

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2007-0031-MWD-E **TCEQ ID:** RN102915501 **CASE NO.:** 32133  
**RESPONDENT NAME:** Union Water Supply Corporation

**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 checked="" 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:** Union Water Supply Corporation WWTP, located on Farm-to-Market Road 1430, approximately 2.2 miles southeast of the west-most intersection of Farm-to-Market Road 1430 and Highway 83, and approximately 1,000 feet south on Country Field Road, Starr 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 April 23, 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, Enforcement Section I, (512) 239-1896

**Respondent:** Mr. Byron Piper, Board President, Union Water Supply Corporation, P.O. Box 31, Garciasville, Texas 78547

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

**RESPONDENT'S NAME:** Union Water Supply Corporation  
**DOCKET NO.:** 2007-0031-MWD-E

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b> <input type="checkbox"/> Complaint <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b> None</p> <p><b>Date of Record Review Relating to this Case:</b> November 14, 2006</p> <p><b>Date of NOE Relating to this Case:</b> December 19, 2006 (NOE)</p> <p><b>Background Facts:</b> This was a routine scheduled record review for compliance with the water quality program. One significant program violation was observed.</p> <p><b>WATER</b></p> <p>Failure to comply with permitted limits for carbonaceous biochemical oxygen demand (5-Day), total suspended solids, ammonia nitrogen, pH, chlorine residual, and dissolved oxygen ("DO") [TPDES Permit No. WQ0014313001, Effluent Limitations and Monitoring Requirements, Nos. 1, 2, 3, and 6, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].</p>	<p><b>Total assessed:</b> \$8,550</p> <p><b>Total Deferred:</b> \$1,710  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$6,840</p> <p><b>Site Compliance History Classification:</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions</b></p> <p>The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, submit written certification of compliance with TPDES Permit No. WQ0014313001, Effluent Limitations and Monitoring Requirements; and</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

## TCEQ

<b>DATES</b>	<b>Assigned</b>	3-Jan-2007	<b>Screening</b>	8-Jan-2007	<b>EPA Due</b>	
	<b>PCW</b>	9-Jan-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Union Water Supply Corporation
<b>Reg. Ent. Ref. No.</b>	RN102915501
<b>Facility/Site Region</b>	15-Harlingen
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	32133	<b>No. of Violations</b>	1	
<b>Docket No.</b>	2007-0031-MWD-E	<b>Order Type</b>	1660	
<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 \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

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

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

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

**Compliance History** 205% Enhancement **Subtotals 2, 3, & 7** **\$6,150**

**Notes** The respondent was issued one NOV with the same or similar type of violations, two 1660 Agreed Orders, and self-reported thirty-two months of effluent violations

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

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

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

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

**Notes** The respondent does not meet the good faith criteria.

**Total EB Amounts** \$192 **0% Enhancement\*** **Subtotal 6** **\$0**  
**Approx. Cost of Compliance** \$2,000 **\*Capped at the Total EB \$ Amount**

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$9,150**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** -7% **Adjustment** **-\$600**

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

**Notes** Recommend reduction in penalty amount so that monthly self-reported violations do not overly impact the penalty amount and to offset the double counting of self-reported violations.

**Final Penalty Amount** **\$8,550**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$8,550**

**DEFERRAL** 20% Reduction **Adjustment** **-\$1,710**

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** **\$6,840**

Screening Date 8-Jan-2007

Docket No. 2007-0031-MWD-E

PCW

Respondent Union Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32133

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102915501

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 (number of NOVs meeting criteria)	33	165%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
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) 205%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The respondent was issued one NOV with the same or similar type of violations, two 1660 Agreed Orders, and self-reported thirty-two months of effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 205%

Screening Date 8-Jan-2007

Docket No. 2007-0031-MWD-E

PCW

Respondent Union Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32133

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102915501

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 1

Rule Cite(s) TPDES Permit No. WQ0014313001, Effluent Limitations and Monitoring Requirements, Nos. 1, 2, 3, and 6, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)

Violation Description Failed to comply with permitted limits for carbonaceous biochemical oxygen demand (5 Day) ("CBOD5"), total suspended solids ("TSS"), ammonia nitrogen ("NH3-N"), pH, chlorine residual ("Cl2"), and dissolved oxygen ("DO"): See attached Effluent Limit Violation Table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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 \$9,000

\$1,000

Violation Events

Number of Violation Events 3

272 Number of violation days

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

Violation Base Penalty \$3,000

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

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$192

Violation Final Penalty Total \$8,550

This violation Final Assessed Penalty (adjusted for limits) \$8,550

## Economic Benefit Worksheet

Respondent: Union Water Supply Corporation  
 Case ID No. 32133  
 Reg. Ent. Reference No. RN102915501  
 Media: Water Quality  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	1-Oct-2005	1-Sep-2007	1.9	\$192	n/a	\$192

Notes for DELAYED costs

Estimated cost to provide additional oversight and sampling which may have alleviated or prevented the non-compliance. Date Required is the first day of non-compliance, 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

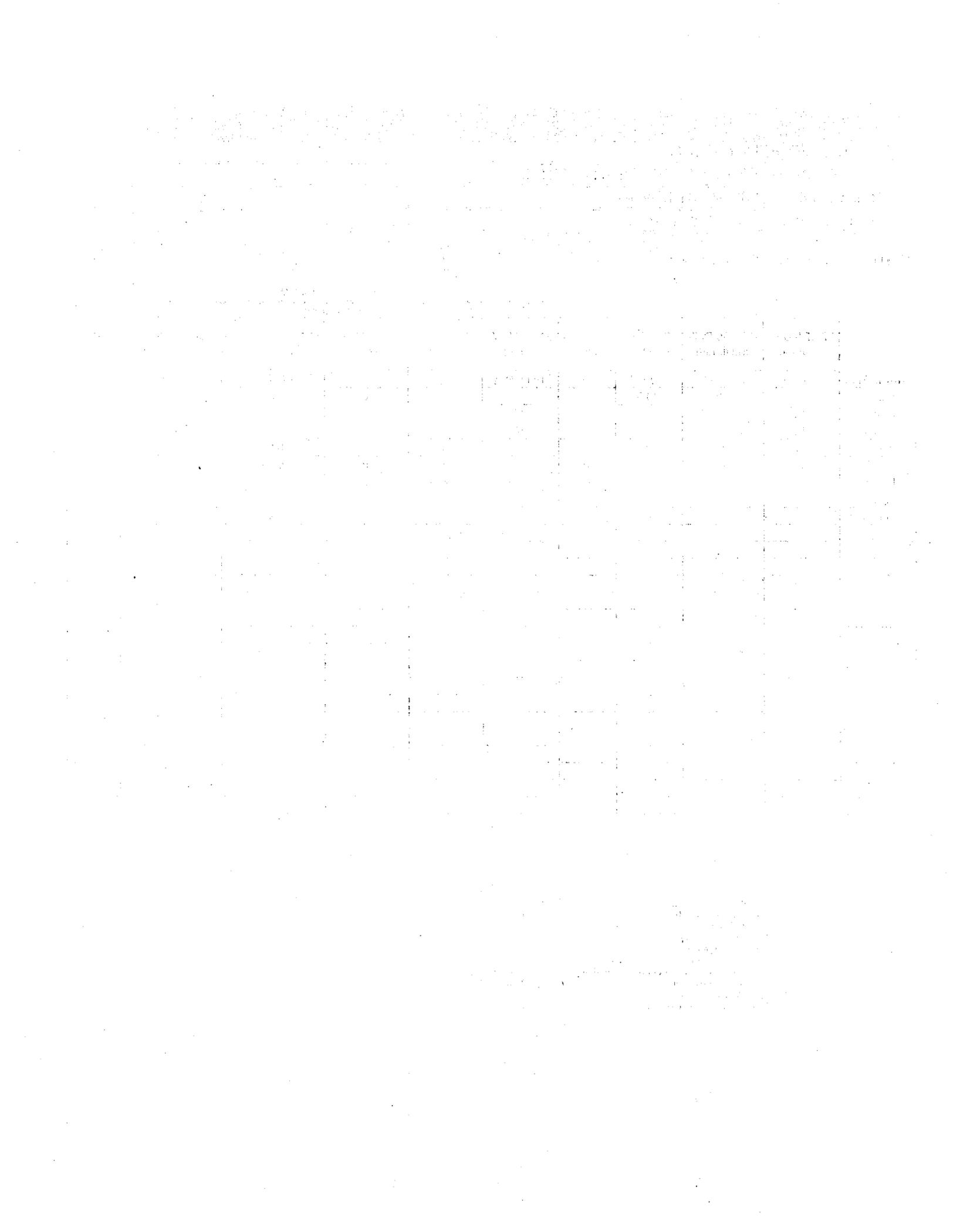
Approx. Cost of Compliance

\$2,000

TOTAL

\$192







Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

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	11/07/2002	(232266)
2	12/05/2002	(232268)
3	01/06/2003	(232272)
4	06/14/2004	(366548)
5	08/05/2005	(447408)
6	09/09/2005	(447409)
7	07/19/2004	(366549)
8	08/12/2004	(366550)
9	01/19/2005	(347432)
10	02/22/2005	(349822)
11	09/10/2004	(366551)
12	04/13/2006	(506863)
13	03/11/2005	(373384)
14	10/14/2004	(366552)
15	05/15/2006	(506864)
16	06/19/2006	(506865)
17	02/13/2006	(493598)
18	06/24/2003	(36476)
19	07/12/2006	(529013)
20	03/20/2006	(493599)
21	08/07/2006	(529014)
22	09/18/2006	(529015)
23	11/04/2005	(493600)
24	12/12/2005	(493601)
25	01/09/2006	(493602)
26	02/05/2004	(326522)
27	03/15/2004	(326523)
28	04/12/2004	(326524)
29	05/19/2003	(326525)
30	06/16/2003	(326526)
31	07/07/2006	(481545)
32	07/14/2003	(326527)
33	09/11/2003	(326528)
34	10/10/2003	(326529)
35	11/18/2003	(326530)
36	12/15/2003	(326531)
37	10/11/2005	(492139)
38	01/15/2004	(326532)
39	02/04/2002	(232238)
40	03/07/2002	(232240)
41	03/06/2003	(232241)
42	04/08/2002	(232245)
43	04/16/2003	(232246)
44	05/03/2002	(232249)
45	02/14/2005	(389800)
46	03/14/2005	(389801)
47	06/05/2002	(232252)
48	12/06/2004	(389802)
49	07/05/2002	(232254)
50	06/17/2004	(272605)
51	01/13/2005	(389803)
52	08/05/2002	(232257)
53	03/06/2003	(232258)
54	12/19/2006	(519719)

55 09/06/2002 (232261)  
56 04/18/2005 (447404)  
57 10/04/2002 (232263)  
58 05/16/2005 (447405)  
59 05/17/2004 (366547)  
60 06/16/2005 (447406)  
61 07/14/2005 (447407)

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

Date: 05/31/2004 (366548) 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: 07/31/2003 (232258) 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 (366549) 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 (366550) 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: 08/31/2004 (366551) 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: 03/31/2006 (506863) 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: 03/31/2005 (447404) 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: 09/30/2004 (366552) 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: 04/30/2006 (506864) 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: 06/18/2004 (272605) Classification: Moderate  
Self Report? NO  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: PERMIT IA

Description: Failure to maintain a minimum dissolved oxygen (DO) concentration of at least 4.0 mg/l.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: PERMIT IA

Description: Failure to maintain a daily average of Total Suspended Solids (TSS) concentration of no more than 90 mg/l.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: PERMIT IA

Description: Failure to maintain a daily average of Biochemical Oxygen Demand (BOD) concentration of no more than 30 mg/l.  
Date: 01/31/2006 (493598)  
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 (447405)  
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: 06/30/2006 (529013)  
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: 02/28/2006 (493599)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter  
Date: 08/31/2006 (529015)  
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: 10/31/2005 (493600)  
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: 11/30/2005 (493601)  
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 (493602)  
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: 05/31/2005 (447406)  
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 (326522) 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: 02/29/2004 (326523) 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: 03/31/2004 (326524) 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: 04/30/2003 (326525) 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: 05/31/2003 (326526) 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 (326528) 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: 09/30/2003 (326529) 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: 11/30/2003 (326531) 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: 09/30/2005 (492139) 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: 01/31/2005 (389800) 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: 02/28/2005 (389801) 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: 11/30/2004 (389802)

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: 12/31/2004 (389803)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 04/30/2004 (366547)  
 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  
UNION WATER SUPPLY  
CORPORATION  
RN102915501

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2007-0031-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 Union Water Supply Corporation ("Union WSC") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Union WSC appear before the Commission and together stipulate that:

1. Union WSC owns and operates a wastewater treatment plant located on Farm-to-Market Road 1430, approximately 2.2 miles southeast of the west-most intersection of Farm-to-Market Road 1430 and Highway 83, and approximately 1,000 feet south on Country Field Road in Starr County, Texas (the "Facility").
2. Union WSC has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Union WSC agree that the Commission has jurisdiction to enter this Agreed Order, and that Union WSC is subject to the Commission's jurisdiction.
4. Union WSC received notice of the violations alleged in Section II ("Allegations") on or about December 24, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Union WSC of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Eight Thousand Five Hundred Fifty Dollars (\$8,550) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Union WSC has paid Six Thousand Eight Hundred Forty Dollars (\$6,840) of the administrative penalty and One Thousand Seven Hundred Ten Dollars (\$1,710) is deferred contingent upon Union WSC'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 Union WSC fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Union WSC to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Union WSC 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 Union WSC has 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, Union WSC is alleged to have failed to comply with permitted limits for carbonaceous biochemical oxygen demand (5-Day) ("CBOD5"), total suspended solids ("TSS"), ammonia nitrogen ("NH<sub>3</sub>-N"), pH, chlorine residual ("Cl<sub>2</sub>"), and dissolved oxygen ("DO"), in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014313001, Effluent Limitations and Monitoring Requirements, Nos. 1, 2, 3, and 6, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on November 14, 2006 as depicted in the table below.

*EFFLUENT PARAMETER  
Permit Limit*

	CBOD5 Daily Average	CBOD5 Daily Maximum	TSS Daily Average	pH Minimum	NH <sub>3</sub> -N Daily Average	NH <sub>3</sub> -N Daily Average	NH <sub>3</sub> -N Daily Maximum	Cl <sub>2</sub> Residual Minimum	Cl <sub>2</sub> Residual Maximum	DO Minimum
<i>Month / Year</i>	10 mg/L	25 mg/L	15 mg/L	6	19 lbs/day	3 mg/L	10 mg/L	1.0 mg/L	4.0 mg/L	4.0 mg/L
Oct-05	14.75	26	30.5	c	c	c	c	c	4.5	c
Nov-05	12	c	c	c	48	48	53.6	c	c	c
Dec-05	12	c	c	c	38	38	41	0.58	4.17	3.9
Jan-06	11	c	c	c	c	10	32	0.98	c	c
Feb-06	c	c	16	c	c	5	c	0.99	c	3.6
Mar-06	c	c	c	5.8	c	8	c	c	c	c
Apr-06	c	c	c	c	c	6	c	c	c	c
Jun-06	c	c	c	c	c	4.7	c	c	c	c

mg/L = milligrams per liter      lbs/day = pounds per day      c = compliant

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### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Union WSC pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Union WSC's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Union Water Supply Corporation, Docket No. 2007-0031-MWD-E" to:

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

2. It is further ordered that the City shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, submit written certification of compliance with TPDES Permit No. WQ0014313001, Effluent Limitations and Monitoring Requirements; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. 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 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

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with a copy to:

Water Section, Manager  
Harlingen Regional Office  
Texas Commission on Environmental Quality  
1804 West Jefferson Avenue  
Harlingen, Texas 78550-5247

3. The provisions of this Agreed Order shall apply to and be binding upon Union WSC. Union WSC is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Union WSC fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Union WSC's failure to comply is not a violation of this Agreed Order. Union WSC shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Union WSC shall notify the Executive Director within seven days after Union WSC 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 Union WSC shall be made in writing to the Executive Director. Extensions are not effective until Union WSC receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Union WSC in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Union WSC, or three days after the date on which the Commission mails notice of the Order to Union WSC, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

  
\_\_\_\_\_  
For the Executive Director

5/7/07  
\_\_\_\_\_  
Date

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

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

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

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

  
\_\_\_\_\_  
Signature

FEBRUARY 13, 2007  
\_\_\_\_\_  
Date

BYRON PIPER  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Union Water Supply Corporation

BOARD 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.

