

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-2057-MWD-E **TCEQ ID:** RN102178183 **CASE NO.:** 31821

RESPONDENT NAME: City of Panorama Village

| | | |
|--|---|--|
| ORDER TYPE: | | |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER | <input type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> EMERGENCY ORDER | |
| CASE TYPE: | | |
| <input type="checkbox"/> AIR | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION |
| <input checked="" type="checkbox"/> WATER QUALITY | <input type="checkbox"/> SEWAGE SLUDGE | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE | <input type="checkbox"/> RADIOACTIVE WASTE | <input type="checkbox"/> DRY CLEANER REGISTRATION |
| <p>SITE WHERE VIOLATION(S) OCCURRED: City of Panorama Village, approximately 0.75 miles west of Interstate Highway 45 on the north side of League Line Road, Montgomery County</p> <p>TYPE OF OPERATION: Water reclamation</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 2, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Samuel Short, Enforcement Division, Enforcement Section II, MC 219, (512) 239-5363; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: The Honorable Howard Kravetz, Mayor, City of Panorama Village, 99 Hiwon Drive, Conroe, Texas 77304 Mr. Dale E. Evans, Councilman, Position No. 2, City of Panorama Village, 99 Hiwon Drive, Conroe, Texas 77304 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

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(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 2, 2006</p> <p>Date of NOE Relating to this Case: November 15, 2007 (NOE)</p> <p>Background Facts: This was a routine record review. One violation was documented.</p> <p>WATER</p> <p>Failed to comply with the permitted effluent limits [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11097001, Effluent Limitations and Monitoring Requirement No. 1].</p> | <p>Total Assessed: \$3,000</p> <p>Total Deferred: \$600 <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: \$2,400</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> | <p>Ordering Provisions:</p> <p>The Order will require the Respondent to, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 11097001. The certification shall include detailed supporting documentation, including receipts, and/or other records to demonstrate compliance.</p> |



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

TCEQ

| | | | | | | |
|-------|----------|-------------|-----------|-------------|---------|--|
| DATES | Assigned | 20-Nov-2006 | Screening | 30-Nov-2006 | EPA Due | |
| | PCW | 5-Dec-2006 | | | | |

| | |
|---------------------------------|--------------------------|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | City of Panorama Village |
| Reg. Ent. Ref. No. | RN102178183 |
| Facility/Site Region | 12-Houston |
| Major/Minor Source | Minor |

| | | | |
|-------------------|-------------------|-------------------|-------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 31821 | No. of Violations | 1 |
| Docket No. | 2006-2057-MWD-E | Order Type | 1660 |
| Media Program(s) | Water Quality | Enf. Coordinator | Samuel Short |
| Multi-Media | | EC's Team | EnforcementTeam.4 |
| Admin. Penalty \$ | Limit Minimum \$0 | Maximum | \$10,000 |

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$2,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 55% Enhancement **Subtotals 2, 3, & 7** \$1,100

Notes: A 55% enhancement is recommended for having 10 self-reported effluent violations and one NOV for the same or similar violations within the last five years.

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

| | | |
|---------------|------------|------------------------------|
| | Before NOV | NOV to EDRP/Settlement Offer |
| Extraordinary | | |
| Ordinary | | |
| N/A | X | (mark with x) |

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts \$118 0% Enhancement* **Subtotal 6** \$0
Approx. Cost of Compliance \$2,000 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$3,100

OTHER FACTORS AS JUSTICE MAY REQUIRE -3% **Adjustment** -\$100

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

Notes: Recommended reduction in the penalty to prevent double-enhancement of the penalty amount for same violations that were not self-reported.

Final Penalty Amount \$3,000

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$3,000

DEFERRAL 20% Reduction **Adjustment** -\$600

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 \$2,400

Screening Date 30-Nov-2006

Docket No. 2006-2057-MWD-E

PCW

Respondent City of Panorama Village

Policy Revision 2 (September 2002)

Case ID No. 31821

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102178183

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

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) | 11 | 55% |
| | Other written NOVs | 0 | 0% |
| Orders | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 0 | 0% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (number of counts) | 0 | 0% |
| Emissions | Chronic excessive emissions events (number of events) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were 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) 55%

>> 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

A 55% enhancement is recommended for having 10 self-reported effluent violations and one NOV for the same or similar violations within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 55%

Screening Date 30-Nov-2006

Docket No. 2006-2057-MWD-E

PCW

Respondent City of Panorama Village

Policy Revision 2 (September 2002)

Case ID No. 31821

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102178183

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 11097001, Effluent Limitations and Monitoring Requirement No. 1

Violation Description Failed to comply with the permitted effluent limits as documented during a record review conducted on November 2, 2006. See attached 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

A simplified model was used to evaluate NH3-H to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Daily average flow, carbonaceous biochemical oxygen demand ("CBOD"), and total suspended solid ("TSS") values were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

123 Number of violation days

| | |
|--------------|---|
| daily | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

mark only one with an x

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$118

Violation Final Penalty Total \$3,000

This violation Final Assessed Penalty (adjusted for limits) \$3,000

Economic Benefit Worksheet

Respondent: City of Panorama Village
Case ID No.: 31821
Reg. Ent. Reference No.: RN102178183
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 |
|------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <i>No commas or \$</i> | | | | | | | |

Delayed Costs

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | \$2,000 | 31-May-2006 | 6-Aug-2007 | 1.2 | \$118 | n/a | \$118 |

Notes for DELAYED costs
 The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. Date required is the date the noncompliance started and the final date is the expected compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|-------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| 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 | \$118 |
|----------------------------|---------|--------------|-------|

Effluent Violation Table
 City of Panorama Village
 TPDES Permit No. 11097001 (Outfall 001A)
 Docket No. 2006-2057-MWD-E

| Permitted Effluent Limits | Monitoring Period End Date | | | |
|---|----------------------------|------------|------------|------------|
| | 05/31/2006 | 06/30/2006 | 07/31/2006 | 08/31/2006 |
| TSS Daily Loading Avg. 50 lbs/dy | C | C | C | 56.2 |
| TSS Daily Avg. 15 mg/L | C | C | C | 22.9 |
| NH ₃ -N Daily Loading Avg. 10 lbs/dy | C | 15.7 | 15.75 | C |
| NH ₃ -N Daily Avg. 3 mg/L | 4.04 | 6.43 | 6.43 | C |

| | | |
|------------------------------|--------------------------------------|-----------------------------|
| Avg. = average | C = compliant | mg/L = milligrams per liter |
| TSS = total suspended solids | NH ₃ -N= ammonia nitrogen | Lbs/dy = pounds per day |

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 concludes by summarizing the key findings and recommendations. It stresses the importance of ongoing monitoring and evaluation to ensure that the data management processes remain effective and aligned with the organization's goals.

6. The sixth part of the document provides a detailed overview of the data management framework, including the roles and responsibilities of various stakeholders. It also outlines the key performance indicators (KPIs) used to measure the effectiveness of the data management processes.

7. The seventh part of the document discusses the future directions of data management, including the integration of artificial intelligence and machine learning. It highlights the potential of these technologies to revolutionize data analysis and decision-making.

8. The eighth part of the document provides a comprehensive list of references and sources used in the document. It includes books, articles, and online resources that provide further information on data management and analysis.

9. The ninth part of the document includes a glossary of key terms and definitions used throughout the document. This helps to ensure clarity and consistency in the use of terminology.

10. The tenth part of the document provides a detailed index of the document, making it easy for readers to find specific information. It lists the page numbers for each section and subsection.

Compliance History

Customer/Respondent/Owner-Operator: CN600635668 City of Panorama Village Classification: AVERAGE Rating: 0.46
 Regulated Entity: RN102178183 CITY OF PANORAMA VILLAGE Classification: AVERAGE Site Rating: 0.46

ID Number(s): WASTEWATER PERMIT WQ0011097001
 WASTEWATER PERMIT TPDES0020206
 WASTEWATER LICENSING LICENSE WQ0011097001
 Location: approximately 0.75 miles west of Interstate Highway 45 on the north side of League Line Road in Montgomery County, Texas Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON
 Date Compliance History Prepared: November 20, 2006
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: November 20, 2001 to November 20, 2006

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

Name: Samuel Short Phone: (512) 239-5363

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.)

- | | | |
|-----|------------|----------|
| 1 | 02/25/2002 | (162134) |
| N/A | | |
| 2 | 02/24/2003 | (162135) |
| 3 | 03/25/2002 | (162137) |
| 4 | 03/17/2003 | (162138) |
| 5 | 05/15/2006 | (498561) |
| 6 | 06/22/2006 | (498562) |
| 7 | 07/19/2006 | (498563) |
| 8 | 11/14/2005 | (468989) |
| 9 | 04/15/2002 | (162142) |
| 10 | 03/29/2004 | (264012) |
| 11 | 04/16/2003 | (162143) |
| 12 | 09/11/2006 | (520564) |
| 13 | 05/20/2002 | (162146) |
| 14 | 10/10/2006 | (515459) |
| 15 | 09/08/2006 | (520565) |
| 16 | 05/19/2003 | (162147) |
| 17 | 12/19/2005 | (468990) |
| 18 | 07/01/2002 | (162150) |
| 19 | 06/20/2003 | (162151) |
| 20 | 07/15/2002 | (162154) |
| 21 | 01/17/2006 | (468991) |
| 22 | 07/16/2003 | (162155) |
| 23 | 08/19/2002 | (162158) |
| 24 | 09/06/2005 | (441157) |
| 25 | 09/02/2005 | (441158) |
| 26 | 09/16/2002 | (162161) |
| 27 | 10/15/2002 | (162164) |
| 28 | 11/18/2002 | (162168) |
| 29 | 08/25/2006 | (488494) |
| 30 | 01/07/2002 | (162171) |
| 31 | 11/16/2006 | (518218) |
| 32 | 12/16/2002 | (162172) |
| 33 | 02/21/2006 | (468985) |
| 34 | 02/17/2004 | (296979) |

35 07/26/2004 (352831)
 36 03/17/2004 (296981)
 37 01/14/2002 (162175)
 38 08/31/2004 (352832)
 39 01/21/2003 (162176)
 40 04/16/2004 (296982)
 41 02/14/2005 (382179)
 42 08/30/2004 (352833)
 43 03/21/2005 (382180)
 44 10/18/2004 (352834)
 45 05/17/2004 (296984)
 46 11/15/2004 (352835)
 47 12/13/2004 (382181)
 48 06/14/2004 (296986)
 49 01/17/2005 (382182)
 50 02/27/2004 (296991)
 51 08/28/2003 (296993)
 52 10/17/2003 (296995)
 53 11/19/2003 (296996)
 54 12/15/2003 (296998)
 55 03/13/2006 (468986)
 56 01/16/2004 (296999)
 57 04/15/2005 (430109)
 58 05/23/2005 (430110)
 59 04/17/2006 (468987)
 60 06/13/2005 (430111)
 61 07/20/2005 (430112)
 62 10/17/2005 (468988)

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

Date: 05/31/2006 (498562) 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: 06/30/2006 (498563) 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: 07/31/2006 (520564) 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: 08/31/2006 (520565) 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 (352831) 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 (296981) 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: 12/31/2002 (162176) 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 (382180) 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 (382181)
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 (382182)
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: 08/24/2006 (488494)
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 permitted effluent limits for ammonia-nitrogen (NH3-N).

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
CITY OF PANORAMA VILLAGE
RN102178183**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2006-2057-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 the City of Panorama Village (The "City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a water reclamation plant located approximately 0.75 miles west of Interstate Highway 45 on the north side of League Line Road in Montgomery County, Texas (the "Facility").
2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about November 20, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Thousand Dollars (\$3,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has

paid Two Thousand Four Hundred Dollars (\$2,400) of the administrative penalty and Six Hundred Dollars (\$600) is deferred contingent upon the City'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 City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City 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 City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City 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, the City is alleged to have failed to comply with the permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 11097001, Effluent Limitations and Monitoring Requirement No. 1, as documented during a record review conducted on November 2, 2006. See table below.

| Effluent Violation Table | | | | |
|--|----------------------------|------------|------------|------------|
| Permitted Effluent Limits | Monitoring Period End Date | | | |
| | 05/31/2006 | 06/30/2006 | 07/31/2006 | 08/31/2006 |
| TSS Daily Loading Avg. 50 lbs/dy | C | C | C | 56.2 |
| TSS Daily Avg. 15 mg/L | C | C | C | 22.9 |
| NH ₃ -N Daily Loading Avg. 10 lbs/dy | C | 15.7 | 15.75 | C |
| NH ₃ -N Daily Avg. 3 mg/L | 4.04 | 6.43 | 6.43 | C |

| | | |
|------------------------------|--------------------------------------|-----------------------------|
| Avg. = average | C = compliant | mg/L = milligrams per liter |
| TSS = total suspended solids | NH ₃ -N= ammonia nitrogen | Lbs/dy = pounds per day |

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the success of any business or organization. The text outlines various methods for recording transactions, including the use of journals and ledgers. It also discusses the importance of regular audits and reconciliations to ensure the accuracy of the records.

The second part of the document focuses on the classification of transactions. It explains how transactions should be categorized based on their nature and the accounts affected. This section provides a detailed look at the debit and credit rules for different types of accounts, such as assets, liabilities, and equity. It also discusses the importance of understanding the underlying business events that give rise to these transactions.

The third part of the document covers the process of journalizing and posting transactions. It describes how to prepare journal entries that accurately reflect the business events. The text then explains how these journal entries are posted to the appropriate accounts in the ledger. This section also discusses the importance of maintaining a clear and organized ledger for easy reference and analysis.

The final part of the document discusses the importance of closing the books at the end of an accounting period. It explains how to calculate the net income or loss for the period and how to transfer these amounts to the appropriate accounts. The text also discusses the importance of preparing financial statements, such as the income statement and balance sheet, based on the closed books.

CHAPTER 10

This chapter discusses the various methods used to value inventory. It compares the cost of goods sold and ending inventory under different valuation methods, such as FIFO, LIFO, and the weighted average method. The text also discusses the impact of these methods on a company's financial statements and its overall financial performance.

CHAPTER 11

This chapter covers the accounting for depreciation of fixed assets. It explains how to calculate the cost of an asset and how to allocate that cost over its useful life using various depreciation methods, such as straight-line, declining balance, and the double-declining balance method. The text also discusses the importance of recording depreciation expense and its effect on the company's financial statements.

The final part of the chapter discusses the disposal of fixed assets. It explains how to record the sale or disposal of an asset and how to calculate the gain or loss on the disposal. The text also discusses the importance of maintaining accurate records of the disposal process.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City'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: City of Panorama Village, Docket No. 2006-2057-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:

Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 11097001. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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Water Quality Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the operations referenced in this Agreed Order.
4. If the City 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 City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City 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 City shall be made in writing to the Executive Director. Extensions are not effective until the City 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 City 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 City, or three days after the date on which the Commission mails notice of the Order to the City, 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 for all transactions.

2. It is essential to ensure that all data is entered correctly and consistently to avoid any discrepancies.

3. Regular audits should be conducted to verify the accuracy of the records and identify any potential errors.

4. The second part of the document outlines the procedures for handling any identified errors or discrepancies.

5. It is important to follow the established protocols to ensure that any errors are corrected promptly and accurately.

6. The final part of the document provides a summary of the key points and emphasizes the need for ongoing attention to record accuracy.

7. By adhering to these guidelines, you can ensure the integrity and reliability of your records.

8. Thank you for your attention to this matter. We appreciate your commitment to maintaining high standards of accuracy.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

5/15/07

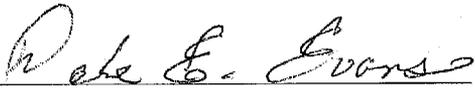
Date

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 Councilman Position NO. 2

January 25, 2007

Date

Dale E. Evans, Councilman Position No. 2

Name (Printed or typed)
Authorized Representative of
City of Panorama Village

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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