

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1408-MWD-E **TCEQ ID:** RN102097789 **CASE NO.:** 34603

RESPONDENT NAME: Syed N. Hyder

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: Riverside WWTP, approximately 2.5 miles southwest of the intersection of Farm-to-Market ("FM") Road 2818 and FM 1688 (Leonard Road), 2,000 feet southwest of the intersection of Leonard Road and Jones Road, five miles southwest of the City of Bryan, Brazos County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on February 16, 2007, alleging the blowers were not running resulting in septic odors and the lift station had overflowed on multiple occasions. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 22, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Daniel Siringi, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Syed Hyder, Owner, 717B University Drive, College Station, Texas 77840-1430 Respondent's Attorney: Mr. Mark H. Zeppa, Law Offices of Frank H. Zeppa, PC, 4833 Spicewood Springs Road, Suite 202, Austin, Texas 78759-8436</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: February 16, 2007</p> <p>Date of Investigation Relating to this Case: March 1, 2007</p> <p>Date of NOV/NOE Relating to this Case: May 9, 2007 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>WATER</p> <p>Failed to prevent the unauthorized discharge and accumulation of sewage sludge and grease into water in the state [TEX. WATER CODE § 26.121(a) and Texas Pollutant Discharge Elimination System Permit No. WQ0011778001, Permit Conditions No. 2.g.].</p>	<p>Total Assessed: \$41,800</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: \$1,757 (remaining \$40,043 due in 23 monthly payments of \$1,741 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: Human health and the environment have been exposed to pollutants which exceed levels that are protective.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that Mr. Hyder returned to compliance on June 22, 2007 by scraping the creek bed and disposing of the accumulated solids and grease at a landfill.</p>

Additional ID No(s): WQ0011778001



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 26, 2007

DATES	Assigned	30-Jul-2007	Screening	30-Aug-2007	EPA Due	
	PCW	30-Aug-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Syed N. Hyder
Reg. Ent. Ref. No.	RN102097789
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34603	No. of Violations	1
Docket No.	2007-1408-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Enf. Coordinator	Laurie Eaves
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 \$20,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 119% Enhancement Subtotals 2, 3, & 7 \$23,800

Notes: The Respondent self-reported 14 months of effluent quality violations, was issued two Agreed Orders containing denial of liability language, one NOV for the same violation and two NOVs for violations not the same or similar.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 10% Reduction Subtotal 5 \$2,000

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

Notes: The Respondent returned to compliance on June 22, 2007 by scraping the creek bed and disposing of the accumulated solids and grease at a landfill.

Total EB Amounts 0% Enhancement* Subtotal 6 \$0
 Approx. Cost of Compliance \$15 *Capped at the Total EB \$ Amount \$1,000

SUM OF SUBTOTALS 1-7 Final Subtotal \$41,800

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment \$0

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

Notes:

Final Penalty Amount \$41,800

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$41,800

DEFERRAL 0% Reduction Adjustment \$0

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 \$41,800

Screening Date 30-Aug-2007

Docket No. 2007-1408-MWD-E

PCW

Respondent Syed N. Hyder

Policy Revision 2 (September 2002)

Case ID No. 34603

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102097789

Media [Statute] Water Quality

Enf. Coordinator Laurie Eaves

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)	15	75%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of 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) 119%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent self-reported 14 months of effluent quality violations, was issued two Agreed Orders containing denial of liability language, one NOV for the same violation and two NOVs for violations not the same or similar.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 119%

Screening Date 30-Aug-2007	Docket No. 2007-1408-MWD-E	PCW		
Respondent Syed N. Hyder		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 34603		<small>PCW Revision June 26, 2007</small>		
Reg. Ent. Reference No. RN102097789				
Media [Statute] Water Quality				
Enf. Coordinator Laurie Eaves				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	Tex. Water Code § 26.121(a) and TPDES Permit No. WQ0011778001, Permit Conditions No. 2.g.			
Violation Description	Failed to prevent the unauthorized discharge and accumulation of sewage sludge and grease into water in the state, as documented during an inspection conducted on March 1, 2007. Specifically, an accumulation of sewage sludge and grease were documented at the outfall and 35 yards downstream of the outfall. In addition, bloodworms were noted in the downstream samples.			
	Base Penalty	<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="50%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>	
Matrix Notes	Human health or the environment has been exposed to pollutants which exceed protective levels as a result of this violation.			
	Adjustment	<input type="text" value="\$5,000"/>		
		<input type="text" value="\$5,000"/>		
Violation Events				
	Number of Violation Events	<input type="text" value="4"/>	Number of violation days	<input type="text" value="113"/>
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty	<input type="text" value="\$20,000"/>
	monthly	<input type="text" value="x"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
	Four monthly events are recommended from the investigation date of March 1, 2007 through the compliance date of June 22, 2007.			
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$15"/>		Violation Final Penalty Total	<input type="text" value="\$41,800"/>
	This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$41,800"/>

Economic Benefit Worksheet

Respondent Syed N. Hyder
Case ID No. 34603
Reg. Ent. Reference No. RN102097789
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$1,000.	1-Mar-2007	22-Jun-2007	0.3	\$15	n/a	\$15
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost associated with scraping the creek bed and disposing of the accumulation of solids/grease at a landfill. Date Required is the investigation date. 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

Approx. Cost of Compliance	\$1,000	TOTAL	\$15
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Compliance History

Customer/Respondent/Owner-Operator: CN601130842 HYDER, SYED N Classification: AVERAGE Rating: 5.51
Regulated Entity: RN102097789 RIVERSIDE WWTP Classification: AVERAGE Site Rating: 5.51
ID Number(s): WASTEWATER PERMIT WQ0011778001
WASTEWATER PERMIT TPDES0071145
WASTEWATER PERMIT TX0071145
WASTEWATER EPA ID TX0071145
WATER QUALITY NON PERMITTED ID NUMBER 090100726
WASTEWATER LICENSING LICENSE WQ0011778001
Location: Approximately 2.5 miles southwest of the intersection of Farm-to-Market ("FM") Road 2818 and FM 1688 (Leonard Road), 2,000 feet southwest of the intersection of Leonard Road and Jones Road, five miles southwest of the City of Bryan in Brazos County, Texas

Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: August 30, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 30, 2002 to August 30, 2007

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

Name: N/A Phone: 512/239-4495

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 11/24/2005 ADMINORDER 2005-0648-MWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: Self-reporting Requirements PERMIT

Description: Failure to submit monitoring results at the intervals specified in the permit as documented by a TCEQ record review.

Effective Date: 06/26/2006 ADMINORDER 2005-1895-MWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.039(b)

30 TAC Chapter 305, SubChapter F 305.125(9)(A)

Rqmt Prov: Monitoring and Reporting Requirements PERMIT

Description: Failure to provide an adequate description of an unauthorized discharge in a noncompliance notification report submitted to the TCEQ.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(4)

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Operational Requirements, No. 1, Pg. 9 PERMIT

Description: Failure by the permittee to properly operate the wastewater treatment system and prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(4)

30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.4(d)[G]

30 TAC Chapter 317 317.4(g)[G]

Rqmt Prov: Operational Requirements No. 1, Pg. 9 PERMIT

Description: Failure by the permittee to properly operate the wastewater treatment system and prevent the discharge and accumulation of sludge at the permitted outfall into or adjacent to waters in the state.

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 08/30/2002 (5680)
2 11/08/2002 (14462)
3 03/18/2004 (312042)
4 04/12/2004 (312043)
5 04/19/2004 (264204)
6 05/06/2004 (358880)
7 05/17/2004 (358879)
8 07/26/2004 (358881)
9 08/26/2004 (358882)
10 09/17/2004 (358883)
11 10/21/2004 (385595)
12 11/29/2004 (385597)
13 12/13/2004 (385600)
14 01/24/2005 (385603)
15 01/31/2005 (385585)
16 01/31/2005 (385586)
17 01/31/2005 (385588)
18 01/31/2005 (385589)
19 01/31/2005 (385591)
20 01/31/2005 (385575)
21 01/31/2005 (385576)
22 01/31/2005 (385579)
23 01/31/2005 (385580)
24 01/31/2005 (385582)
25 01/31/2005 (385583)
26 01/31/2005 (385584)
27 02/01/2005 (385596)
28 02/01/2005 (385599)
29 02/01/2005 (385602)
30 02/01/2005 (385577)
31 02/02/2005 (385587)
32 02/02/2005 (385590)
33 02/02/2005 (385592)
34 02/02/2005 (385593)
35 02/02/2005 (385594)
36 02/02/2005 (385598)
37 02/02/2005 (385601)
38 02/15/2005 (385578)
39 02/16/2005 (348715)
40 03/15/2005 (385581)
41 04/18/2005 (423600)
42 05/16/2005 (423601)
43 06/13/2005 (423602)
44 07/18/2005 (444402)
45 09/07/2005 (444403)
46 09/20/2005 (474980)
47 10/24/2005 (474981)
48 11/10/2005 (474982)
49 12/15/2005 (474983)
50 01/11/2006 (474984)
51 02/24/2006 (474978)
52 03/13/2006 (474979)
53 04/10/2006 (502597)
54 04/28/2006 (456250)
55 05/12/2006 (502598)
56 06/26/2006 (502599)
57 07/17/2006 (524919)
58 08/30/2006 (508769)
59 03/27/2007 (535893)
60 04/12/2007 (566548)
61 07/27/2007 (566550)

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

Date: 09/04/2002 (5680)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to maintain records at the site.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Calibration records are not being kept for the pH meter, the D. O. meter, and the
Cl2 meter.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to submit annual reports.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(b)(4)
Description: Failure to provide suitable containers with lids for holding screenings.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.6(b)[G]
Description: Failure to operate the permitted chlorination system.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.7(b)
Description: Failure to provide safe walkways and railings.

Date: 12/31/2002 (385601)
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 (385577)
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 (312042)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2004 (312043)
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: 05/31/2004 (358880)
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: 06/30/2004 (358881)
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: 07/31/2004 (358882)
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: 08/31/2004 (358883)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2004 (385597)
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 (385600)
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 (385603)
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 (385578)
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: 06/30/2005 (444402)
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 (444403)
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: 05/04/2006 (456250)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.4(a)(8)
30 TAC Chapter 317 317.7(i)
Description: Failure by the permittee to conduct the required testing of the backflow prevention device upon installation.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)[G]
Rqmt Prov: PERMIT Sludge Provisions, Section II. F Pg.22
Description: Failure to submit a complete Annual Sludge Report to the TCEQ by September 1 of each year.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(b)(1)
Rqmt Prov: PERMIT Operational Requirements, No. 1 Pg. 9
Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)
Rqmt Prov: PERMIT Monitoring & Rptng Reqs., N.2 P.4
Description: Failure by the regulated entity to comply with procedures in 30 TAC 319.11.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: PERMIT Operational Requirements, No. 1 Pg. 9
Description: The permittee failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 312, SubChapter G 312.145(a)[G]
Description: Failure by the permittee to comply with all provisions of 30 TAC 312.145 concerning sewage sludge use and disposal.

Date: 04/03/2007 (556548)
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: PERMIT Operational Requirements, No. 1, Pg. 9
Description: Failure by the permittee to properly operate the wastewater treatment system and prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.
Self Report? NO Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(d)[G]
30 TAC Chapter 317 317.4(g)[G]
Rqmt Prov: PERMIT Operational Requirements No. 1, Pg. 9
Description: Failure by the permittee to properly operate the wastewater treatment system and prevent the discharge and accumulation of sludge at the permitted outfall into or adjacent to waters in the state.
Self Report? NO Classification: Major
Citation: 2A TWC Chapter 7, SubChapter A 7.101
Rqmt Prov: ORDER Ordering Provisions 2.b. and 3.c.
Description: Failure to Comply with Commission Order Docket No. 2005-1895-MWD-E.

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
SYED N. HYDER
RN102097789**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1408-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 Syed N. Hyder ("Mr. Hyder") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Hyder, represented by Mark H. Zeppa of the Law Offices of Mark H. Zeppa, PC, presented this agreement to the Commission.

Mr. Hyder understands that he 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, Mr. Hyder 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 Mr. Hyder.

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

I. FINDINGS OF FACT

1. Mr. Hyder operates a wastewater treatment facility located approximately 2.5 miles southwest of the intersection of Farm-to-Market ("FM") Road 2818 and FM 1688 (Leonard Road), 2,000 feet southwest of the intersection of Leonard Road and Jones Road, five miles southwest of the City of Bryan in Brazos County, Texas (the "Facility").

2. Mr. Hyder has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation on March 1, 2007, TCEQ staff documented an unauthorized discharge and accumulation of sewage sludge and grease into water in the state. Specifically, an accumulation of sewage sludge and grease were documented at the outfall and 35 yards downstream of the outfall. In addition, bloodworms were noted in the downstream samples.
4. Mr. Hyder received notice of the violations on May 14, 2007.
5. The Executive Director recognizes that Mr. Hyder returned to compliance on June 22, 2007 by scraping the creek bed and disposing of the accumulated solids and grease at a landfill.

II. CONCLUSIONS OF LAW

1. Mr. Hyder is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, Mr. Hyder failed to prevent the unauthorized discharge and accumulation of sewage sludge and grease into water in the state, in violation of TEX. WATER CODE § 26.121(a) and Texas Pollutant Discharge Elimination System Permit No. WQ0011778001, Permit Conditions No. 2.g.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. Hyder 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.
4. An administrative penalty in the amount of Forty-One Thousand Eight Hundred Dollars (\$41,800) 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. Mr. Hyder has paid One Thousand Seven Hundred Fifty-Seven Dollars (\$1,757) of the administrative penalty.

The remaining amount of Forty Thousand Forty-Three Dollars (\$40,043) of the administrative penalty shall be payable in 23 monthly payments of One Thousand Seven Hundred Forty-One Dollars (\$1,741) 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 Mr. Hyder 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 Mr. Hyder to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Hyder 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. Mr. Hyder is assessed an administrative penalty in the amount of Forty-One Thousand Eight Hundred Dollars (\$41,800) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Mr. Hyder'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: Syed N. Hyder, Docket No. 2007-1408-MWD-E" to:

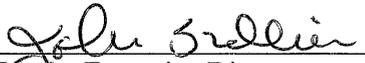
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Mr. Hyder. Mr. Hyder 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. 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 Mr. Hyder if the Executive Director determines that Mr. Hyder has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.
5. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Hyder 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.
6. 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.
7. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 1/21/2008

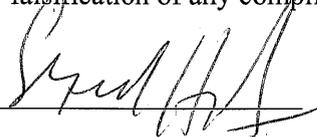
I, the undersigned, have read and understand the attached Agreed Order in the matter of Syed N. Hyder. I am authorized to agree to the attached Agreed Order on behalf of Syed N. Hyder, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the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

I understand that by entering into this Agreed Order, Syed N. Hyder 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

Date 1/26/07

SYED N. HYDER
Name (Printed or typed)
Authorized Representative of
Syed N. Hyder

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.

