

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-0143-MWD-E    **TCEQ ID:** RN102287109    **CASE NO.:** 28202  
**RESPONDENT NAME:** D & K Development Corp.

**ORDER TYPE:**

<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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:** Mayfair Addition, southwest corner of the intersection of Farm-to-Market Road 1187 and Pershon Road, Tarrant County

**TYPE OF OPERATION:** Wastewater treatment plant

**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 February 26, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Section II, MC R-04, (817) 588-5890; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

**TCEQ Field Investigator:** Ms. Suzanna Perea, DFW Regional Office, MC R-04, (817) 588-5844

**Respondent:** Mr. Dewey D. Drury, President, D & K Development Corp., P.O. Box 126306, Benbrook, Texas 76126

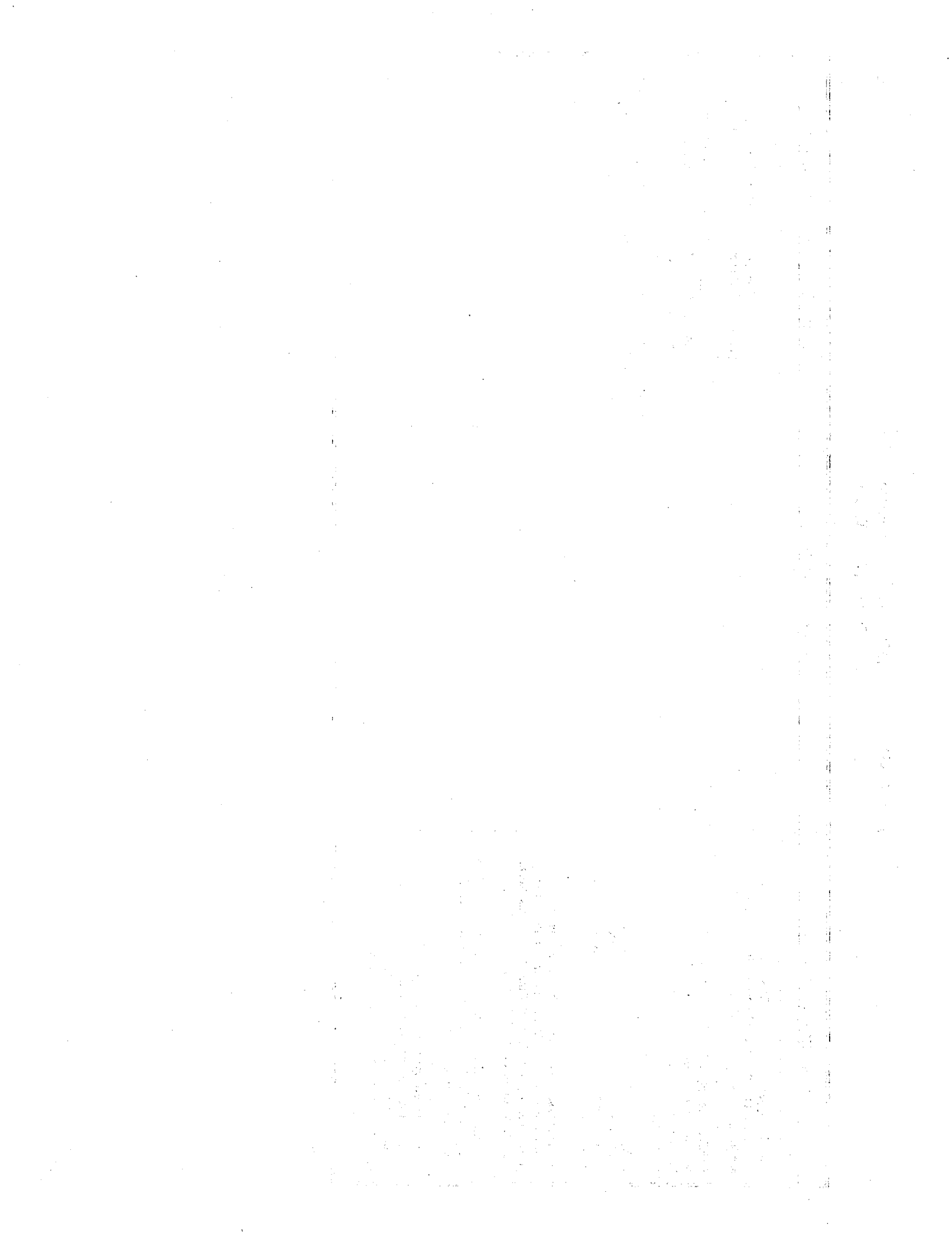
**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b> <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> June 10, 2005</p> <p><b>Date of NOE Relating to this Case:</b> July 29, 2005 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. Twelve violations were documented.</p> <p><b>WATER</b></p> <p>1) Failed to prevent an unauthorized discharge [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 0013518001, Permit Conditions, No. 2.b., 2.d., and 2.g., 30 TEX. ADMIN. CODE § 305.125(4), and TEX. WATER CODE § 26.121].</p> <p>2) Failed to discharge to the permitted outfall [TPDES Permit No. 0013518001, Permit Conditions, No. 2.b., 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].</p> <p>3) Failed to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures [TPDES Permit No. 0013518001, Other Requirements, No. 5, and 30 TEX. ADMIN. CODE § 317.4(a)(5)].</p> <p>4) Failed to equip the wastewater treatment plant with a bar screen [30 TEX. ADMIN. CODE § 317.4(b)(1)].</p> <p>5) Failed to properly maintain the waste water treatment system [TPDES Permit No. 0013518001, Operational Requirements, No. 1, and 30 TEX. ADMIN. CODE § 305.125(5)].</p> <p>6) Failed to give notice to the Executive Director as soon as possible of any planned physical alteration or addition to the permitted facility [TPDES Permit No. 0013518001, Permit Conditions, No. 4.a., and 30 TEX. ADMIN. CODE §§ 305.125(7) and 305.126(b)].</p>	<p><b>Total Assessed:</b> \$60,300</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$102 (remaining \$60,198 due in 9 monthly payments of \$102 each followed by 26 payments of 2,280)</p> <p><b>Site Compliance History Classification:</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Order Justification:</b> The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that D &amp; K. has implemented the following corrective measures at the Facility:</p> <p>a. Began conducting inspections seven days per week on February 13, 2006;</p> <p>b. Equipped the wastewater treatment plant with a bar screen on February 13, 2006; and</p> <p>c. Installed a new partition in the sequential batch reactor on February 13, 2006.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to:</p> <p>a. Immediately after the effective date of this Agreed Order:</p> <p>i. Cease unauthorized discharges from the Facility;</p> <p>ii. Begin providing notice to the Executive Director as soon as possible of any planned physical alteration or addition to the permitted facility;</p> <p>b. Within 10 days after the effective date of this Agreed Order:</p> <p>i. Develop a SOP to address overflows from the wastewater treatment facility;</p> <p>ii. Remove all sludge accumulated on the road side ditch along Farm-to-Market Road 1187 and any section of Deer Creek where sludge is present and dispose of it;</p> <p>iii. Provide a back up generator for the Facility;</p> <p>iv. Notify the TCEQ of completion of the new 0.0963 MGD facility and submit a summary submittal letter of construction of the new 0.0963 MGD wastewater treatment facility;</p>

RESPONDENT'S NAME: D & K Development Corp.  
 DOCKET NO.: 2006-0143-MWD-E

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>7) Failed to comply with the 4.0 milligrams per liter minimum dissolved oxygen permit limit [TPDES Permit No. 0013518001, Final Effluent Limitations and Monitoring Requirements, No. 6, and 30 TEX. ADMIN. CODE § 305.125(1)].</p> <p>8) Failed to comply with final permitted limits [TPDES Permit No. 0013518001, Final Effluent Limitations and Monitoring Requirements, No. 1 and 2, and 30 TEX. ADMIN. CODE § 305.125(1)].</p> <p>9) Failed to notify the TCEQ 45 days prior to completion of the new 0.0963 million gallons per day ("MGD") facility [TPDES Permit No. 0013518001, Other Requirements, No. 7, and 30 TEX. ADMIN. CODE § 305.125(1)].</p> <p>10) Failed to submit a summary submittal letter prior to construction of the 0.0963 MGD wastewater treatment facility [TPDES Permit No. 0013518001, Other Requirements, No. 8, and 30 TEX. ADMIN. CODE § 305.125(1)].</p> <p>11) Failed to conduct inspections seven days per week [TPDES Permit No. 0013518001, Other Requirements, No. 13, and 30 TEX. ADMIN. CODE § 305.125(1)].</p> <p>12) Failed to develop a Standard Operating Procedure ("SOP") within 30 days of permit issuance to address overflows from the wastewater treatment facility [TPDES Permit No. 0013518001, Other Requirements, No. 14, and 30 TEX. ADMIN. CODE § 305.125(1)].</p>		<p>c. Within 60 days after the effective date of this Agreed Order:</p> <ul style="list-style-type: none"> <li>i. Ensure the partitions in the new chlorine contact basin computer system are functioning properly;</li> <li>ii. Submit written certification of compliance with TPDES Permit No. 0013518001, Final Effluent Limitations and Monitoring Requirements; and</li> </ul> <p>d. Within 75 days after the effective date of this Agreed Order, submit a written certification statement demonstrating compliance, including photographs, with Ordering Provisions 2.a. through 2.c.</p>



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

<b>TCEQ</b>	<b>DATES</b>	<b>Assigned</b> 30-Jan-2006	
	<b>PCW</b>	08-Feb-2006	<b>Screening</b> 05-Feb-2006 <b>EPA Due</b> <input type="text"/>

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	D & K Development Corp.
<b>Reg. Ent. Ref. No.</b>	RN102287109
<b>Facility/Site Region</b>	4-Dallas/Fort Worth <b>Major/Minor Source</b> Minor Source

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	28202	<b>No. of Violations</b>	7
<b>Docket No.</b>	2006-0143-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Enf. Coordinator</b>	Jorge Ibarra, P.E.
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

**Penalty Calculation Section**

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

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

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

**Compliance History** **Subtotals 2, 3, & 7**

**Notes**

**Culpability**  **Subtotal 4**

**Notes**

**Good Faith Effort to Comply** **Subtotal 5**

	<b>Before NOV</b>	<b>NOV to EDPRP/Settlement Offer</b>
Extraordinary		
Ordinary		
N/A	X	<i>(mark with a small x)</i>

**Notes**

**Economic Benefit** **Subtotal 6**

<b>Total EB Amounts</b>	\$2,054	<b>0% Enhancement*</b>
<b>Approx. Cost of Compliance</b>	\$6,600	<small>*Capped at the Total EB \$ Amount</small>

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment**

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

**Notes**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL** **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

**Screening Date** 05-Feb-2006 **Docket No.** 2006-0143-MWD-E **PCW**  
**Respondent** D & K Development Corp. *Policy Revision 2 (September 2002)*  
**Case ID No.** 28202 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN102287109  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Jorge Ibarra, P.E.

**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> )	35	175%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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	2	50%
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 (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 ( <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%

*Please Enter Yes or No*

**Adjustment Percentage (Subtotal 2) 225%**

>> **Repeat Violator (Subtotal 3)**

Yes

**Adjustment Percentage (Subtotal 3) 25%**

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

**Adjustment Percentage (Subtotal 7) 0%**

>> **Compliance History Summary**

**Compliance History Notes**

The respondent was issued three NOVs with the same or similar type of violations, two Findings Orders and self-reported 32 months of effluent violations. Additionally, the penalty was also enhanced due to Repeat Violator status.

**Total Adjustment Percentage (Subtotals 2, 3, & 7) 250%**

<b>Screening Date</b> 05-Feb-2006	<b>Docket No.</b> 2006-0143-MWD-E	<b>PCW</b>
<b>Respondent</b> D & K Development Corp.	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 28202	<i>PCW Revision May 19, 2005</i>	
<b>Reg. Ent. Reference No.</b> RN102287109		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Jorge Ibarra, P.E.		
<b>Violation Number</b> 1		
<b>Primary Rule Cite(s)</b>	TPDES Permit No. 0013518001, Permit Conditions, No. 2.b., 2.d., and 2.g.	
<b>Secondary Rule Cite(s)</b>	30 TAC § 305.125(1) and (4) and Tex. Water Code § 26.121(a)	
<b>Violation Description</b>	Failed to prevent an unauthorized discharge. Specifically, effluent was being discharged to the Farm-to-Market 1187 drainage ditch, thence to the unnamed tributary of Deer Creek instead of permitted outfall 001. Additionally, sludge deposits were observed in the receiving stream.	
<b>Base Penalty</b>		\$10,000

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

<b>Harm</b>			
<b>Release</b>	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<b>Percent</b> <input type="text" value="25%"/>

>> **Programmatic Matrix**

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

**Matrix Notes**

Failure to discharge to the permitted outfall resulted in the release of significant amounts of pollutants which do not exceed levels that are protective of human health or the environment.

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

<i>daily</i>	<input type="checkbox"/>
<i>monthly</i>	<input type="checkbox"/>
<i>quarterly</i>	<input checked="" type="checkbox"/>
<i>semiannual</i>	<input type="checkbox"/>
<i>annual</i>	<input type="checkbox"/>
<i>single event</i>	<input type="checkbox"/>

*mark only one*  
*use a small x*

**Violation Base Penalty**

The penalty was calculated from the inspection date, June 10, 2005, to the screening date, February 5, 2006.

**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** D & K Development Corp.  
**Case ID No.** 28202  
**Reg. Ent. Reference No.** RN102287109  
**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
<b>Delayed Costs</b>							
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				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)	\$1,500	10-Jun-2005	30-Nov-2006	2.0	\$150	\$1,500	\$1,650

Notes for AVOIDED costs

Estimated cost to discharge to the permitted outfall. Date Required is the inspection date, Final Date is the expected date of compliance.

Approx. Cost of Compliance \$1,500
TOTAL \$1,650



<b>Screening Date</b> 05-Feb-2006	<b>Docket No.</b> 2006-0143-MWD-E	<b>PCW</b>
<b>Respondent</b> D & K Development Corp.	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 28202	<i>PCW Revision May 19, 2005</i>	
<b>Reg. Ent. Reference No.</b> RN102287109		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Jorge Ibarra, P.E.		
<b>Violation Number</b> <input type="text" value="2"/>		
<b>Primary Rule Cite(s)</b>	TPDES Permit No. 0013518001, Other Requirements, No. 5, and Operational Requirements, No. 1	
<b>Secondary Rule Cite(s)</b>	30 TAC §§ 317.4(a)(5) and (b)(1) and 305.125(5)	
<b>Violation Description</b>	Failure to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by not providing an alternate power source to be used during an electrical power failure; by not equipping the wastewater treatment plant with a bar screen; and by not properly maintaining the wastewater treatment system by allowing the partition in the sequential batch reactor (SBR) to become almost completely detached. Also, the partitions in the new chlorine contact basin (CCB) had completely fallen off and the computer system controlling the SBR had been malfunctioning since December 2003.	
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>

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

<b>Harm</b>				
<b>Release</b>	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>
Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	

>> **Programmatic Matrix**

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

**Matrix Notes** Failure to properly maintain the wastewater treatment system could result in the release of significant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

The penalty was calculated from the inspection date, June 10, 2005, to the screening date, February 5, 2006.

**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 D & K Development Corp.  
 Case ID No. 28202  
 Reg. Ent. Reference No. RN102287109  
 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	Economic Benefit	
						One-time Costs	EB Amount
<b>Delayed Costs</b>							
Equipment	\$1,500	10-Jun-2005	30-Oct-2006	1.4	\$7	\$139	\$146
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: Estimated cost to properly maintain the wastewater treatment system. Date Required is the inspection date, Final Date is the expected 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 **\$1,500** TOTAL **\$146**

<b>Screening Date</b>	05-Feb-2006	<b>Docket No.</b>	2006-0143-MWD-E	<b>PCW</b>
<b>Respondent</b>	D & K Development Corp.			Policy Revision 2 (September 2002)
<b>Case ID No.</b>	28202			PCW Revision May 19, 2005
<b>Reg. Ent. Reference No.</b>	RN102287109			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Jorge Ibarra, P.E.			
<b>Violation Number</b>	3			
<b>Primary Rule Cite(s)</b>	TPDES Permit No. 0013518001, Permit Conditions, No. 4.a.			
<b>Secondary Rule Cite(s)</b>	30 TAC §§ 305.125(7) and 305.126(b)			
<b>Violation Description</b>	Failure to give notice to the Executive Director as soon as possible of any planned physical alteration or additions to the permitted facility. Specifically, the CCB was being used as an aerobic sludge digester due to computer malfunctions and the inability to pump sludge out of the basin. Also, the abandoned clarifier was being utilized as the chlorine contact basin.			

**Base Penalty**

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

<b>Harm</b>				
<b>Release</b>	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

<b>Falsification</b>	Major	Moderate	Minor	
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="10%"/>

Matrix Notes

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

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**

Estimated EB Amount

**Statutory Limit Test**

Violation Final Penalty Total

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

**Respondent** D & K Development Corp.  
**Case ID No.** 28202  
**Reg. Ent. Reference No.** RN102287109  
**Media [Statute]** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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)	\$500	10-Jun-2005	30-Oct-2006	1.4	\$35	n/a	\$35

**Notes for DELAYED costs**  
 Estimated cost to give notice to the Executive Director as soon as possible of any planned physical alteration or additions to the permitted facility. Date Required is the inspection date, Final Date is the expected date of compliance.

Item Description	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>				
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 \$500

**TOTAL** \$35

<b>Screening Date</b> 05-Feb-2006	<b>Docket No.</b> 2006-0143-MWD-E	<b>PCW</b>
<b>Respondent</b> D & K Development Corp.	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 28202	<i>PCW Revision May 19, 2005</i>	
<b>Reg. Ent. Reference No.</b> RN102287109		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Jorge Ibarra, P.E.		
<b>Violation Number</b> <input type="text" value="4"/>		
<b>Primary Rule Cite(s)</b>	TPDES Permit No. 0013518001, Final Effluent Limitations and Monitoring Requirements, Nos. 1, 2 and 6	
<b>Secondary Rule Cite(s)</b>	30 TAC § 305.125(1)	
<b>Violation Description</b>	Failure to comply with final permitted limits for total suspended solids (TSS); carbonaceous biochemical oxygen demand (5-Day) (CBOD5); Ammonia-Nitrogen (NH3-N); chlorine residual (Cl2) and minimum dissolved oxygen (DO). See attached Effluent Limit Violation Table.	

**Base Penalty**

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

		Harm			
Release		Major	Moderate	Minor	
Actual				x	<b>Percent</b> <input type="text" value="10%"/>
Potential					

>> **Programmatic Matrix**

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

**Matrix Notes**

Using a simplified model, it was determined that 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 the environment as the result of the excursions.

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

<i>daily</i>		
<i>monthly</i>		
<i>quarterly</i>		x
<i>semiannual</i>		
<i>annual</i>		
<i>single event</i>		

**Violation Base Penalty**

Four quarterly events are recommended based on the months the permitted limits were exceeded.

**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** D & K Development Corp.  
**Case ID No.** 28202  
**Reg. Ent. Reference No.** RN102287109  
**Media [Statute]** Water Quality  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	One-time Costs	EB Amount
<b>Delayed Costs</b>							
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	10-Jun-2005	30-Nov-2006	1.5	\$147	n/a	\$147

**Notes for DELAYED costs** Estimated cost to properly operate the facility within the allowable permit parameters. Date Required is the inspection date, Final Date is the expected date of compliance.

Item Description	Yrs	Interest Saved	One-time Costs	EB Amount
<b>Avoided Costs</b> 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 \$147

<b>Screening Date</b> 05-Feb-2006	<b>Docket No.</b> 2006-0143-MWD-E	<b>PCW</b>
<b>Respondent</b> D & K Development Corp.	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 28202	<i>PCW Revision May 19, 2005</i>	
<b>Reg. Ent. Reference No.</b> RN102287109		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Jorge Ibarra, P.E.		
<b>Violation Number</b> <input type="text" value="5"/>		
<b>Primary Rule Cite(s)</b>	TPDES Permit No. 0013518001, Other Requirements, No. 7 and 8	
<b>Secondary Rule Cite(s)</b>	30 TAC § 305.125(1)	
<b>Violation Description</b>	Failure to submit a summary submittal letter prior to construction of the 0.0963 MGD wastewater treatment facility and to notify the TCEQ 45 days prior to completion of the new 0.0963 MGD facility.	
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>

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

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

>> **Programmatic Matrix**

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

Matrix Notes

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

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

**Violation Base Penalty**

One single event is recommended.

**Economic Benefit (EB) for this violation**

**Estimated EB Amount**

**Statutory Limit Test**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

**Respondent** D & K Development Corp.  
**Case ID No.** 28202  
**Reg. Ent. Reference No.** RN102287109  
**Media [Statute]** Water Quality  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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)	\$500	10-Jun-2005	30-Oct-2006	1.4	\$35	n/a	\$35

Notes for DELAYED costs: Estimated cost to submit the required notifications. Date Required is the inspection date, Final Date is the expected 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 \$500 TOTAL \$35



<b>Screening Date</b> 05-Feb-2006	<b>Docket No.</b> 2006-0143-MWD-E	<b>PCW</b>
<b>Respondent</b> D & K Development Corp.	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 28202	<small>PCW Revision May 19, 2005</small>	
<b>Reg. Ent. Reference No.</b> RN102287109		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Jorge Ibarra, P.E.		
<b>Violation Number</b> <input type="text" value="6"/>		
<b>Primary Rule Cite(s)</b>	TPDES Permit No. 0013518001, Other Requirements, No. 13	
<b>Secondary Rule Cite(s)</b>	30 TAC § 305.125(1)	
<b>Violation Description</b>	Failure to conduct facility inspections seven days per week. Specifically, inspections were being conducted 5 days per week instead of 7 days per week.	
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>

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

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

>> **Programmatic Matrix**

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

**Matrix Notes** Failure to conduct facility inspections seven days per week could result in the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

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

**Violation Base Penalty**

One single event is recommended.

**Economic Benefit (EB) for this violation**

**Estimated EB Amount**

**Statutory Limit Test**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

Respondent D & K Development Corp.  
 Case ID No. 28202  
 Reg. Ent. Reference No. RN102287109  
 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
<b>Delayed Costs</b>							
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)	\$100	10-Jun-2005	30-Oct-2006	1.4	\$7	n/a	\$7

Notes for DELAYED costs: Estimated cost to conduct facility inspections seven days per week. Date Required is the inspection date, Final Date is the date of compliance.

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 **\$100**

**TOTAL \$7**

<b>Screening Date</b> 05-Feb-2006	<b>Docket No.</b> 2006-0143-MWD-E	<b>PCW</b>
<b>Respondent</b> D & K Development Corp.	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 28202	<i>PCW Revision May 19, 2005</i>	
<b>Reg. Ent. Reference No.</b> RN102287109		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Jorge Ibarra, P.E.		
<b>Violation Number</b> <input type="text" value="7"/>		
<b>Primary Rule Cite(s)</b>	<input type="text" value="TPDES Permit No. 0013518001, Other Requirements, No. 14"/>	
<b>Secondary Rule Cite(s)</b>	<input type="text" value="30 TAC § 305.125(1)"/>	
<b>Violation Description</b>	<input type="text" value="Failure to develop a Standard Operating Procedure (SOP) within 30 days of permit issuance to address overflows from the wastewater treatment facility."/>	

**Base Penalty**

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

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

>> **Programmatic Matrix**

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

Matrix Notes

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

	daily	<input type="text"/>
	monthly	<input type="text"/>
<i>mark only one</i>	quarterly	<input type="text"/>
<i>use a small x</i>	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 D & K Development Corp.  
 Case ID No. 28202  
 Reg. Ent. Reference No. RN102287109  
 Media [Statute] Water Quality  
 Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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)	\$500	10-Jun-2005	30-Oct-2006	1.4	\$35	n/a	\$35

Notes for DELAYED costs: Estimated cost to develop the required SOP. Date Required is the inspection date, Final Date is the expected date of compliance.

Item Description	ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>					
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 **\$500** **TOTAL \$35**





# Compliance History

Customer/Respondent/Owner-Operator:	CN600677470    D & K Development Corp.	Classification: AVERAGE	Rating: 29.25
Regulated Entity:	RN102287109    MAYFAIR ADDITION	Classification: AVERAGE	Site Rating: 29.25
ID Number(s):	WASTEWATER	PERMIT	WQ0013518001
	WASTEWATER	PERMIT	TPDES0105872
	WASTEWATER	PERMIT	TX0105872
	WASTEWATER	PERMIT	WQ0013518001
	WASTEWATER LICENSING	LICENSE	WQ0013518001
Location:	LOCATED ON THE SW CORNER OF THE INTERSECTION OF FM RD 1187 AND PERSHON RD TARRANT COUNTY	Rating Date: 9/1/2005	Repeat Violator: YES
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	March 23, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 23, 2001 to March 23, 2006		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Jorge Ibarra, P.E.	Phone:	(817) 588-5890

## 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.
- |                            |   |
|----------------------------|---|
| Effective Date: 05/24/2003 | ADMINORDER 2002-0523-MWD-E  |
| Classification: Major      |   |
| Citation:                  | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>30 TAC Chapter 305, SubChapter F 305.125(4)<br>TWC Chapter 26 26.121   |
| Rqmt Prov:                 | OP 2.b ORDER<br>PC 2.a,2.b,&2.d PERMIT<br>Req 1,6 PERMIT  |
| Description:               | Failure to maintain permitted limits.   |
| Classification: Moderate   |   |
| Citation:                  | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>30 TAC Chapter 305, SubChapter F 305.125(11)[G]  |
| Rqmt Prov:                 | PC 2.a & 2.b PERMIT<br>req 7.c PERMIT   |
| Description:               | Failure to report effluent violations which deviate from the permitted effluent limits by more than 40% to Region Office and Enforcement Div w/in 5 working days. |
| Classification: Moderate   |   |
| Citation:                  | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>30 TAC Chapter 305, SubChapter F 305.125(11)[G]<br>30 TAC Chapter 319, SubChapter A 319.7[G]                       |
| Rqmt Prov:                 | PC 2.a & 2.b PERMIT<br>req 1 PERMIT   |
| Description:               | Failure to submit monthly effluent reports.   |
| Classification: Moderate   |   |
| Citation:                  | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>30 TAC Chapter 305, SubChapter F 305.125(4)<br>TWC Chapter 26 26.121   |
| Rqmt Prov:                 | PC 2.a,2.b PERMIT   |
| Description:               | Failure to take all reasonable steps to minimize or prevent any unauthorized discharge.   |
| Classification: Moderate   |   |
| Citation:                  | 30 TAC Chapter 305, SubChapter F 305.125(1)   |

30 TAC Chapter 305, SubChapter F 305.125(11)[G]  
 Rqmt Prov: MR 3b PERMIT  
 PC 2.a,2.b PERMIT  
 Description: Failure to maintain complete and accurate sludge manifests.  
 Effective Date: 12/08/2001 ADMINORDER 2001-0029-MWD-E  
 Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(4)  
 TWC Chapter 26 26.121  
 Rqmt Prov: PC 2.a 2.b 2.d PERMIT  
 Description: Failure to maintain permitted limits for total suspended solids, 5-day biochemical oxygen demand, ammonia nitrogen, minimum chlorine residual, minimum dissolved oxygen, daily average flow and maximum PH for period of March 2000 through August 2000.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(5)  
 Rqmt Prov: OR 1; PC 2.a&b PERMIT  
 Description: Failure to properly manage solids in the wastewater treatment plant by allowing sludge on the discharge side of the V-notch weir.  
 Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(11)[G]  
 Rqmt Prov: M&R 2; PC 2.a&b PERMIT  
 Description: Failure to implement procedures for manganese interference in total chlorine residual tests.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(9)[G]  
 Rqmt Prov: M&R 7.a PC2.a&b PERMIT  
 Description: Failure to submit noncompliance notification for the sludge discharge in September 2000.

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	02/13/2002	(IE0008263004001)
2	11/05/2003	(254273)
3	08/18/2004	(364470)
4	08/18/2004	(364471)
5	08/18/2004	(364472)
6	04/29/2004	(364473)
7	10/28/2004	(364474)
8	04/29/2004	(364475)
9	10/28/2004	(364476)
10	04/29/2004	(364477)
11	12/30/2002	(224263)
12	04/29/2004	(364478)
13	12/30/2002	(224262)
14	04/29/2004	(364479)
15	12/30/2002	(224261)
16	10/13/2003	(323122)
17	10/13/2003	(323123)
18	10/13/2003	(323124)
19	10/13/2003	(323125)
20	10/13/2003	(323126)
21	10/13/2003	(323127)
22	10/13/2003	(323128)
23	12/19/2002	(323129)



24 09/19/2005 (446676)  
 25 10/13/2003 (323130)  
 26 09/19/2005 (446677)  
 27 09/19/2005 (446678)  
 28 05/11/2005 (426357)  
 29 05/11/2005 (426358)  
 30 05/11/2005 (426359)  
 31 05/23/2005 (426360)  
 32 05/11/2005 (426361)  
 33 05/11/2005 (426362)  
 34 05/11/2005 (426363)  
 35 08/03/2005 (397526)  
 36 10/18/2004 (338046)  
 37 04/29/2004 (364466)  
 38 04/29/2004 (364467)  
 39 04/29/2004 (364468)  
 40 08/18/2004 (364469)

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

Date: 04/30/2004 (364469) Classification: Moderate  
 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

Date: 05/31/2004 (364470) Classification: Moderate  
 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

Date: 06/30/2004 (364471) Classification: Moderate  
 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

Date: 07/31/2004 (364472) Classification: Moderate  
 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

Date: 08/31/2003 (364473) Classification: Moderate  
 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

Date: 04/28/2004 (270271) Classification: Major  
 Self Report? NO  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)  
 TWC Chapter 26 26.121  
 Rqmt Prov: PERMIT IA  
 Description: Failure to prevent, to provide timely notification to the TCEQ of, and to adequately mitigate the affected area of a discharge which may endanger human health or safety, or the environment.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 317 317.4(a)(8)

Description: Failure to provide an adequate backflow prevention assembly at the plant's main potable water service line.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 317 317.4(a)(5)

Rqmt Prov: PERMIT IA

Description: Failure to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 317 317.4(b)(1)

Description: Failure to provide a bar screen.

Self Report? NO Classification: Moderate

Rqmt Prov: PERMIT IA

Description: Failure to properly operate and maintain the chlorination facilities.

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT IA

Description: Failure to make monitoring and reporting records readily available for review.

Date: 08/31/2004 (364474)

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 (364475)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2002 (224263)

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 (364476)

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 (224262)

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 (364477)

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 (224261)

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 (364478)

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 (364479)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2003 (323122)  
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: 10/02/2003 (250216)  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)  
Rqmt Prov: PERMIT IA  
Description: Failure to prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment.

Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: PERMIT IA  
Description: Failure to maintain compliance with the minimum total chlorine residual and dissolved oxygen permit limitations.

Date: 02/28/2003 (323123)  
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: 03/31/2003 (323124)  
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: 04/30/2003 (323125)  
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 (323126)  
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 (323127)  
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 (323128)  
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 (323129)  
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter  
Date: 12/31/2002 (323130)  
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: 10/20/2004 (336233)  
Self Report? NO Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
Description: unauthorized discharge  
Date: 01/31/2005 (426357)  
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: 02/28/2005 (426358)  
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: 03/31/2005 (426359)  
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: 04/30/2005 (426360)  
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: 10/31/2004 (426361)  
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter  
Date: 11/30/2004 (426362)  
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 (426363)  
Self Report? YES Classification: Moderate

Description: Failure to meet the limit for one or more permit parameter

Date: 02/29/2004 (364466)

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: 03/31/2004 (364467)

Self Report? YES

Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
D & K DEVELOPMENT CORP.  
RN102287109**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2006-0143-MWD-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding D & K Development Corp. ("D & K") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and D & K presented this agreement to the Commission.

D & K understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, D & K agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon D & K.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. D & K owns and operates a wastewater treatment plant located at the southwest corner of the intersection of Farm-to-Market Road 1187 and Pershon Road, Tarrant County, Texas (the "Facility").
2. D & K has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation on June 10, 2005, TCEQ staff documented that D & K failed to prevent an unauthorized discharge. Specifically, sludge deposits were observed in the receiving stream.





4. During an investigation on June 10, 2005, TCEQ staff documented that D & K failed to discharge to the permitted outfall. Specifically, effluent was being discharged to the Farm-to-Market 1187 drainage ditch, thence to the unnamed tributary of Deer Creek instead of permitted outfall 001.
5. During an investigation on June 10, 2005, TCEQ staff documented that D & K failed to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures. Specifically, D & K failed to have an alternate power source to be used during an electrical power failure.
6. During an investigation on June 10, 2005, TCEQ staff documented that D & K failed to equip the wastewater treatment plant with a bar screen.
7. During an investigation on June 10, 2005, TCEQ staff documented that D & K failed to properly maintain the waste water treatment system. Specifically, the partition in the sequential batch reactor ("SBR") was almost completely detached, the partitions in the new chlorine contact basin ("CCB") had completely fallen off, and the computer system controlling the SBR had been malfunctioning since December 2003.
8. During an investigation on June 10, 2005, TCEQ staff documented that D & K failed to give notice to the Executive Director as soon as possible of any planned physical alteration or addition to the permitted facility. Specifically, the CCB was being used as an aerobic sludge digester due to computer malfunctions and the inability to pump sludge out of the basin, also, the abandoned clarifier was being utilized as the chlorine contact basin.
9. During an investigation on June 10, 2005, TCEQ staff determined by sampling that D & K failed to comply with the 4.0 milligrams per liter (mg/L) minimum dissolved oxygen (DO) permit limit as specified in the table below.
10. During an investigation on June 10, 2005, TCEQ staff documented that D & K failed to comply with final permitted limits for total suspended solids (TSS), carbonaceous biochemical oxygen demand (5-day) (CBOD<sub>5</sub>), ammonia nitrogen (NH<sub>3</sub>-N), chlorine residual (Cl<sub>2</sub>), and minimum DO as specified in the table below.

*with*

EFFLUENT PARAMETER								
Month / Year	Permit Limit							
	DO min	TSS Daily Ave.	TSS Single Grab	NH <sub>3</sub> -N Daily Ave.	NH <sub>3</sub> -N Daily Ave.	NH <sub>3</sub> -N Single Grab	Cl <sub>2</sub> Residual max.	CBOD <sub>5</sub> Daily Ave.
	4 mg/L	15 mg/L	60 mg/L	Apr-Oct: 3 mg/l; Nov-Mar: 5 mg/l	Apr-Oct: 2.4 lbs/day; Nov-Mar: 4 lbs/day	15 mg/L	4 mg/L	10 mg/L
09/04	3.4	22	61	9.2	2.5	c	c	14.5
10/04	3.8	c	c	c	c	c	c	c
11/04	3.2	c	c	c	c	c	c	c
01/05	3.6	17.25	c	c	c	c	c	12.25
02/05	c	c	c	5.3	c	c	c	12
03/05	c	15.8	c	18.6	7.3	26	c	14.6
04/05	3.4	18.5	c	13.4	4.3	c	c	16
06/10/05	3.71	c	c	c	c	c	c	c

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support effective decision-making.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and integration. It provides strategies to overcome these challenges and ensure the integrity and availability of data.

5. The fifth part of the document discusses the importance of data governance and the role of various stakeholders in ensuring data is used responsibly and ethically. It emphasizes the need for clear policies and procedures to guide data handling practices.

6. The sixth part of the document explores the future of data management, including emerging trends like artificial intelligence and big data. It discusses how these technologies will impact data collection, analysis, and the overall data ecosystem.

7. The seventh part of the document provides a summary of the key points discussed and offers recommendations for organizations looking to optimize their data management practices. It stresses the importance of a proactive and strategic approach to data.

8. The eighth part of the document includes a list of references and resources for further reading on data management topics. It also provides contact information for the authors and any relevant organizations.

Section	Topic	Key Points
1	Importance of Accurate Records	Transparency, Accountability, Operational Efficiency
2	Data Collection Methods	Consistency, Reliability, Effective Decision-Making
3	Role of Technology	Streamlined Processes, Improved Efficiency, Accuracy
4	Data Management Challenges	Data Quality, Security, Integration, Integrity, Availability
5	Data Governance	Responsible Use, Ethical Practices, Clear Policies, Stakeholder Roles
6	Future of Data Management	Artificial Intelligence, Big Data, Evolving Ecosystem
7	Summary and Recommendations	Proactive Approach, Strategic Data Management
8	References	Further Reading, Contact Information

11. During an investigation on June 10, 2005, TCEQ staff documented that D & K failed to notify the TCEQ 45 days prior to completion of the new 0.0963 million gallons per day (MGD) facility.
12. During an investigation on June 10, 2005, TCEQ staff documented that D & K failed to submit a summary submittal letter prior to construction of the 0.0963 MGD wastewater treatment facility.
13. During an investigation on June 10, 2005, TCEQ staff documented that D & K failed to conduct inspections seven days per week. Specifically, inspections were being conducted 5 days per week instead of 7 days per week.
14. During an investigation on June 10, 2005, TCEQ staff documented that D & K failed to develop a Standard Operating Procedure (SOP) within 30 days of permit issuance to address overflows from the wastewater treatment facility.
15. D & K received notice of the violations on August 3, 2005.
16. The Executive Director recognizes that D & K has implemented the following corrective measures at the Facility:
  - a. Began conducting inspections seven days per week on February 13, 2006;
  - b. Equipped the wastewater treatment plant with a bar screen on February 13, 2006; and
  - c. Installed a new partition in the SBR on February 13, 2006.

## II. CONCLUSIONS OF LAW

1. D & K is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002 and ch. 26, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, D & K failed to prevent an unauthorized discharge, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 0013518001, Permit Conditions, No. 2.b., 2.d., and 2.g., 30 TEX. ADMIN. CODE § 305.125(4), and TEX. WATER CODE § 26.121.
3. As evidenced by Finding of Fact No. 4, D & K failed to discharge to the permitted outfall, in violation of TPDES Permit No. 0013518001, Permit Conditions, No. 2.b., 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a).
4. As evidenced by Finding of Fact No. 5, D & K failed to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures, in violation of TPDES Permit No. 0013518001, Other Requirements, No. 5, and 30 TEX. ADMIN. CODE § 317.4(a)(5).
5. As evidenced by Finding of Fact No. 6, D & K failed to equip the wastewater treatment plant with a bar screen, in violation of 30 TEX. ADMIN. CODE § 317.4(b)(1).

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support effective decision-making.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and integration. It provides strategies to overcome these challenges and ensure the integrity and reliability of the data.

5. The fifth part of the document discusses the importance of data governance and compliance. It outlines the necessary policies and procedures to ensure that data is handled in a responsible and lawful manner, in accordance with applicable regulations.

6. The sixth part of the document explores the benefits of data-driven decision-making. It illustrates how access to accurate and timely data can lead to improved performance, increased efficiency, and better overall outcomes for the organization.

7. The seventh part of the document provides a summary of the key points discussed throughout the document. It reiterates the importance of data management and the role of technology in supporting organizational success.

8. The eighth part of the document offers recommendations for implementing a robust data management strategy. It suggests best practices for data collection, storage, and analysis, as well as the importance of ongoing monitoring and evaluation.

9. The ninth part of the document discusses the future of data management and the potential impact of emerging technologies. It highlights the need for organizations to stay current with the latest trends and innovations in the field.

10. The tenth part of the document concludes with a final statement on the importance of data management and the role of technology in driving organizational growth and success. It encourages organizations to embrace data-driven decision-making and to invest in the necessary resources and capabilities.

11. The eleventh part of the document provides a list of references and sources used in the document. It includes books, articles, and other relevant materials that provide further information on the topics discussed.

12. The twelfth part of the document offers a glossary of key terms and definitions used throughout the document. This helps to ensure clarity and consistency in the use of language and terminology.

13. The thirteenth part of the document provides a list of appendices and additional resources. These include supplementary data, charts, and other materials that provide further detail and support for the main text.

14. The fourteenth part of the document discusses the importance of data management and the role of technology in driving organizational growth and success. It reiterates the key points and provides a final call to action for organizations to embrace data-driven decision-making.

15. The fifteenth part of the document concludes with a final statement on the importance of data management and the role of technology in driving organizational growth and success. It encourages organizations to embrace data-driven decision-making and to invest in the necessary resources and capabilities.

6. As evidenced by Finding of Fact No. 7, D & K failed to properly maintain the waste water treatment system, in violation of TPDES Permit No. 0013518001, Operational Requirements, No. 1, and 30 TEX. ADMIN. CODE § 305.125(5).
7. As evidenced by Finding of Fact No. 8, D & K failed to give notice to the Executive Director as soon as possible of any planned physical alteration or addition to the permitted facility, in violation of TPDES Permit No. 0013518001, Permit Conditions, No. 4.a., and 30 TEX. ADMIN. CODE §§ 305.125(7) and 305.126(b).
8. As evidenced by Finding of Fact No. 9, D & K failed to comply with the 4.0 milligrams per liter (mg/L) minimum dissolved oxygen (DO) permit limit, in violation of TPDES Permit No. 0013518001, Final Effluent Limitations and Monitoring Requirements, No. 6, and 30 TEX. ADMIN. CODE § 305.125(1).
9. As evidenced by Finding of Fact No. 10, D & K failed to comply with final permitted limits, in violation of TPDES Permit No. 0013518001, Final Effluent Limitations and Monitoring Requirements, No. 1 and 2, and 30 TEX. ADMIN. CODE § 305.125(1).
10. As evidenced by Finding of Fact No. 11, D & K failed to notify the TCEQ 45 days prior to completion of the new 0.0963 MGD facility, in violation of TPDES Permit No. 0013518001, Other Requirements, No. 7, and 30 TEX. ADMIN. CODE § 305.125(1).
11. As evidenced by Finding of Fact No. 12, D & K failed to submit a summary submittal letter prior to construction of the 0.0963 MGD wastewater treatment facility, in violation of TPDES Permit No. 0013518001, Other Requirements, No. 8, and 30 TEX. ADMIN. CODE § 305.125(1).
12. As evidenced by Finding of Fact No. 13, D & K failed to conduct inspections seven days per week, in violation of TPDES Permit No. 0013518001, Other Requirements, No. 13, and 30 TEX. ADMIN. CODE § 305.125(1).
13. As evidenced by Finding of Fact No. 14, D & K failed to develop a SOP within 30 days of permit issuance to address overflows from the wastewater treatment facility, in violation of TPDES Permit No. 0013518001, Other Requirements, No. 14, and 30 TEX. ADMIN. CODE § 305.125(1).
14. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against D & K for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
15. An administrative penalty in the amount of Sixty Thousand Three Hundred Dollars (\$60,300) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. D & K has paid One Hundred Two Dollars (\$102) of the administrative penalty. The remaining amount of Sixty Thousand One Hundred Ninety-Eight Dollars (\$60,198) of the administrative penalty shall be payable in nine (9) monthly payments of One Hundred Two Dollars (\$102) each followed by twenty-six (26) monthly payments of Two Thousand Two Hundred Eighty Dollars (\$2,280) 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 D & K fails to timely and

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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 D & K to meet the payment schedule of this Agreed Order constitutes the failure by D & K to timely and satisfactorily comply with all the terms of this Agreed Order.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. D & K is assessed an administrative penalty in the amount of Sixty Thousand Three Hundred Dollars (\$60,300), as set forth in Section II, Paragraph 15 above, for violations of TCEQ rules and state statutes. The imposition of this administrative penalty and D & K's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: D & K Development Corp., Docket No. 2006-0143-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. D & K shall undertake the following technical requirements:
  - a. Immediately after the effective date of this Agreed Order:
    - i. Cease unauthorized discharges from the Facility;
    - ii. Begin providing notice to the Executive Director as soon as possible of any planned physical alteration or addition to the permitted facility, in accordance with TPDES Permit No. 0013518001, Permit Conditions, No. 4.a.;
  - b. Within 10 days after the effective date of this Agreed Order:
    - i. Develop Standard Operating Procedures to address overflows from the wastewater treatment facility, in accordance with TPDES Permit No. 0013518001, Other Requirements, No. 14;
    - ii. Remove all sludge accumulated on the road side ditch along Farm-to-Market Road 1187 and any section of Deer Creek where sludge is present and dispose of it in accordance with all applicable rules and regulations;
    - iii. Provide a back up generator for the Facility, in accordance with TPDES Permit No. 0013518001, Other Requirements, No. 5;

The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in financial matters. The text suggests that organizations should implement robust systems to track and report on their operations, ensuring that all data is reliable and up-to-date.

### Key Findings and Recommendations

Based on the analysis conducted, several key findings have been identified. These findings highlight areas where current practices may be falling short of best standards and provide a clear path forward for improvement.

The primary concern identified is the lack of standardized procedures across different departments. This inconsistency leads to inefficiencies and potential errors in data collection and reporting. To address this, it is recommended that a unified set of protocols be established and enforced across the entire organization. Additionally, regular training sessions should be organized to ensure that all staff members are well-versed in the new standards and procedures.

- 1. Implement a centralized data management system to ensure consistency and accuracy.
- 2. Conduct regular audits to monitor compliance with established standards.
- 3. Provide ongoing training and support for staff members to facilitate the adoption of new procedures.

It is further recommended that a dedicated team be assigned to oversee the implementation of these changes. This team should work closely with all relevant departments to ensure a smooth transition and to address any challenges that may arise during the process.

### Conclusion

In conclusion, the findings of this review underscore the need for a more structured and standardized approach to data management and reporting. By adopting the recommended measures, the organization can significantly enhance its operational efficiency and the reliability of its information systems.

Thank you for your attention to this matter. We are confident that these recommendations will lead to a more effective and transparent organization.

Should you have any questions or require further clarification regarding the findings or recommendations, please do not hesitate to contact the undersigned. We are committed to providing the necessary support and guidance throughout the implementation phase.

Very truly yours,  
[Signature]

Enclosed for your records are copies of the detailed report and supporting documents. We appreciate your cooperation and look forward to your feedback on these recommendations.



- iv. Notify the TCEQ of completion of the new 0.0963 MGD facility and submit a summary submittal letter of construction of the new 0.0963 MGD wastewater treatment facility, in accordance with TPDES Permit No. 0013518001, Other Requirements, Nos. 7 and 8;
- c. Within 60 days after the effective date of this Agreed Order:
  - i. Ensure the partitions in the new CCB computer system are functioning properly;
  - ii. Submit written certification of compliance with TPDES Permit No. 0013518001, Final Effluent Limitations and Monitoring Requirements; and
- d. Within 75 days after the effective date of this Agreed Order, submit a written certification statement demonstrating compliance, including photographs, with Ordering Provisions 2.a. through 2.c.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is 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.”

This written 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:

Water Section Manager  
Dallas-Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118

- 3. The provisions of this Agreed Order shall apply to and be binding upon D & K. D & K is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If D & K 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

Dear Sir,

I am writing to you regarding the matter of the late Mr. John Doe, who passed away on the 15th of March, 2023. I am the executor of his will and I am writing to you to inform you of the details of the will and the assets of the estate.

**Details of the Will**

The will of the late Mr. John Doe is dated the 10th of February, 2022. It is a valid will and it is the last will and testament of the late Mr. John Doe. The will is divided into three parts: the first part deals with the appointment of the executor, the second part deals with the appointment of the beneficiaries, and the third part deals with the distribution of the assets of the estate.

The first part of the will appoints me, the undersigned, as the executor of the will of the late Mr. John Doe. I am a resident of the State of New York and I am qualified to act as the executor of the will of the late Mr. John Doe.

The second part of the will appoints the following persons as the beneficiaries of the will of the late Mr. John Doe: Mr. John Doe, Jr., Mr. John Doe, III, and Mrs. Jane Doe.

The third part of the will deals with the distribution of the assets of the estate of the late Mr. John Doe. The assets of the estate are divided into three parts: the first part is the real estate, the second part is the personal property, and the third part is the cash and other assets. The real estate is to be divided equally among the three beneficiaries, the personal property is to be divided equally among the three beneficiaries, and the cash and other assets are to be divided equally among the three beneficiaries.

**Assets of the Estate**

The assets of the estate of the late Mr. John Doe are as follows: the real estate, the personal property, and the cash and other assets. The real estate consists of the following: the house at 123 Main Street, New York, New York; the house at 456 Main Street, New York, New York; and the house at 789 Main Street, New York, New York. The personal property consists of the following: the car at 123 Main Street, New York, New York; the car at 456 Main Street, New York, New York; and the car at 789 Main Street, New York, New York. The cash and other assets consist of the following: the cash in the bank account at 123 Main Street, New York, New York; the cash in the bank account at 456 Main Street, New York, New York; and the cash in the bank account at 789 Main Street, New York, New York.

**Signature**

I, the undersigned, declare that I am the executor of the will of the late Mr. John Doe and that I am qualified to act as the executor of the will of the late Mr. John Doe. I declare that the will of the late Mr. John Doe is a valid will and that it is the last will and testament of the late Mr. John Doe. I declare that the assets of the estate of the late Mr. John Doe are as set forth in the will of the late Mr. John Doe.

Very truly yours,  
[Signature]

Witness my hand and seal this 1st day of April, 2023.

catastrophe, D & K's failure to comply is not a violation of this Agreed Order. D & K has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. D & K shall notify the Executive Director within seven days after D & K 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 D & K shall be made in writing to the Executive Director. Extensions are not effective until D & K receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to D & K if the Executive Director determines that D & K has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. This Agreed Order, issued by the Commission, shall not be admissible against D & K 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

Dear Mr. [Name],

I have received your letter of the 19th and am glad to hear that you are well. I am also well and hope these few lines will find you all the same.

I have not much news to write at present. Everything is quiet here at the moment.

I am sure you will be interested to hear that I have just received your letter of the 18th. I am glad to hear that you are all well and hope these few lines will find you all the same.

I have not much news to write at present. Everything is quiet here at the moment.

I am sure you will be interested to hear that I have just received your letter of the 18th. I am glad to hear that you are all well and hope these few lines will find you all the same.

D & K Development Corp.

DOCKET NO. 2006-0143-MWD-E

Page 8

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

*[Handwritten Signature]*

For the Executive Director

*3/27/07*

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of D & K Development Corp. I am authorized to agree to the attached Agreed Order on behalf of D & K Development Corp., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, D & K Development Corp. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

*[Handwritten Signature]*

Signature

*November 21, 2006*

Date

*Dewey D. Drury*

Name (printed or typed)

*President*

Title

Authorized Representative

D & K Development Corp.

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Ordering Provision I of this Agreed Order

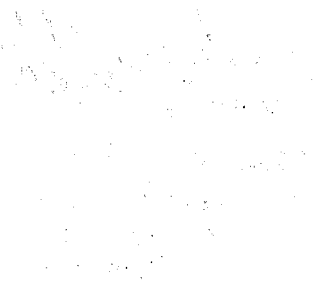


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