

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0035-MWD-E TCEQ ID: RN102341377 CASE NO.: 32140
RESPONDENT NAME: C&R Water Supply Inc.

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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: Longmire Lake Conroe Plant, located 0.5 mile northeast of Lake Conroe Dam and 0.75 mile west of Longmire Road, Montgomery County</p> <p>TYPE OF OPERATION: Wastewater treatment system</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 May 14, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Lynley Doyen, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-1364; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. Richard L. Wagner, President, C&R Water Supply Inc., P.O. Box 187, Willis, Texas 77378 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 Record Review Relating to this Case: November 16, 2006</p> <p>Date of NOE Relating to this Case: December 29, 2006(NOE)</p> <p>Background Facts: This was a routine record review.</p> <p>WATER</p> <p>1) Failed to comply with the permitted effluent limitations [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System (TPDES) Permit No. 13766001, Final Effluent Limitations and Monitoring Requirements Nos. 1 and 6, and TEX. WATER CODE § 26.121(a)].</p> <p>2) Failed to timely submit self-reported discharge monitoring results at the intervals specified in the permit and failed to provide all reportable values on the March 2006 discharge monitoring report (DMR) [30 TEX. ADMIN. CODE §305.125(17) and TPDES Permit No. 13766001, Monitoring and Reporting Requirements No. 1].</p>	<p>Total Assessed: \$16,896</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$1,408 (The remaining \$15,488 shall be paid in 11 monthly payments of \$1,408 each)</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>Findings Orders Justification: This is a Findings Order because environmental receptors have been exposed to pollutants which exceed levels that are protective of human health or the environment.</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that on January 12, 2007, C&R submitted a revised DMR for March 2006 that included the missing values for daily average flow and daily maximum flow.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, update the Facility's operations guidance and conduct employee training to ensure that all record keeping and reporting requirements are properly accomplished;</p> <p>b) Within 60 days after the effective date of this Agreed Order, submit certification of compliance with the permitted effluent limitations of TPDES Permit No. 13766001; and</p> <p>c) The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES	Assigned	3-Jan-2007	Screening	8-Jan-2007	EPA Due	
	PCW	8-Jan-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	C&R Water Supply Inc.		
Reg. Ent. Ref. No.	RN102341377		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	32140	No. of Violations	4
Docket No.	2007-0035-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Enf. Coordinator	Lynley Doyen
Multi-Media		EC's Team	EnforcementTeam 1
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 Enhancement **Subtotals 2, 3, & 7**

Notes

The penalty is enhanced because the Respondent self-reported 18 monthly effluent violations, received two NOV's with violations same or similar to those cited in this action, and received one NOV with violations not same or similar to those cited in this action.

Culpability Enhancement **Subtotal 4**

Notes

Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 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	<input checked="" type="checkbox"/>	(mark with x)

Notes

The Respondent does not meet the good faith criteria.

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

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

Recommend reduction in the penalty so that monthly self-reported effluent violations do not overly-impact the penalty amount.

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 8-Jan-2007

Docket No. 2007-0035-MWD-E

PCW

Respondent C&R Water Supply Inc.

Policy Revision 2 (September 2002)

Case ID No. 32140

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102341377

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

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)	20	100%
	Other written NOVs	1	2%
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 judgments 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) 102%

>> 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 penalty is enhanced because the Respondent self-reported 18 monthly effluent violations, received two NOVs with violations same or similar to those cited in this action, and received one NOV with violations not same or similar to those cited in this action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 102%

Screening Date 8-Jan-2007

Docket No. 2007-0035-MWD-E

PCW

Respondent C&R Water Supply Inc.

Policy Revision 2 (September 2002)

Case ID No. 32140

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102341377

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13766001, Final Effluent Limitations and Monitoring Requirements Nos. 1 and 6

Violation Description Failed to comply with the permitted effluent limitations, as described in the attached Violation Table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Flow and total suspended solids were also considered. As a result of this violation, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 183 Number of violation days

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,000

Three quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,051

Violation Final Penalty Total \$5,760

This violation Final Assessed Penalty (adjusted for limits) \$5,760

Economic Benefit Worksheet

Respondent: C&R Water Supply Inc.
Case ID No.: 32140
Reg. Ent. Reference No.: RN102341377
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
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$10,000	31-Mar-2006	30-Sep-2007	1.5	\$50	\$1,001	\$1,051
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to investigate the reason for noncompliance and to make adjustments or repairs at the Facility. Date required is the first month of noncompliance. 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

\$10,000

TOTAL

\$1,051

Screening Date 8-Jan-2007

Docket No. 2007-0035-MWD-E

PCW

Respondent C&R Water Supply Inc.

Policy Revision 2 (September 2002)

Case ID No. 32140

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102341377

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. 13766001, Final Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with the permitted effluent limitations for total suspended solids and ammonia nitrogen during May 2006, as described in the attached Violation Table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Flow and total suspended solids were also considered. As a result of this violation, human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

31 Number of violation days

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

Violation Base Penalty \$5,000

One monthly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$9,600

This violation Final Assessed Penalty (adjusted for limits) \$9,600

Economic Benefit Worksheet

Respondent C&R Water Supply Inc.
Case ID No. 32140
Reg. Ent. Reference No. RN102341377
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

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

See Economic Benefit Worksheet for Violation No. 1.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 8-Jan-2007

Docket No. 2007-0035-MWD-E

PCW

Respondent C&R Water Supply Inc.

Policy Revision 2 (September 2002)

Case ID No. 32140

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102341377

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. 13766001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit self-reported effluent monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the monthly discharge monitoring reports ("DMRs") for the months of October 2005 through February 2006, April 2006, and June 2006 by the 20th day of the following month for each DMR.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

At least 70% of the permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 7

418 Number of violation days

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

Violation Base Penalty \$700

Seven single events (one event for each late DMR) is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$1,344

This violation Final Assessed Penalty (adjusted for limits) \$1,344

Economic Benefit Worksheet

Respondent C&R Water Supply Inc.
Case ID No. 32140
Reg. Ent. Reference No. RN102341377
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$150	20-Nov-2005	12-Jan-2007	1.1	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to prepare and submit the monthly DMRs (based on \$25 per DMR). Date required is the date the first noncompliant DMR was due. Final date is the date the missing DMRs were 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

\$150

TOTAL

\$9

Screening Date 8-Jan-2007

Docket No. 2007-0035-MWD-E

PCW

Respondent C&R Water Supply Inc.

Policy Revision 2 (September 2002)

Case ID No. 32140

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102341377

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. 13766001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to report values for daily average flow and daily maximum flow on the DMR for the month of March 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

At least 70% of the permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

267 Number of violation days

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

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$192

This violation Final Assessed Penalty (adjusted for limits) \$192

Economic Benefit Worksheet

Respondent: C&R Water Supply Inc.
Case ID No.: 32140
Reg. Ent. Reference No.: RN102341377
Media: Water Quality
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$25	20-Apr-2006	12-Jan-2007	0.7	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to prepare and submit all reportable values on the DMR. Date required is the date a complete DMR was due. Final date is the date the missing information 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

\$25

TOTAL

\$1

EFFLUENT VIOLATION TABLE

C&R Water Supply Inc.
 TPDES Permit No. 13766001
 Docket No. 2007-0035-MWD-E

Permitted Effluent Limits	Monitoring Period End Date						
	3/31/06	4/30/06	5/31/06	6/30/06	7/31/06	8/31/06	9/30/06
DO monthly min.							
Limit = 5.0 mg/L	c	c	c	c	2.5	c	c
TSS daily avg. loading							
Limit = 6.3 lbs/day	c	c	c	7.0	7.88	c	c
TSS daily avg. conc.							
Limit = 15 mg/L	c	c	18.8	32	c	c	c
NH3-N daily avg. loading							
Limit = 0.83 lbs/day	c	0.98	3.2	5.0	4.40	2.47	c
NH3-N daily avg. conc.							
Limit = 2 mg/L	3.4	7	19.0	20	26.0	12.68	2.6
NH3-N max. single grab							
Limit = 15 mg/L	c	c	26.0	34	34.0	32.40	c
CBOD daily avg. loading							
Limit = 4.2 lbs/day	c	c	c	c	5.02	c	c
CBOD daily avg. conc.							
Limit = 10 mg/L	c	c	c	18	34.88	c	c
CBOD max. single grab							
Limit = 35 mg/L	c	c	c	c	66	c	c

avg. = average

c = compliant

CBOD = carbonaceous

biochemical oxygen demand

lbs/day = pounds per day

max. = maximum

conc. = concentration

DO = dissolved oxygen

mg/L = milligrams per liter

min. = minimum

NH3-N = ammonia nitrogen

TSS = total suspended solids

Date	Description	Debit	Credit	Balance
1900				
Jan 1	Balance forward			
Jan 5	...			
Jan 10	...			
Jan 15	...			
Jan 20	...			
Jan 25	...			
Jan 30	...			
Feb 1	...			
Feb 5	...			
Feb 10	...			
Feb 15	...			
Feb 20	...			
Feb 25	...			
Feb 30	...			
Mar 1	...			
Mar 5	...			
Mar 10	...			
Mar 15	...			
Mar 20	...			
Mar 25	...			
Mar 30	...			
Apr 1	...			
Apr 5	...			
Apr 10	...			
Apr 15	...			
Apr 20	...			
Apr 25	...			
Apr 30	...			
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May 10	...			
May 15	...			
May 20	...			
May 25	...			
May 30	...			
Jun 1	...			
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Jul 10	...			
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Jul 20	...			
Jul 25	...			
Jul 30	...			
Aug 1	...			
Aug 5	...			
Aug 10	...			
Aug 15	...			
Aug 20	...			
Aug 25	...			
Aug 30	...			
Sep 1	...			
Sep 5	...			
Sep 10	...			
Sep 15	...			
Sep 20	...			
Sep 25	...			
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Nov 15	...			
Nov 20	...			
Nov 25	...			
Nov 30	...			
Dec 1	...			
Dec 5	...			
Dec 10	...			
Dec 15	...			
Dec 20	...			
Dec 25	...			
Dec 30	...			
Total				

Compliance History

Customer/Respondent/Owner-Operator: CN600581672 C&R Water Supply Inc. Classification: AVERAGE Rating: 2.24
Regulated Entity: RN102341377 LONGMIRE LAKE CONROE PLANT Classification: AVERAGE Site Rating: 1.47
ID Number(s): WASTEWATER PERMIT WQ0013766001
WASTEWATER PERMIT TPDES0113255
WASTEWATER PERMIT TX0113255
WASTEWATER PERMIT WQ0013766001
WASTEWATER PERMIT TPDES0113255
WASTEWATER LICENSING LICENSE WQ0013766001
Location: LOCATED 0.5 M NE OF LAKE CONROE DAM & 0.75 M W OF LONGMIRE RD, MONTGOMERY CO, TX Rating Date: 9/1/2006
Repeat Violator: NO
TCEQ Region: REGION 12 – HOUSTON
Date Compliance History Prepared: January 08, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: January 08, 2002 to January 08, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Lynley Doyen Phone: 512-239-1364

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? Yes
3. If Yes, who is the current owner? C&R Water Supply, Inc.
4. If Yes, who was/were the prior owner(s)? MBMSB, Inc.
5. When did the change(s) in ownership occur? 03/20/2003

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 05/09/2006 (505621)
2 12/14/2005 (436451)
3 07/20/2006 (527907)
4 09/18/2006 (527908)
5 09/06/2005 (406547)
6 12/29/2006 (531373)
7 06/16/2003 (114102)
8 03/29/2005 (389257)
9 11/19/2004 (389258)
10 01/03/2005 (389259)
11 05/07/2003 (35974)
12 04/19/2005 (426811)
13 06/13/2005 (426812)
14 02/21/2003 (228514)
15 08/12/2005 (447024)
16 03/24/2003 (228515)
17 08/23/2005 (447025)
18 08/23/2005 (447026)
19 02/23/2004 (324878)
20 03/22/2004 (324879)
21 05/05/2003 (324880)
22 09/30/2003 (324881)
23 06/09/2003 (324882)
24 09/25/2003 (324883)
25 04/21/2004 (324884)
26 04/21/2004 (324885)
27 12/22/2003 (324886)
28 04/21/2004 (365529)
29 01/26/2004 (324887)
30 05/24/2004 (365530)

31 07/01/2004 (365531)
32 08/02/2004 (365532)
33 09/20/2004 (365533)
34 11/05/2004 (365534)
35 11/16/2005 (491110)
36 10/21/2005 (491111)
37 10/21/2005 (491112)

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

Date: 03/31/2006 (505621)

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: 04/30/2006

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: 05/31/2006 (527907)

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

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 (527908)

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: 05/06/2003 (35974)

Self Report? NO Classification: Minor
Rqmt Prov: OP IA
Description: Failure to maintain compliance with effluent permit limits for total chlorine residual.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)
Description: Failure to perform the manganese oxide correction analysis correctly.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.3(e)(5)
Description: Failure to operate and maintain the off-site lift stations.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)(B)
Description: Failure to maintain the required sludge management records.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to operate and maintain the chlorine contact basin.

Date: 04/30/2005 (426812)

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: 05/31/2002 (228515)

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 (324878)

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: 02/29/2004 (324879)

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

Classification: Moderate

Date: 03/31/2003 (324880)

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

Classification: Moderate

Date: 04/30/2003 (324881)

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

Classification: Moderate

Date: 08/31/2003 (324883)

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

Classification: Moderate

Date: 10/31/2003 (324885)

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

Classification: Moderate

Date: 03/31/2004 (365529)

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

Classification: Moderate

Date: 12/31/2003 (324887)

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

Classification: Moderate

Date: 07/31/2006 (491110)

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

Classification: Moderate

Date: 07/31/2004 (365533)

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

Classification: Moderate

Date: 07/01/2005 (397685)

Self Report? NO
Rqmt Prov: PERMIT IA
Description: Failure to have an effluent discharge pipe that discharges into the main body of Lake Conroe at a point not less than 10 feet below the surface and not less than 50 feet from the shoreline as required.

Classification: Moderate

Date: 12/13/2005 (436451)

Self Report? NO
Rqmt Prov: PERMIT IA
Description: Failure to have an effluent discharge pipe that discharges into the main body of Lake Conroe at a point not less than 10 feet below the surface and not less than 50 feet from the shoreline as required.

Classification: Moderate

Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)[G]
Description: Failure to submit the year 2005 annual sludge report as required.

Classification: Moderate

Self Report? NO
Citation: 30 TAC Chapter 319, SubChapter A 319.7(e)
Description: Failure to report analytical data on the DMR that is consistent with the laboratory results.

Classification: Minor

Date: 09/30/2006

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

Classification: Moderate

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
C&R WATER SUPPLY INC.
RN102341377**

§
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§
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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2007-0035-MWD-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding C&R Water Supply Inc. ("C&R") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and C&R presented this agreement to the Commission.

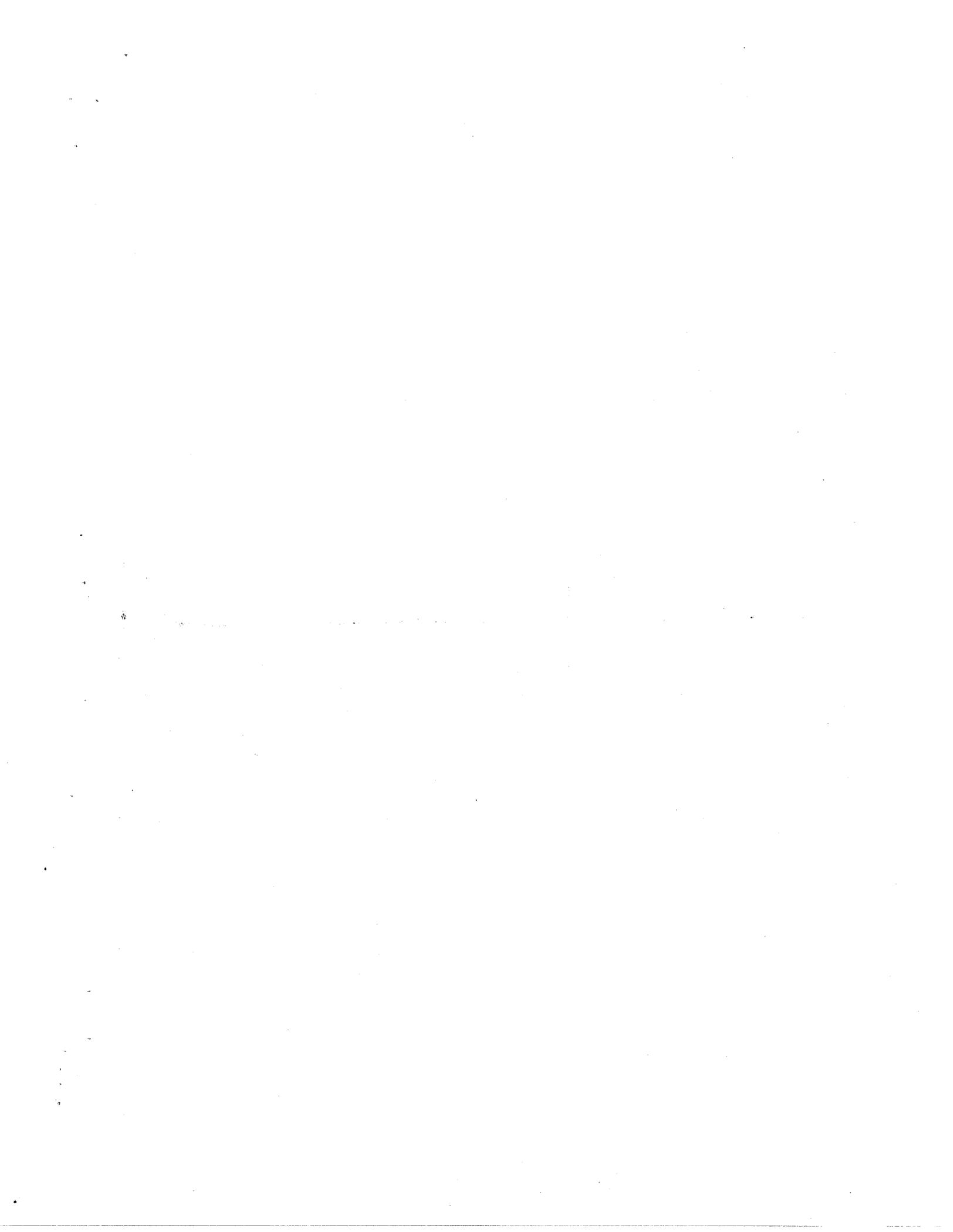
C&R understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order,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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon C&R.

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

I. FINDINGS OF FACT

1. C&R owns and operates a wastewater treatment system located 0.5 mile northeast of Lake Conroe Dam and 0.75 mile west of Longmire Road in Montgomery County, Texas (the "Facility").
2. C&R has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.



and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13766001, Final Effluent Limitations and Monitoring Requirements Nos. 1 and 6.

3. As evidenced by Findings of Fact No. 4, C&R failed to timely submit self-reported discharge monitoring results at the intervals specified in the permit and failed to provide all reportable values on the March 2006 DMR, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 13766001, Monitoring and Reporting Requirements No. 1.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against C&R for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Sixteen Thousand Eight Hundred Ninety-Six Dollars (\$16,896) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. C&R has paid One Thousand Four Hundred Eight Dollars (\$1,408) of the administrative penalty. The remaining amount of Fifteen Thousand Four Hundred Eighty-Eight Dollars (\$15,488) of the administrative penalty shall be payable in 11 monthly payments of One Thousand Four Hundred Eight Dollars (\$1,408) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If C&R fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of C&R to meet the payment schedule of this Agreed Order constitutes the failure by C&R to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

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

1. C&R is assessed an administrative penalty in the amount of Sixteen Thousand Eight Hundred Ninety-Six Dollars (\$16,896) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and C&R's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: C&R Water Supply Inc., Docket No. 2007-0035-MWD-E" to:

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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 C&R shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Agreed Order, update the Facility's operations guidance and conduct employee training to ensure that all record keeping and reporting requirements are properly accomplished, in accordance with 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 13766001, Monitoring and Reporting Requirements No. 1;
 - b. Within 60 days after the effective date of this Agreed Order, submit certification of compliance with the permitted effluent limitations of TPDES Permit No. 13766001; and
 - c. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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:

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

12/15/2011 10:00 AM

Dear Mr. [Name],

I am writing to you regarding the [Topic] that we discussed in our meeting on [Date]. I have reviewed the information you provided and I am pleased to hear that you are interested in [Topic].

As a result of our discussion, I have decided to [Action]. I will be [Action] and I will be [Action]. I will be [Action] and I will be [Action].

I am sure that you will be satisfied with the results of my [Action].

I am sure that you will be satisfied with the results of my [Action]. I am sure that you will be satisfied with the results of my [Action].

I am sure that you will be satisfied with the results of my [Action]. I am sure that you will be satisfied with the results of my [Action].

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I am sure that you will be satisfied with the results of my [Action].

I am sure that you will be satisfied with the results of my [Action].

3. The provisions of this Agreed Order shall apply to and be binding upon C&R. C&R 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 C&R 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, C&R's failure to comply is not a violation of this Agreed Order. C&R shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. C&R shall notify the Executive Director within seven days after C&R 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 C&R shall be made in writing to the Executive Director. Extensions are not effective until C&R receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to C&R if the Executive Director determines that C&R has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against C&R in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

...the ... of ...

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

7/11/07

Date

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

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

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

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

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



Signature

3-27-07

Date

Richard D. Wagner

Name (Printed or typed)
Authorized Representative of
C&R Water Supply Inc.

Pres

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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Additional faint, illegible text at the bottom of the page, possibly a footer or concluding remarks.