49	0.1	c	140	40
July	53	c	1.62	10.3	c	5.4	65	c
August	33	c	c	c	c	5.1	c	c
September	88.75	c	c	c	0.6	c	139	c
October	88	c	c	c	c	c	116	c
November	68.25	11.25	c	c	c	c	95	c
December	45	12	1.7	1.9	c	c	c	c

mg/L: milligrams per liter
 c: compliant

lbs/day: pounds per day BOD₅: biochemical oxygen demand
 TSS: total suspended solids Avg: average Conc.: concentration

2. Failed to timely submit the Discharge Monitoring Reports ("DMRs") for January through December 2005, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. 13309001, Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on February 9, 2006.
3. Failed to report in writing to the TCEQ within five working days of becoming aware of any effluent violation which deviates from the permitted effluent limitation by more than 40 percent, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 13309001, Monitoring and Reporting Requirements No. 7.c, as documented during an investigation conducted on February 9, 2006.
4. Failed to ensure that all systems of collection; treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. 13309001, Operational Requirements No. 1, as documented during an investigation conducted on February 9, 2006.

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5. Failed to submit the annual sludge report for the monitoring period ending July 31, 2005 by September 1, 2005, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17), and TPDES Permit No. 13309001, Sludge Provisions, as documented during an investigation conducted on February 9, 2006.

III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondents pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondents' 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: Preston Club Utility Corporation and Robert J. Tate, Docket No. 2006-0594-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. The Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. It is further ordered that the Respondents shall undertake the following technical requirements:
 - a. Immediately after the effective date of this Agreed Order, begin reporting effluent violations in accordance with TPDES Permit No. 13309001, Monitoring and Reporting Requirements No. 7.c;
 - b. Within 30 days after the effective date of this Agreed Order, begin submitting DMRs for the Facility in accordance with the requirements of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d), and TPDES Permit No. 13309001, Monitoring and Reporting Requirements No. 1. These reports shall be submitted to:

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

MEMORANDUM FOR THE RECORD
DATE: 1954
SUBJECT: [Illegible]

EXPERIMENTAL

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

- c. Within 30 days after the effective date of this Agreed Order, submit the annual sludge report for 2005 in accordance with the requirements of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 13309001, Sludge Provisions;
- d. Within 45 days after the effective date of this Agreed Order, ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, including removing excessive solids from the clarifier and taking the excess solids to an authorized site for disposal; and
- e. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 13309001 and Ordering Provisions 3.a, b, c, and d. The certification shall, include detailed supporting documentation including receipts, photographs, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Manager, Water Section
Dallas/Ft. Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Dallas/Ft. Worth, Texas 76118

...the ...
...the ...
...the ...

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are 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.
5. If the Respondents fail 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, the Respondents' failure to comply is not a violation of this Agreed Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. 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 the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents 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.
8. 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.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondents, or three days after the date on which the Commission mails notice of the Order to the Respondents, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Preston Club Utility Corporation and Robert J. Tate
DOCKET NO. 2006-0594-MWD-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

2/14/07
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 not 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

2/14/07
Date

Name (Printed or typed)
Authorized Representative of
Preston Club Utility Corporation

Pres
Title

Signature

August 24, 2006
Date

Robert J. Tate
Name (Printed or typed)
Authorized Representative of Robert J. Tate

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.

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