

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-1802-IWD-E **TCEQ ID:** RN100219195 **CASE NO.:** 34915
RESPONDENT NAME: Wolf Hollow I, L.P.

| | | |
|--|---|--|
| 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: Wolf Hollow I, located at the intersection of Wolf Hollow Court and Farm-to-Market ("FM") Road 2425, approximately 1.1 miles east of the intersection of FM Road 2425 and State Highway 144, Hood County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</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 14, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Jeff Grungman, Manager, Wolf Hollow I, L.P., 9201 Wolf Hollow Court, Granbury, Texas 76048 Mr. Mark McDaniels, Asset Manager, Wolf Hollow I, L.P., 9201 Wolf Hollow Court, Granbury, Texas 76048 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: September 18, 2007</p> <p>Date of NOV/NOE Relating to this Case: November 1, 2007 (NOE)</p> <p>Background Facts: This was a routine record review.</p> <p>WATER</p> <p>Failed to comply with permit effluent limits for total suspended solids ("TSS"), oil and grease, and total chlorine residual [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004288000, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].</p> <p>2) Failed to submit discharge monitoring report ("DMR") parameter data as specified in the permit. Specifically, DMR parameter data did not include TSS daily average and daily maximum and oil and grease daily average and daily maximum at Outfall 101 for the monitoring period ending July 31, 2006; temperature daily average and daily maximum, pH minimum and maximum, and flow daily average and daily maximum at Outfall 001 for the monitoring period ending December 31, 2006; and flow daily average and daily maximum at Outfall 101 for the monitoring period ending December 31, 2006 [TPDES Permit No. WQ0004288000, Monitoring and Reporting Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(17)].</p> | <p>Total Assessed: \$17,160</p> <p>Total Deferred: \$3,432 <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: \$13,728</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 the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Conducted a technical evaluation of the oil/water separator and the chlorination system to verify both systems were sized properly, functioning as designed, and reviewed current corrective and preventive maintenance activities to ensure they were adequate. The Respondent returned into compliance with their effluent limits during June 2007; and</p> <p>b. Submitted DMR parameter data as specified in the permit for the monitoring period ending July 31, 2006 and December 31, 2006 on November 12, 2007.</p> |

Additional ID No(s): WQ0004288000

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision June 26, 2007

| | | | | | | |
|----------------------|----------|------------|-----------|------------|---------|--|
| TCEQ DATES | Assigned | 5-Nov-2007 | Screening | 6-Nov-2007 | EPA Due | |
| | PCW | 7-Nov-2007 | | | | |

| | |
|--|---------------------|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | Wolf Hollow I, L.P. |
| Reg. Ent. Ref. No. | RN100219195 |
| Facility/Site Region | 4-Fort Worth |
| Major/Minor Source | Minor |

| | | | |
|-------------------------|-----------------|-------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 34915 | No. of Violations | 2 |
| Docket No. | 2007-1802-IWD-E | Order Type | 1660 |
| Media Program(s) | Water Quality | Enf. Coordinator | Jorge Ibarra, P.E. |
| Multi-Media | | EC's Team | EnforcementTeam 3 |
| Admin. Penalty \$ | Limit Minimum | \$0 | Maximum |
| | | | \$10,000 |

Penalty Calculation Section

| | | |
|---|-------------------|---------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | <i>Subtotal 1</i> | \$6,500 |
|---|-------------------|---------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

| | | |
|--------------------|------------------|--------------------------------|
| Compliance History | 184% Enhancement | <i>Subtotals 2, 3, & 7</i> |
|--------------------|------------------|--------------------------------|

Notes: The Respondent was issued one NOV with the same/similar type of violations, one NOV without the same/similar type of violations, three 1660 Agreed Orders with denial language, and self-reported 24 months of effluent violations. The penalty was also reduced due to one Notice of Intent and one Disclosure of Violations.

| | | | | |
|-------------|----|----------------|-------------------|-----|
| Culpability | No | 0% Enhancement | <i>Subtotal 4</i> | \$0 |
|-------------|----|----------------|-------------------|-----|

Notes: The Respondent does not meet the culpability criteria.

| | | | |
|-----------------------------|---------------|-------------------|-------|
| Good Faith Effort to Comply | 10% Reduction | <i>Subtotal 5</i> | \$650 |
|-----------------------------|---------------|-------------------|-------|

| | | |
|---------------|-------------------------------------|-------------------------------|
| | Before NOV | NOV to EDPRP/Settlement Offer |
| Extraordinary | <input type="checkbox"/> | <input type="checkbox"/> |
| Ordinary | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| N/A | <input type="checkbox"/> | (mark with x) |

Notes: The Respondent achieved full compliance on November 12, 2007.

| | | | | |
|----------------------------|---------|-----------------------------------|-------------------|-----|
| Total EB Amounts | \$131 | 0% Enhancement* | <i>Subtotal 6</i> | \$0 |
| Approx. Cost of Compliance | \$2,500 | *Capped at the Total EB \$ Amount | | |

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | <i>Final Subtotal</i> | \$17,810 |
|-----------------------------|-----------------------|----------|

| | | |
|---|-----|-------------------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | -3% | <i>Adjustment</i> |
|---|-----|-------------------|

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

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

Final Penalty Amount \$17,160

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | <i>Final Assessed Penalty</i> | \$17,160 |
|-----------------------------------|-------------------------------|----------|

| | | |
|-----------------|---------------|-------------------|
| DEFERRAL | 20% Reduction | <i>Adjustment</i> |
|-----------------|---------------|-------------------|

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 | \$13,728 |
|------------------------|----------|

Screening Date 6-Nov-2007

Docket No. 2007-1802-IWD-E

PCW

Respondent Wolf Hollow I, L.P.

Policy Revision 2 (September 2002)

Case ID No. 34915

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100219195

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria) | 25 | 125% |
| | Other written NOV's | 1 | 2% |
| Orders | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 3 | 60% |
| | 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) | 1 | -1% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) | 1 | -2% |
| <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) 184%

>> 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 was issued one NOV with the same/similar type of violations, one NOV without the same/similar type of violations, three 1660 Agreed Orders with denial language, and self-reported 24 months of effluent violations. The penalty was also reduced due to one Notice of Intent and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 184%

Screening Date 6-Nov-2007 **Docket No.** 2007-1802-IWD-E **PCW**

Respondent Wolf Hollow I, L.P. *Policy Revision 2 (September 2002)*

Case ID No. 34915 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN100219195

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number

Rule Cite(s) Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004288000, Effluent Limitations and Monitoring Requirements No. 1 for Outfalls 001 and 101, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)

Violation Description Failed to comply with permit effluent limits. See attached Effluent Limit Violation Table.

Base Penalty

>> Environmental, Property and Human Health Matrix

| Release | Harm | | | Percent |
|-----------|----------------------|----------------------|-------------------------------------|----------------------------------|
| | Major | Moderate | Minor | |
| Actual | <input type="text"/> | <input type="text"/> | <input checked="" type="checkbox"/> | <input type="text" value="10%"/> |
| Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> | |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|----------------------|----------------------|----------------------|----------------------|---------------------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="0%"/> |

Matrix Notes

Failure to comply with the permitted limits for total suspended solids ("TSS"), oil and grease, and total chlorine residual resulted in the exposure of insignificant amounts of pollutants which do not exceed levels that are protective of human health or the environment as the result of the excursions.

Adjustment

Violation Events

Number of Violation Events Number of violation days

| | | |
|--------------------------------|--------------|-------------------------------------|
| <i>mark only one with an x</i> | daily | <input type="text"/> |
| | monthly | <input type="text"/> |
| | quarterly | <input checked="" type="checkbox"/> |
| | semiannual | <input type="text"/> |
| | annual | <input type="text"/> |
| | single event | <input type="text"/> |

Violation Base Penalty

Five quarterly events are recommended (four quarters for Outfall 101 and one quarter for Outfall 001).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Wolf Hollow I, L.P.
Case ID No. 34915
Reg. Ent. Reference No. RN100219195
Media Water Quality
Violation No. 1

| | |
|-------------------------|------------------------------|
| Percent Interest | Years of Depreciation |
| 6.0 | 15 |

| Item Description | Item Cost <small>No commas or \$</small> | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|---|---------------|------------|-----|----------------|---------------|-----------|
| Delayed Costs | | | | | | | |
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | \$2,000 | 1-Jun-2006 | 1-Jun-2007 | 1.0 | \$100 | n/a | \$100 |

Notes for DELAYED costs

Estimated cost to provide additional oversight and sampling which may have alleviated or prevented the noncompliance. Date Required is the first day of non-compliance, Final Date is the compliance date.

| 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 | \$2,000 | TOTAL | \$100 |
|-----------------------------------|---------|--------------|-------|

Screening Date 6-Nov-2007

Docket No. 2007-1802-IWD-E

PCW

Respondent Wolf Hollow I, L.P.

Policy Revision 2 (September 2002)

Case ID No. 34915

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100219195

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number

Rule Cite(s)

TPDES Permit No. WQ0004288000, Monitoring and Reporting Requirements No. 1, 30
Tex. Admin. Code § 305.125(17)

Violation Description

Failed to submit discharge monitoring report ("DMR") parameter data as specified in the permit. Specifically, DMR parameter data did not include total suspended solids daily average and daily maximum and oil and grease daily average and daily maximum at Outfall 101 for the monitoring period ending 07/31/2006; temperature daily average and daily maximum, pH minimum and maximum, and flow daily average and daily maximum at Outfall 001 for the monitoring period ending 12/31/2006; and flow daily average and daily maximum at Outfall 101 for the monitoring period ending 12/31/2006.

Base Penalty

>> Environmental, Property and Human Health Matrix

| Release | Harm | | | Percent |
|-----------|----------------------|----------------------|----------------------|---------------------------------|
| | Major | Moderate | Minor | |
| Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="0%"/> |
| Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> | |

>> Programmatic Matrix

| Matrix Notes | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|----------------------|----------------------|-------------------------------------|---------|
| | | <input type="text"/> | <input type="text"/> | <input checked="" type="checkbox"/> | |
| 47% of the rule requirement was not met. | | | | | |

Adjustment

Violation Events

Number of Violation Events Number of violation days

| | | |
|--------------------------------|--------------|-------------------------------------|
| <i>mark only one with an x</i> | daily | <input type="text"/> |
| | monthly | <input type="text"/> |
| | quarterly | <input type="text"/> |
| | semiannual | <input type="text"/> |
| | annual | <input type="text"/> |
| | single event | <input checked="" type="checkbox"/> |

Violation Base Penalty

Three single events are recommended, one for each DMR with missing data.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Wolf Hollow I, L.P.
Case ID No. 34915
Reg. Ent. Reference No. RN100219195
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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

Delayed Costs

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|-----|----------------|---------------|-----------|
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | \$500 | 20-Aug-2006 | 12-Nov-2007 | 1.2 | \$31 | n/a | \$31 |

Notes for DELAYED costs

Estimated cost to report DMR data as required by the permit. Date Required is the first day of non-compliance, Final Date is the compliance date.

Avoided Costs

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

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|-------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

| | | | |
|-----------------------------------|-------|--------------|------|
| Approx. Cost of Compliance | \$500 | TOTAL | \$31 |
|-----------------------------------|-------|--------------|------|

Effluent Limit Violation Table

table rev.

| | |
|------------------|-----------------------------|
| Respondent | Wolf Hollow I, L.P. |
| ID Number(s) | RN100219195, Case No. 34915 |
| Docket Number | 2007-1802-IWD-E |
| Enf. Coordinator | Jorge Ibarra, P.E. |

Corresponds to Violation Number: 1

EFFLUENT PARAMETER

Permit Limit Outfall 101

| <i>Month/Year</i> | TSS Daily Average (concentration) | Oil and Grease Daily Average (concentration) | Oil and Grease Daily Maximum (concentration) | | | | | | | |
|-------------------|-----------------------------------|--|--|--|--|--|--|--|--|--|
| | 30 mg/L | 15 mg/L | 20 mg/L | | | | | | | |
| Jun-06 | c | 24 | 41 | | | | | | | |
| Oct-06 | c | c | 22 | | | | | | | |
| Nov-06 | c | c | 26 | | | | | | | |
| Dec-06 | c | 17.25 | 41 | | | | | | | |
| Apr-07 | 51 | c | 21 | | | | | | | |
| May-07 | 47.5 | c | c | | | | | | | |

EFFLUENT PARAMETER

Permit Limit Outfall 001

| <i>Month/Year</i> | Total Chlorine Residual Daily Average (concentration) | Total Chlorine Residual Daily Maximum (concentration) | | | | | | | | |
|-------------------|---|---|--|--|--|--|--|--|--|--|
| | 0.2 mg/L | 0.5 mg/L | | | | | | | | |
| Jan-07 | 0.29 | 1.2 | | | | | | | | |

Name
total suspended solids
milligrams per liter
compliant

Abbreviation
TSS
mg/L
c

Compliance History

Customer/Respondent/Owner-Operator: CN600130132 Wolf Hollow I, L.P. Classification: AVERAGE Rating: 6.23
 Regulated Entity: RN100219195 WOLF HOLLOW I Classification: AVERAGE Site Rating: 6.23

ID Number(s):

| | | |
|------------------------|----------------|--------------|
| AIR OPERATING PERMITS | ACCOUNT NUMBER | HQ01120 |
| AIR OPERATING PERMITS | PERMIT | 2066 |
| WASTEWATER | PERMIT | WQ0004288000 |
| WASTEWATER | PERMIT | TPDES0123820 |
| WASTEWATER | PERMIT | TX0123820 |
| AIR NEW SOURCE PERMITS | PERMIT | 41166 |
| AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | HQ01120 |
| AIR NEW SOURCE PERMITS | EPA ID | PSDTX939 |
| AIR NEW SOURCE PERMITS | AFS NUM | 4822100007 |
| AIR NEW SOURCE PERMITS | PERMIT | 54096 |
| STORMWATER | PERMIT | TXR05Q741 |

Location: located at the intersection of Wolf Hollow Court and Farm-to-Market ("FM") Road 2425, approximately 1.1 miles east of the intersection of FM Road 2425 and State Highway 144, Hood County, Texas Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: November 05, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 05, 2002 to November 05, 2007

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

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

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? | <u>N/A</u> |
| 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: 08/28/2004 ADMINORDER 2003-1452-AIR-E
 Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to give the required notifications and complete the performance tests as required in Title 40 Code of Federal Regulations Part 60 (40 CFR 60), Subpart A for Gas Turbines No.1, No.2, and the Auxiliary Boiler.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)[G]

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Spec Cond 8 PERMIT

Description: Failed to comply with 40 CFR §60.8(a) by failing to conduct a performance test within 60 days of achieving maximum firing rate at which affected facility will be operated not later than 180 days after initial startup.

Effective Date: 12/30/2005 ADMINORDER 2005-0881-AIR-E

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to notify the TCEQ within 24 hours of NH3 emissions events that occurred on November 12, 13 and 14, 2003 from the combustion turbine generator (CTG) 2.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 4166 and PSD-TX 939 SC 5(D) PERMIT

Description: Failed to comply with the NH3 emission limit of 10 parts per million by volume on a dry basis (ppmvd) when corrected to 15% oxygen for CTGs 1 and 2.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 41166 and PSD-TX-939 MAERT PERMIT

Description: Failed to comply with the NH3 emission limit of 37.8 pounds per hour (lbs/hr) for CTG 2.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to notify the TCEQ within 24 hours of NOx emissions events that occurred on February 24, 2005 from the CTG 2.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 41166, SC 2, GC F PERMIT

Description: Failed to comply with the NOx emission limit of 91.9 lbs/hr for CTG 2.

Effective Date: 05/28/2006

ADMINORDER 2005-1765-IWD-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.

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 | 05/20/2003 | (328757) |
| 2 | 05/20/2003 | (328735) |
| 3 | 05/20/2003 | (328737) |
| 4 | 05/20/2003 | (328739) |
| 5 | 05/20/2003 | (328741) |
| 6 | 05/20/2003 | (328742) |
| 7 | 05/20/2003 | (328745) |
| 8 | 05/20/2003 | (328747) |
| 9 | 05/20/2003 | (328749) |
| 10 | 05/20/2003 | (328751) |
| 11 | 05/20/2003 | (328753) |
| 12 | 05/20/2003 | (328755) |
| 13 | 07/15/2003 | (328746) |
| 14 | 08/08/2003 | (112711) |
| 15 | 08/22/2003 | (328748) |
| 16 | 09/25/2003 | (328750) |
| 17 | 10/20/2003 | (328752) |
| 18 | 11/13/2003 | (328754) |
| 19 | 12/29/2003 | (328756) |

| | | |
|----|------------|----------|
| 20 | 01/20/2004 | (328758) |
| 21 | 01/27/2004 | (260980) |
| 22 | 01/27/2004 | (260976) |
| 23 | 02/24/2004 | (328736) |
| 24 | 03/12/2004 | (328738) |
| 25 | 04/06/2004 | (265225) |
| 26 | 04/06/2004 | (265241) |
| 27 | 04/06/2004 | (265260) |
| 28 | 04/16/2004 | (328740) |
| 29 | 04/16/2004 | (266701) |
| 30 | 05/24/2004 | (367892) |
| 31 | 06/03/2004 | (273128) |
| 32 | 06/03/2004 | (273146) |
| 33 | 06/23/2004 | (328743) |
| 34 | 06/23/2004 | (328744) |
| 35 | 07/07/2004 | (367893) |
| 36 | 07/16/2004 | (367895) |
| 37 | 07/29/2004 | (367894) |
| 38 | 08/18/2004 | (290299) |
| 39 | 08/20/2004 | (367896) |
| 40 | 09/15/2004 | (367897) |
| 41 | 09/28/2004 | (288154) |
| 42 | 09/28/2004 | (288128) |
| 43 | 10/15/2004 | (367898) |
| 44 | 12/20/2004 | (390524) |
| 45 | 12/20/2004 | (390525) |
| 46 | 02/25/2005 | (428010) |
| 47 | 03/28/2005 | (390523) |
| 48 | 04/21/2005 | (350599) |
| 49 | 04/25/2005 | (428011) |
| 50 | 05/05/2005 | (376902) |
| 51 | 05/18/2005 | (428014) |
| 52 | 05/18/2005 | (428015) |
| 53 | 05/23/2005 | (428012) |
| 54 | 05/26/2005 | (393632) |
| 55 | 06/01/2005 | (378860) |
| 56 | 06/27/2005 | (373134) |
| 57 | 06/28/2005 | (428013) |
| 58 | 06/29/2005 | (395237) |
| 59 | 06/29/2005 | (396824) |
| 60 | 08/16/2005 | (447984) |
| 61 | 08/17/2005 | (447982) |
| 62 | 08/18/2005 | (405115) |
| 63 | 08/18/2005 | (405114) |
| 64 | 08/31/2005 | (401685) |
| 65 | 09/28/2005 | (447983) |
| 66 | 11/22/2005 | (493435) |
| 67 | 12/22/2005 | (493436) |
| 68 | 02/22/2006 | (493434) |
| 69 | 03/15/2006 | (506754) |
| 70 | 04/24/2006 | (506755) |
| 71 | 04/24/2006 | (506758) |
| 72 | 05/10/2006 | (465409) |
| 73 | 05/23/2006 | (506756) |
| 74 | 06/20/2006 | (506757) |
| 75 | 07/05/2006 | (482959) |
| 76 | 07/05/2006 | (482373) |
| 77 | 07/14/2006 | (486917) |
| 78 | 08/24/2006 | (528900) |
| 79 | 09/19/2006 | (528901) |
| 80 | 09/27/2006 | (509358) |
| 81 | 10/23/2006 | (552048) |
| 82 | 10/31/2006 | (516038) |
| 83 | 11/21/2006 | (552049) |
| 84 | 12/14/2006 | (552050) |

85 01/19/2007 (552051)
 86 02/23/2007 (552047)
 87 03/01/2007 (541878)
 88 03/30/2007 (589475)
 89 04/24/2007 (589476)
 90 05/26/2007 (589477)
 91 05/30/2007 (557492)
 92 06/25/2007 (589478)
 93 07/24/2007 (589479)
 94 09/21/2007 (595122)
 95 11/01/2007 (594948)

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

| | | | | |
|--------------|--|----------|--------------|----------|
| Date: | 08/31/2003 | (328750) | | |
| Self Report? | YES | | Classificati | 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: | 11/30/2003 | (328756) | | |
| Self Report? | YES | | Classificati | 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 | (328758) | | |
| Self Report? | YES | | Classificati | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G] | | | |
| Description: | Failure to meet the limit for one or more permit parameter | | | |
| Date: | 04/30/2004 | (367892) | | |
| Self Report? | YES | | Classificati | 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 | (328744) | | |
| Self Report? | YES | | Classificati | 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 | (367894) | | |
| Self Report? | YES | | Classificati | 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 | (367895) | | |
| Self Report? | YES | | Classificati | 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 | (390524) | | |
| Self Report? | YES | | Classificati | 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 | (428010) | | |
| Self Report? | YES | | Classificati | 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 | (390523) | | |
| Self Report? | YES | | Classificati | 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 | (428011) | | |
| Self Report? | YES | | Classificati | 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 (428012) | | |
| Self Report? | YES | Classificati | 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: | 05/31/2005 (428013) | | |
| Self Report? | YES | Classificati | 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: | 06/06/2005 (378860) | | |
| Self Report? | NO | Classificati | Moderate |
| Citation: | 30 TAC Chapter 122, SubChapter B 122.145(2)(C) 5C THC Chapter 382, SubChapter A 382.085(b) | | |
| Description: | Failure to submit deviation report in a timely manner. | | |
| Date: | 11/30/2005 (493436) | | |
| Self Report? | YES | Classificati | 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 (428015) | | |
| Self Report? | YES | Classificati | 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 (506754) | | |
| Self Report? | YES | Classificati | 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: | 03/31/2006 (506755) | | |
| Self Report? | YES | Classificati | 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 (506758) | | |
| Self Report? | YES | Classificati | 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: | 10/31/2006 (552049) | | |
| Self Report? | YES | Classificati | 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: | 11/30/2006 (552050) | | |
| Self Report? | YES | Classificati | 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: | 12/31/2006 (552051) | | |
| Self Report? | YES | Classificati | 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: | 01/31/2007 (552047) | | |
| Self Report? | YES | Classificati | 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: | 04/30/2007 (589477) | | |
| Self Report? | YES | Classificati | Moderate |

Subject: [Illegible]

Date: [Illegible]

Reference: [Illegible]

[Illegible text]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WOLF HOLLOW I, L.P.
RN100219195**

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

AGREED ORDER DOCKET NO. 2007-1802-IWD-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 Wolf Hollow I, L.P. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at the intersection of Wolf Hollow Court and Farm-to-Market ("FM") Road 2425, approximately 1.1 miles east of the intersection of FM Road 2425 and State Highway 144 in Hood County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 6, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seventeen Thousand One Hundred Sixty Dollars (\$17,160) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Thirteen Thousand Seven Hundred Twenty-Eight Dollars (\$13,728) of the administrative penalty and Three Thousand Four Hundred Thirty-Two

1950

CHICAGO, ILLINOIS

TO THE PRESIDENT AND FELLOWS OF THE UNIVERSITY OF CHICAGO

FROM THE DEPARTMENT OF CHEMISTRY

RE: [Illegible]

Dollars (\$3,432) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Conducted a technical evaluation of the oil/water separator and the chlorination system to verify both systems were sized properly, functioning as designed, and reviewed current corrective and preventive maintenance activities to ensure they were adequate. The Respondent returned to compliance with their effluent limits during June 2007; and
 - b. Submitted discharge monitoring report ("DMR") parameter data as specified in the permit for the monitoring period ending July 31, 2006 and December 31, 2006 on November 12, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to comply with permit effluent limits, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004288000, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on September 18, 2007, as indicated in the table below:

| EFFLUENT PARAMETER | | | |
|---------------------------------|---|---|--|
| Permit Limit Outfall 101 | | | |
| | TSS Daily Average (concentration) | Oil and Grease Daily Average (concentration) | Oil and Grease Daily Maximum (concentration) |
| Month/Year | 30 mg/L | 15 mg/L | 20 mg/L |
| Jun-06 | c | 24 | 41 |
| Oct-06 | c | c | 22 |
| Nov-06 | c | c | 26 |
| Dec-06 | c | 17.25 | 41 |
| Apr-07 | 51 | c | 21 |
| May-07 | 47.5 | c | c |
| EFFLUENT PARAMETER | | | |
| Permit Limit Outfall 001 | | | |
| | Total Chlorine Residual Daily Average (concentration) | Total Chlorine Residual Daily Maximum (concentration) | |
| Month/Year | 0.2 mg/L | 0.5 mg/L | |
| Jan-07 | 0.29 | 1.2 | |

TSS = total suspended solids mg/L = milligrams per liter c = compliant

- Failed to submit DMR parameter data as specified in the permit, in violation of TPDES Permit No. WQ0004288000, Monitoring and Reporting Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(17), as documented during a record review conducted on September 18, 2007. Specifically, DMR parameter data did not include TSS daily average and daily maximum and oil and grease daily average and daily maximum at Outfall 101 for the monitoring period ending July 31, 2006; temperature daily average and daily maximum, pH minimum and maximum, and flow daily average and daily maximum at Outfall 001 for the monitoring period ending December 31, 2006; and flow daily average and daily maximum at Outfall 101 for the monitoring period ending December 31, 2006.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Wolf Hollow I, L.P., Docket No. 2007-1802-IWD-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 the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/10/2008
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 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 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

1/24/08
Date

MARK MCDANIELS
Name (Printed or typed)
Authorized Representative of
Wolf Hollow I, L.P.

ASSET MANAGER
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.

