

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1964-MWD-E **TCEQ ID:** RN101513430 **CASE NO.:** 31680
RESPONDENT NAME: Bastrop County Water Control and Improvement District No. 3

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: Bastrop County Water Control and Improvement District No. 3, 400 feet north of Pearce Lane, 6 miles north of the intersection of Pearce Lane and State Highway 21, and 18 miles west of the City of Bastrop, Bastrop County</p> <p>TYPE OF OPERATION: Wastewater treatment</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input 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 30, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. J. Craig Fleming, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5806; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Ms. Sharon Morris, President, Bastrop County Water Control and Improvement District No. 3, P.O. Box 1627, Bastrop, Texas 78602 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: October 25, 2006</p> <p>Date of NOE Relating to this Case: November 3, 2006 (NOE)</p> <p>Background Facts: This was a routine record review. Two violations were documented.</p> <p>WATER</p> <p>1) Failed to comply with permitted effluent limitations. Specifically, Bastrop exceeded the total suspended solids daily average limit of 5.0 mg/L in September 2005 (6.0 mg/L), December 2005 (6.0 mg/L), January 2006 (15.2 mg/L), and February 2006 (8.33 mg/L) [30 TEX. ADMIN. CODE §305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System Permit ("TPDES") No. 12963001, Effluent Limitations and Monitoring Requirement No. 1].</p> <p>2) Failed to submit complete discharge monitoring report ("DMR") parameter data. Specifically, Bastrop did not submit total ammonia nitrogen and total phosphorous maximums at Outfall 001A for the monitoring period ending January 31, 2006 [30 TEX. ADMIN. CODE §305.125(1), and TPDES Permit No. 12963001, Monitoring and Reporting Requirements No. 1].</p>	<p>Total Assessed: \$4,914</p> <p>Total Deferred: \$982 <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: \$3,932</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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that Bastrop came into compliance on March 31, 2006 and has implemented the following corrective measures at the Facility:</p> <p>a. Returned to compliance with permitted discharge limits and completed a survey of the system with the Bastrop County Sheriff's Department to control illegal dumping of chemicals into the system and determine the source;</p> <p>b. Re-seeded the Facility's aeration basin several times with activated sludge;</p> <p>c. Implemented a system to check the accuracy of the DMRs before submittal; and</p> <p>d. Added an additional filtration unit at the Facility.</p>



Penalty Calculation Worksheet (PCW)

DATES	Assigned	6-Nov-2006	Screening	9-Nov-2006	EPA Due	
	PCW	20-Dec-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Bastrop County Water Control and Improvement District No. 3
Reg. Ent. Ref. No.	RN101513430
Facility/Site Region	11-Austin
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	31680	No. of Violations	2
Docket No.	2006-1964-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	J. Craig Fleming
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,100
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	162% Enhancement	Subtotals 2, 3, & 7
		\$3,402

Notes: The penalty is enhanced because the respondent received one agreed final enforcement order without denial, 27 notices of violations ("NOVs") for effluent violations; and one NOV for violations that are not the same or similar to those cited in this action.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	25% Reduction	Subtotal 5	\$525
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The respondent came into compliance on March 31, 2006.

Total EB Amounts	\$290	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$10,100	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,977
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-1%	Adjustment	-63
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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	\$4,914
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,914
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DEFERRAL	20% Reduction	Adjustment	-982
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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	\$3,932
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Screening Date 9-Nov-2006

Docket No. 2006-1964-MWD-E

PCW

Respondent Bastrop County Water Control and Improvement District I

Policy Revision 2 (September 2002)

Case ID No. 31680

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN101513430

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

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)	27	135%
	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	1	25%
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%
Please Enter Yes or No			
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) 162%

>> 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 received one agreed final enforcement order without denial, 27 notices of violations ("NOVs") for effluent violations; and one NOV for violations that are not the same or similar to those cited in this action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 162%

Screening Date 9-Nov-2006

Docket No. 2006-1964-MWD-E

PCW

Respondent Bastrop County Water Control and Improvement District No. 3

Policy Revision 2 (September 2002)

Case ID No. 31680

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN101513430

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and TPDES Permit No. 12963001, Effluent Limitations and Monitoring Requirement No. 1

Violation Description Failed to comply with permitted effluent limitations. Specifically, the facility exceeded the total suspended solids daily average limit of 5.0 mg/L in September 2005 (6.0 mg/L), December 2005 (6.0 mg/L), January 2006 (15.2 mg/L), and February 2006 (8.33 mg/L), as documented during the record review conducted on October 25, 2006.

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 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.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 Number of violation days 120

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$289

Violation Final Penalty Total \$4,680

This violation Final Assessed Penalty (adjusted for limits) \$4,680

Economic Benefit Worksheet

Respondent: Bastrop County Water Control and Improvement District No. 3
Case ID No.: 31680
Reg. Ent. Reference No.: RN101513430
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)				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)	\$10,000	1-Sep-2005	31-Mar-2006	0.6	\$289	n/a	\$289

Notes for DELAYED costs

The approximate cost for the addition of a filtration unit at the facility. The Date Required was the date of the first violation. The Final Date is the 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

NA

Approx. Cost of Compliance

\$10,000

TOTAL

\$289

Screening Date 9-Nov-2006

Docket No. 2006-1964-MWD-E

PCW

Respondent Bastrop County Water Control and Improvement District No. 3

Policy Revision 2 (September 2002)

Case ID No. 31680

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN101513430

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. 12963001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to submit complete DMR parameter data. Specifically, the respondent did not submit total ammonia nitrogen and total phosphorous maximums at outfall 001A for the monitoring period ending January 31, 2006, as determined in the record review conducted on October 25, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	3/31/2006	Moderate	Minor	Percent
			x	1%

Matrix Notes

Most, but not all (at least 70 percent) of a rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

31 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 for the month of January 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$234

This violation Final Assessed Penalty (adjusted for limits) \$234

Economic Benefit Worksheet

Respondent: Bastrop County Water Control and Improvement District No. 3
Case ID No.: 31680
Reg. Ent. Reference No.: RN101513430
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
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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)	\$100	1-Jan-2006	31-Mar-2006	0.2	\$1	n/a	\$1

Notes for DELAYED costs

The approximate cost to prepare and submit complete and accurate DMR reports. The date Required was the date of the first violation. The Final Date is the 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

NA

Approx. Cost of Compliance \$100

TOTAL \$1

Compliance History

Customer/Respondent/Owner-Operator: CN601363948 Bastrop County Water Control and Improvement District No. 3 Classification: AVERAGE Rating: 5.03

Regulated Entity: RN101513430 BASTROP CO WCID 003 Classification: AVERAGE Site Rating: 5.03

ID Number(s): WASTEWATER PERMIT WQ0012963001
WASTEWATER PERMIT TPDES0098710

Location: 400 feet north of Pearce Lane, 6 miles north of the intersection of Pearce Lane and State Highway 21, and 18 miles west of the City of Bastrop in Bastrop County, Texas. Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 11 - AUSTIN

Date Compliance History Prepared: December 19, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 19, 2001 to December 19, 2006

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

Name: J. Craig Fleming Phone: (512) 239-5806

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 04/06/2002 ADMINORDER 2001-0446-MWD-E

Classification: Major

Rqmt Prov: 2 ORDER
Description: Failure to comply with OP 2. Certification of compliance with effluent limits by 8/20/00.

Classification: Moderate

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

Rqmt Prov: Not specified PERMIT
Description: Failure to comply with effluent limits of WQ permit. TSS. Total phosphorus.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: per.req.7c PERMIT
Description: Failure to report effluent violations.

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 04/29/2002 (218463)
- 2 03/20/2002 (218459)
- 3 02/26/2003 (218458)
- 4 08/13/2004 (363198)

5 08/13/2004 (363199)
6 02/20/2002 (218457)
7 04/22/2005 (425708)
8 09/28/2004 (363200)
9 09/28/2004 (363201)
10 05/19/2005 (425709)
11 10/22/2004 (363202)
12 06/21/2005 (425710)
13 02/21/2005 (388094)
14 03/21/2005 (388095)
15 02/25/2004 (320782)
16 01/24/2005 (388096)
17 03/21/2003 (320783)
18 01/24/2005 (388097)
19 03/23/2004 (320784)
20 05/13/2003 (320785)
21 01/24/2005 (388098)
22 05/29/2003 (320786)
23 10/03/2003 (320787)
24 10/07/2003 (320788)
25 12/17/2003 (320789)
26 07/20/2005 (446214)
27 12/17/2003 (320790)
28 08/23/2005 (446215)
29 12/31/2003 (320791)
30 09/06/2005 (446216)
31 04/20/2006 (504693)
32 02/04/2004 (320792)
33 09/20/2005 (446217)
34 05/24/2006 (504694)
35 06/20/2006 (504695)
36 02/14/2006 (454746)
37 01/22/2003 (218490)
38 01/25/2002 (218489)
39 01/08/2003 (218487)
40 07/28/2006 (527003)
41 01/02/2002 (218486)
42 12/02/2002 (218484)
43 10/21/2002 (218481)
44 02/21/2006 (478557)
45 07/10/2003 (40981)
46 09/20/2002 (218478)
47 03/20/2006 (478558)
48 11/03/2006 (516101)
49 06/02/2005 (350955)
50 09/24/2002 (218475)
51 10/19/2005 (478559)
52 11/17/2005 (478560)
53 12/20/2005 (478561)
54 01/20/2006 (478562)
55 07/31/2002 (218472)
56 08/15/2005 (392516)
57 06/21/2002 (218469)
58 05/31/2002 (218466)
59 08/13/2004 (363196)
60 08/13/2004 (363197)

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

Date: 02/28/2002 (218459)

Self Report? YES

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

Classification: Moderate

TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 01/31/2002 (218457)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 03/31/2005 (425708)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 04/30/2005 (425709)
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: 01/31/2005 (388094)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 02/28/2005 (388095)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 11/30/2004 (388097)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 03/31/2003 (320785)
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 (388098)
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 (320786)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 07/09/2003 (40981)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT IA
Description: Failure to operate and maintain the WWTP in manner that consistently produces effluent that meets the permitted effluent limitations.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(d)[G]
Description: Failure to properly maintain the clarifier.
Date: 09/30/2003 (320789)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 12/31/2003 (320792)

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: 12/31/2001 (218489)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 07/31/2005 (446215)

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 (218481)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 08/31/2002 (218478)

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: 01/31/2006 (478557)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 07/31/2002 (218475)

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: 08/31/2005 (446217)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 02/28/2006 (478558)

Description: Failure to meet the limit for one or more permit parameter
Date: 09/30/2005 (478559)
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: 06/30/2002 (218472)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
Date: 12/31/2005 (478562)
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 (218469)
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: 04/15/2005 (350955)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(d)[G]

Rqmt Prov: PERMIT IA
Description: BROKEN SKIMMER
Date: 04/30/2002 (218466)
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: 03/31/2002 (218463)
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
BASTROP COUNTY WATER
CONTROL AND IMPROVEMENT
DISTRICT NO. 3
RN101513430

§
§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-1964-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 Bastrop County Water Control and Improvement District No. 3 ("Bastrop") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Bastrop appear before the Commission and together stipulate that:

1. Bastrop owns and operates a wastewater treatment facility at 400 feet north of Pearce Lane, 6 miles north of the intersection of Pearce Lane and State Highway 21, and 18 miles west of the City of Bastrop in Bastrop County, Texas (the "Facility").
2. Bastrop has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Bastrop agree that the Commission has jurisdiction to enter this Agreed Order, and that Bastrop is subject to the Commission's jurisdiction.
4. Bastrop received notice of the violations alleged in Section II ("Allegations") on or about November 8, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Bastrop of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Four Thousand Nine Hundred Fourteen Dollars (\$4,914) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Bastrop has paid Three Thousand Nine Hundred Thirty-Two Dollars (\$3,932) of the administrative penalty and Nine Hundred Eighty-Two Dollars (\$982) is deferred contingent upon Bastrop'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 Bastrop fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Bastrop 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 Bastrop 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 Bastrop came into compliance on March 31, 2006 and has implemented the following corrective measures at the Facility:
 - a. Returned to compliance with permitted discharge limits and completed a survey of the system with the Bastrop County Sheriff's Department to control illegal dumping of chemicals into the system and determine the source;
 - b. Re-seeded the Facility's aeration basin several times with activated sludge;
 - c. Implemented a system to check the accuracy of the Discharge Monitoring Reports ("DMRs") monthly reports before submittal; and
 - d. Added an additional filtration unit at the Facility.
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 Bastrop 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, Bastrop is alleged to have:

1. Failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System Permit ("TPDES") No. 12963001, Effluent Limitations and Monitoring Requirement No. 1.

1. 2019年12月10日 星期三

2. 2019年12月10日 星期三

3. 2019年12月10日 星期三

4. 2019年12月10日 星期三

5. 2019年12月10日 星期三

6. 2019年12月10日 星期三

7. 2019年12月10日 星期三

8. 2019年12月10日 星期三

9. 2019年12月10日 星期三

10. 2019年12月10日 星期三

11. 2019年12月10日 星期三

12. 2019年12月10日 星期三

13. 2019年12月10日 星期三

14. 2019年12月10日 星期三

15. 2019年12月10日 星期三

16. 2019年12月10日 星期三

17. 2019年12月10日 星期三

18. 2019年12月10日 星期三

Specifically, Bastrop exceeded the total suspended solids daily average limit of 5.0 mg/L in September 2005 (6.0 mg/L), December 2005 (6.0 mg/L), January 2006 (15.2 mg/L), and February 2006 (8.33 mg/L), as documented during a record review conducted on October 25, 2006.

2. Failed to submit complete DMR parameter data, in violation of 30 TEX. ADMIN. CODE §305.125(1), and TPDES Permit No. 12963001, Monitoring and Reporting Requirements No. 1. Specifically, Bastrop did not submit total ammonia nitrogen and total phosphorous maximums at Outfall 001A for the monitoring period ending January 31, 2006, as documented during a record review conducted on October 25, 2006.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Bastrop pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Bastrop'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: Bastrop County Water Control and Improvement District No. 3, Docket No. 2006-1964-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. The provisions of this Agreed Order shall apply to and be binding upon Bastrop. Bastrop 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.
3. This Agreed Order, issued by the Commission, shall not be admissible against Bastrop 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.
4. 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.

...the ... of ...

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Bastrop, or three days after the date on which the Commission mails notice of the Order to Bastrop, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

COPY

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/27/07

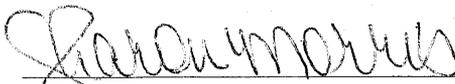
Date

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

2/19/07

Date

Sharon Morris

Name (Printed or typed)

President

Title

Authorized Representative of

Bastrop County Water Control and Improvement District No. 3

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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