

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2005-0451-MWD-E **TCEQ ID:** Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 0010896001 and RN102805025 **CASE NO.:** 25279

RESPONDENT NAME: Texas Parks and Wildlife Department

ORDER TYPE:

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

CASE TYPE:

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

SITE WHERE VIOLATION(S) OCCURRED: Stephen F. Austin State Park, approximately 4,300 feet north of the intersection of Peach Street and Park Road 38, Austin County

TYPE OF OPERATION: Wastewater treatment facility

SMALL BUSINESS: Yes No

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

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on March 19, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Laurie Eaves, Enforcement Division, Enforcement Section I, MC 169, (512) 239-4495; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Central Office Investigator: Ms. Jennifer Talley, Enforcement Division, Enforcement Section V, MC 224, (512) 239-3407

Respondent: Mr. Alan Stilley, Park Manager, Texas Parks and Wildlife Department, P.O. Box 125, San Felipe, Texas 77473

Mr. Dan R. Sholly, State Parks Deputy Director, Texas Parks and Wildlife Department, P.O. Box 125, San Felipe, Texas 77473

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 31, 2004</p> <p>Date of NOE Relating to this Case: February 22, 2005 (NOE)</p> <p>Background Facts: This was a routine record review. Four violations were documented.</p> <p>WATER</p> <p>1) Failed to comply with permitted effluent limits during March, April, and September 2004 [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. 0010896001, Final Phase Effluent Limitations and Monitoring Requirements No. 1].</p> <p>2) Failed to submit annual sludge reports for the monitoring period ending July 31, 2004 by September 1, 2004 [30 TEX. ADMIN. CODE § 305.125(17), and TPDES Permit No. 0010896001, Sludge Provisions, Section II, F. Reporting Requirements].</p> <p>3) Failed to submit parameter data on discharge monitoring reports for the Total Suspended Solids maximum during February 2004 and the pH maximum during October 2003, March 2004, and May 2004 [30 TEX. ADMIN. CODE § 305.125(17), and TPDES Permit No. 0010896001, Monitoring and Reporting Requirements No. 1].</p> <p>4) Failed to pay all fees, and associated penalties and interest in a timely manner. Payments for TCEQ FA Account Nos: 22000592, 22501051, 10000225, and 10000571 are delinquent [TEX. WATER CODE § 5.702(a)].</p>	<p>Total Assessed: \$5,678</p> <p>Total Deferred: \$1,136 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$4,542</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent returned to compliance with permitted effluent limitations of TPDES Permit No. 0010896001 during October 2004, and submitted the delinquent sludge reports and missing parameter data on April 11, 2005.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to, within 30 days after the effective date of this Agreed Order, pay all outstanding fees, including any associated penalties and interest.</p>



Policy Revision 2 (September 2002)

PCW Revision March 02, 2005

Penalty Calculation Worksheet (PCW)

DATES	Assigned 28-Feb-2005	Screening 07-Mar-2005	Priority Due 29-Apr-2005	EPA Due <input type="text"/>
	PCW 21-Apr-2005			

RESPONDENT/FACILITY INFORMATION	
Respondent	Texas Parks and Wildlife Department
Reg. Ent. Ref. No.	RN102805025
Additional ID No(s).	TPDES Permit No. 0010896001
Facility/Site Region	12-Houston <input type="text"/> Major/Minor Source Minor Source <input type="text"/>

CASE INFORMATION			
Enf./Case ID No.	25279	No. of Violations	4
Docket No.	2005-0451-MWD-E	Order Type	1660
Case Priority	3	Enf. Coordinator	Laurie Eaves
Media Program(s)	Water Quality	EC's Team	Enforcement Team 3
Multi-Media	<input type="text"/>		
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$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 67% Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability No 0% Enhancement **Subtotal 4**

Notes

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

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with a small x)

Notes

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

Total EB Amounts	<input type="text" value="\$1,265"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$1,300"/>	

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 20% Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Respondent Texas Parks and Wildlife Department *Policy Revision 2 (September 2002)*
Case ID No. 25279 *PCW Revision March 02, 2005*

Reg. Ent. Reference No. RN102805025
Additional ID No(s). TPDES Permit No. 0010896001
Media [Statute] Water Quality
Enf. Coordinator Laurie Eaves
Site Address

Approximately 4,300 feet north of the intersection of Peach Street and Park Road 38
 in the Stephen F. Austin State Park, Austin County

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>)	13	65%
	Other written NOVs	1	2%
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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	<i>Please Enter Yes or No</i>		
	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) 67%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes The Respondent self-reported thirteen months of effluent violations and was issued one written NOV for violations not considered same or similar.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 67%

Respondent Texas Parks and Wildlife Department

Policy Revision 2 (September 2002)

Case ID No. 25279

PCW Revision March 02, 2005

Reg. Ent. Reference No. RN102805025

Additional ID No(s). TPDES Permit No. 0010896001

Media [Statute] Water Quality

Enf. Coordinator Laurie Eaves

Violation Number

Primary Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. 0010896001, Final Phase Effluent Limitations and Monitoring Requirements No. 1

Secondary Rule Cite(s)

Violation Description

Failure to comply with permitted effluent limits during March, April, and September 2004 as detailed in the Effluent Chart.

Base Penalty

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

Harm

Release	Major	Moderate	Minor
Actual			X
Potential			

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Human health and the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Two quarterly events are recommended for the violations during March, April, and September 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Respondent Texas Parks and Wildlife Department
Case ID No. 25279
Reg. Ent. Reference No. RN102805025
Additional ID No(s). TPDES Permit No. 0010896001
Media [Statute] Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				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)	\$1,200	01-Mar-2004	30-Sep-2004	1.0	\$60	\$1,200	\$1,260

Notes for AVOIDED costs
 Estimated cost for additional oversight and sampling which may have alleviated or prevented the noncompliances.

Approx. Cost of Compliance **\$1,200**

TOTAL \$1,260

Respondent Texas Parks and Wildlife Department

Policy Revision 2 (September 2002)

Case ID No. 25279

PCW Revision March 02, 2005

Reg. Ent. Reference No. RN102805025

Additional ID No(s). TPDES Permit No. 0010896001

Media [Statute] Water Quality

Enf. Coordinator Laurie Eaves

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(17), and TPDES Permit No. 0010896001, Sludge Provisions, Section II, F. Reporting Requirements

Secondary Rule Cite(s)

Violation Description Failure to submit annual sludge reports for the monitoring period ending July 31, 2004 by September 1, 2004.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes 100% of the requirement was not met.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

daily	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty \$1,000

One annual event is recommended for the violation documented during the January 31, 2005 record review.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$1,670

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

Respondent Texas Parks and Wildlife Department
Case ID No. 25279
Reg. Ent. Reference No. RN102805025
Additional ID No(s). TPDES Permit No. 0010896001
Media [Statute] Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	Years of Depreciation	EB Amount
Delayed Costs								
Equipment				0.0	\$0	\$0		\$0
Buildings				0.0	\$0	\$0		\$0
Other (as needed)				0.0	\$0	\$0		\$0
Engineering/construction				0.0	\$0	\$0		\$0
Land				0.0	\$0	n/a		\$0
Record Keeping System				0.0	\$0	n/a		\$0
Training/Sampling				0.0	\$0	n/a		\$0
Remediation/Disposal				0.0	\$0	n/a		\$0
Permit Costs				0.0	\$0	n/a		\$0
Other (as needed)	\$50	01-Sep-2004	11-Apr-2005	0.6	\$2	n/a		\$2

Notes for DELAYED costs Estimated cost associated with completing the sludge reports. Date Required is the date the reports were due. Final Date is the date the reports were submitted.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	Years of Depreciation	EB Amount
Avoided Costs								
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)								
Disposal				0.0	\$0	\$0		\$0
Personnel				0.0	\$0	\$0		\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0		\$0
Supplies/equipment				0.0	\$0	\$0		\$0
Financial Assurance [2]				0.0	\$0	\$0		\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0		\$0
Other (as needed)				0.0	\$0	\$0		\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **TOTAL**

Respondent Texas Parks and Wildlife Department

Policy Revision 2 (September 2002)

Case ID No. 25279

PCW Revision March 02, 2005

Reg. Ent. Reference No. RN102805025

Additional ID No(s). TPDES Permit No. 0010896001

Media [Statute] Water Quality

Enf. Coordinator Laurie Eaves

Violation Number 3

Primary Rule Cite(s)

30 Tex. Admin. Code § 305.125(17), and TPDES Permit No. 0010896001, Monitoring and Reporting Requirements No. 1

Secondary Rule Cite(s)

Violation Description

Failure to submit parameter data on discharge monitoring reports for the Total Suspended Solids maximum during February 2004 and the pH maximum during October 2003, March 2004, and May 2004.

Base Penalty \$10,000

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

Harm

Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

70% of the requirement was met by submittal of the discharge monitoring reports with all other parameter data except those listed above.

Adjustment -\$9,900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 4

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

Violation Base Penalty \$400

Four single events are recommended for the missing parameter data during October 2003, February 2004, March 2004, and May 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$668

This violation Final Assessed Penalty (adjusted for limits) \$668

Respondent Texas Parks and Wildlife Department
Case ID No. 25279
Reg. Ent. Reference No. RN102805025
Additional ID No(s). TPDES Permit No. 0010896001
Media [Statute] Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$50	01-Oct-2003	11-Apr-2005	1.5	\$4	n/a	\$4
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 associated with preparing complete discharge monitoring reports. Date Required is the first month with missing data. Final Date is the date the data was submitted.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

TOTAL

Respondent Texas Parks and Wildlife Department

Policy Revision 2 (September 2002)

Case ID No. 25279

PCW Revision March 02, 2005

Reg. Ent. Reference No. RN102805025

Additional ID No(s). TPDES Permit No. 0010896001

Media [Statute] Water Quality

Enf. Coordinator Laurie Eaves

Violation Number 4

Primary Rule Cite(s) Tex. Water Code § 5.702(a)

Secondary Rule Cite(s)

Violation Description Failure to pay all fees, and associated penalties and interest in a timely manner. Payments for TCEQ FA Account Nos. 22000592, 22501051, 10000225, and 10000571 are delinquent.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Harm

Release	Major	Moderate	Minor	Percent
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Adjustment -\$10,000

Base Penalty Subtotal \$0

Violation Events

Number of Violation Events

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

Violation Base Penalty \$0

No penalty is assessed because all penalties and interest will be assessed by the Financial Administration Division in the next billing cycle.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

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

Respondent Texas Parks and Wildlife Department
 Case ID No. 25279
 Reg. Ent. Reference No. RN102805025
 Additional ID No(s). TPDES Permit No. 0010896001
 Media [Statute] Water Quality
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Item Description	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs					
Disposal		0.0	\$0	\$0	\$0
Personnel		0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling		0.0	\$0	\$0	\$0
Supplies/equipment		0.0	\$0	\$0	\$0
Financial Assurance [2]		0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]		0.0	\$0	\$0	\$0
Other (as needed)		0.0	\$0	\$0	\$0
Notes for AVOIDED costs					

Approx. Cost of Compliance

TOTAL

Compliance Summary

Customer/Respondent/Owner-Operator: CN600134852 Texas Parks & Wildlife Department Classification: AVERAGE Rating: 2.460
Regulated Entity: RN102805025 STEPHEN F AUSTIN STATE PARK Classification: AVERAGE Site Rating: 0.84
ID Number(s):
WASTEWATER PERMIT TX0032549
WASTEWATER PERMIT TPDES0032549
WASTEWATER PERMIT WQ0010896001
WASTEWATER LICENSING LICENSE WQ0010896001

Location: Approximately 4,300 feet north of the intersection of Peach Street and Park Road 38
in the Stephen F. Austin State Park, Austin County Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 07, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 07, 2000 to March 07, 2005

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

Name: Laurie Eaves Phone: 512/239-4495

Site Compliance History Components

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

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 2 01/17/2002 (178519)
- 4 09/15/2003 (303936)
- 6 09/19/2003 (303937)
- 8 10/23/2003 (303938)
- 10 11/24/2003 (303939)
- 12 12/29/2003 (303940)
- 14 01/15/2004 (303941)
- 16 04/26/2004 (266881)
- 18 08/12/2002 (7344)
- 20 02/22/2005 (349022)
- 22 11/12/2001 (178497)
- 24 02/21/2003 (178498)

26 02/14/2002 (178499)
 28 03/28/2001 (178500)
 30 03/18/2002 (178501)
 32 04/30/2001 (178502)
 34 04/19/2002 (178503)
 36 05/25/2001 (178504)
 38 05/28/2002 (178505)
 40 06/18/2001 (178506)
 42 06/24/2002 (178507)
 44 07/26/2001 (178508)
 46 03/24/2003 (303926)
 48 03/28/2001 (303927)
 50 07/19/2002 (178509)
 52 01/17/2004 (303928)
 54 08/16/2001 (178510)
 56 04/28/2003 (303929)
 58 08/16/2002 (178511)
 60 04/22/2004 (303930)
 62 09/13/2001 (178512)
 64 05/17/2004 (355588)
 66 09/20/2002 (178513)
 68 05/29/2003 (303931)
 70 10/19/2001 (178514)
 72 08/20/2004 (355589)
 74 10/28/2002 (178515)
 76 06/30/2003 (303932)
 78 09/16/2004 (355590)
 80 11/26/2002 (178516)
 82 06/18/2004 (303933)
 84 12/15/2001 (178517)
 86 07/28/2003 (303934)
 88 12/27/2002 (178518)
 90 07/26/2004 (303935)

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

<p> Date: 11/30/2002 (178518) 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 </p>	<p>Classification: Moderate</p>
<p> Date: 01/11/2001 (40371) Self Report? NO Rqmt Prov: OP IA Description: FAILURE TO COMPLY </p>	<p>Classification: Moderate</p>
<p> Date: 07/31/2003 (303936) 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 </p>	<p>Classification: Moderate</p>
<p> Date: 01/31/2001 (178498) 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 </p>	<p>Classification: Moderate</p>
<p> Date: 04/30/2000 (178504) 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 </p>	<p>Classification: Moderate</p>
<p> Date: 04/30/2002 (178505) Self Report? YES Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G] </p>	<p>Classification: Moderate</p>

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

Date: 06/30/2000 (178508)

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 (303930)

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 (355588)

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 (303931)

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 (178515)

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 (303932)

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 (303934)

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

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
TEXAS PARKS AND WILDLIFE
DEPARTMENT
TEXAS POLLUTANT DISCHARGE
ELIMINATION SYSTEM PERMIT
("TPDES") NO. 0010896001
RN102805025**

**§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2005-0451-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Texas Parks and Wildlife Department ("the Respondent") under the authority of TEX. WATER CODE chs. 5, 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility in the Stephen F. Austin State Park located approximately 4,300 feet north of the intersection of Peach Street and Park Road 38, Austin County, Texas (the "Facility").
2. The Respondent has discharged wastewater into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 27, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Thousand Six Hundred Seventy-Eight Dollars (\$5,678) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Five Hundred Forty-Two Dollars (\$4,542)

of the administrative penalty and One Thousand One Hundred Thirty-Six Dollars (\$1,136) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent 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 the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent returned to compliance with permitted effluent limitations of TPDES Permit No. 0010896001 during October 2004, and submitted the delinquent sludge reports and missing parameter data on April 11, 2005.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to comply with permitted effluent limits during March, April, and September 2004 as detailed in the effluent chart below, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. 0010896001, Final Phase Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on January 31, 2004;

Month	Five-Day Biochemical Oxygen Demand Daily Average Concentration Limit = 20 mg/L	Five-Day Biochemical Oxygen Demand Grab Maximum Limit = 65 mg/L	Total Suspended Solids Daily Average Concentration Limit = 20 mg/L	Daily Average Flow = 0.008 MGD
March 2004	72.5	140	31.5	c
April 2004	78.6	170	42	c
September 2004	c	c	c	0.0141

mg/L = milligrams per liter

MGD = Million Gallons per Day

c = compliant

2. Failed to submit annual sludge reports for the monitoring period ending July 31, 2004 by September 1, 2004, in violation of 30 TEX. ADMIN. CODE § 305.125(17), and TPDES Permit No. 0010896001, Sludge Provisions, Section II, F. Reporting Requirements, as documented during a record review conducted on January 31, 2004;
3. Failed to submit parameter data on discharge monitoring reports for the Total Suspended Solids maximum during February 2004 and the pH maximum during October 2003, March 2004, and May 2004, in violation of 30 TEX. ADMIN. CODE § 305.125(17), and TPDES Permit No. 0010896001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on January 31, 2004; and
4. Failed to pay all fees, and associated penalties and interest in a timely manner. Payments for TCEQ FA Account Nos. 22000592, 22501051, 10000225, and 10000571 are delinquent, in violation of TEX. WATER CODE § 5.702(a), as documented during a record review conducted on January 31, 2004.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Parks and Wildlife Department, Docket No. 2005-0451-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. Within 30 days after the effective date of this Agreed Order, the Respondent shall pay all outstanding fees, including any associated penalties and interest, with the notation "Texas Parks and Wildlife Department - TCEQ FA Account Nos. 22000592, 22501051, 10000225, and 10000571" 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

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 ensuring the integrity and reliability of the data used in the analysis.

In the second section, the author details the methodology used for data collection and analysis. This includes a description of the sampling process, the tools and software used, and the statistical techniques applied to interpret the results.

The third section presents the findings of the study, highlighting the key trends and patterns observed in the data. The author discusses the implications of these findings and how they relate to the research objectives.

Conclusion

In conclusion, the study has provided valuable insights into the research topic. The findings suggest that there is a need for further research in this area to address the remaining questions.

References

The following references were consulted during the course of this research:

- Smith, J. (2018). *Advanced Statistical Methods*. New York: Academic Press.
- Johnson, A. (2019). *Data Analysis and Interpretation*. London: Springer.
- Williams, B. (2020). *Research Methods in Social Sciences*. Oxford: Oxford University Press.

Prepared by: [Name]
Date: [Date]

This document is the property of [Organization] and is intended for internal use only. It contains confidential information and should not be distributed outside the organization without the express written consent of the management.

Approved by: [Signature]
[Name]
[Title]

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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 the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent 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 the Respondent 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 the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is essential 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 ensure the validity of the findings.

3. The third part of the document describes the results of the data analysis and the key findings. It notes that the data indicates a significant trend in the market, which has implications for the organization's strategy and operations.

4. The fourth part of the document discusses the implications of the findings and provides recommendations for future actions. It suggests that the organization should focus on improving its internal processes and enhancing its customer service to address the identified issues.

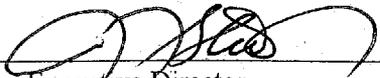
5. The fifth part of the document concludes the report and summarizes the main points. It reiterates the importance of ongoing monitoring and evaluation to ensure that the organization remains competitive and responsive to market changes.

6. The final part of the document provides a list of references and sources used in the research. It includes academic journals, industry reports, and other relevant documents that informed the analysis and conclusions.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

4/27/07

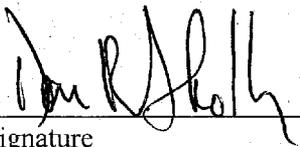
Date

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

1/3/07

Date

Dan R. Sholly

Name (Printed or typed)
Authorized Representative of
Texas Parks and Wildlife Department

State Parks Deputy Director

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.

