

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2008-0213-MWD-E **TCEQ ID:** RN101246601 **CASE NO.:** 35353  
**RESPONDENT NAME:** CRVC Via Bayou, LLC

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Via Bayou RV Park, located at 10000 San Leon Drive, Galveston County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment system</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on July 7, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Andrew Hunt, Enforcement Division, Enforcement Team 1, MC 169, (51) 239-1203; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Jon Kessler, Secretary, CRVC Via Bayou, LLC, 10000 San Leon Drive, Dickinson, Texas 77539-2779  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> November 14, 2007</p> <p><b>Date of NOE Relating to this Case:</b> January 7, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to calibrate the flow meter within the previous twelve months [30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014326001, Monitoring and Reporting Requirements No. 5].</p> <p>2) Failure to comply with the permitted effluent limitations for ammonia nitrogen and carbonaceous biochemical oxygen demand [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014326001, Effluent Limitations and Monitoring Requirements No. 1].</p> <p>3) Failure to submit noncompliance notifications for effluent violations more than 40 percent above the permitted limitation. Specifically, the Respondent failed to notify the TCEQ of permitted effluent violations for the months of August and September 2007 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014326001, Monitoring and Reporting Requirements No. 7.c].</p> <p>4) Failure to prevent the unauthorized discharge of sludge. Specifically, during the investigation, four inches of sludge was observed at the outfall before Pond No. 1 and six inches of sludge was measured up to 20 feet from the outfall [TEX. WATER</p>	<p><b>Total Assessed:</b> \$20,660</p> <p><b>Total Deferred:</b> \$4,132  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$16,528</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a) On November 30, 2007, calibrated the effluent flow meter;</p> <p>b) On December 26, 2007, removed all sludge; and</p> <p>c) On or before January 23, 2008, began inspecting the Facility seven days per week.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, update the Facility's operations guidance to ensure that reporting requirements are properly accomplished, including the procedures for reporting to the TCEQ all effluent violations that deviate from the permit limit by more than 40%;</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014326001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be in accordance with Ordering Provision 2.d.;</p> <p>c) Within 90 days after the effective date of this Agreed Order, completely fence the Facility and post hazard signs at all entry points in the Facility; and</p> <p>d) Within 105 days after the effective date</p>

<p>CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014326001, Permit Conditions No. 2.d].</p> <p>5) Failure to inspect the wastewater treatment system daily as required by the permit. Specifically, during the investigation, it was noted that a licensed operator was checking the operation of the facility only five days per week [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014326001, Other Requirements No. 7].</p> <p>6) Failure to provide fencing for the wastewater treatment plant. Specifically, during the investigation, the treatment unit was not completely fenced and did not contain hazard signs at all entry points [30 TEX. ADMIN. CODE § 317.7(e)].</p>		<p>of this Agreed Order, submit written certification of compliance. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a. through 2.c.</p>
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Additional ID No(s): WQ0014326001





Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision November 6, 2007

<b>DATES</b>	Assigned	14-Jan-2008	Screening	4-Feb-2008	EPA Due
	PCW	29-Jan-2008			

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	CRVC Via Bayou, LLC
Reg. Ent. Ref. No.	RN101246601
Facility/Site Region	12-Houston
Major/Minor Source	Minor

<b>CASE INFORMATION</b>				
Enf./Case ID No.	35353	No. of Violations	6	
Docket No.	2008-0213-MWD-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	Andrew Hunt	
Multi-Media		EC's Team	Enforcement Team 1	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** *Subtotal 1* **\$6,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **231%** Enhancement *Subtotals 2, 3, & 7* **\$13,860**

Notes: An enhancement is recommended due to two agreed orders containing denial language, three written NOV's with unrelated violations, two NOV's with same violations, and 35 self-reported effluent violations.

**Culpability** **No** **0%** Enhancement *Subtotal 4* **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** **0%** Reduction *Subtotal 5* **\$0**

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

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

**0%** Enhancement\* *Subtotal 6* **\$0**

Total EB Amounts	\$2,844	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$31,900	

**SUM OF SUBTOTALS 1-7** *Final Subtotal* **\$19,860**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **4%** *Adjustment* **\$800**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended adjustment to capture the avoided cost of compliance.

*Final Penalty Amount* **\$20,660**

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty* **\$20,660**

**DEFERRAL** **20%** Reduction *Adjustment* **-\$4,132**

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** **\$16,528**

Screening Date 4-Feb-2008

Docket No. 2008-0213-MWD-E

PCW

Respondent CRVC Via Bayou, LLC

Policy Revision 2 (September 2002)

Case ID No. 35353

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101246601

Media [Statute] Water Quality

Enf. Coordinator Andrew Hunt

### 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)	37	185%
	Other written NOVs	3	6%
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 judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 231%

>> 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**

An enhancement is recommended due to two agreed orders containing denial language, three written NOVs with unrelated violations, two NOVs with same violations, and 35 self-reported effluent violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 231%

<b>Screening Date</b>	4-Feb-2008	<b>Docket No.</b>	2008-0213-MWD-E	<b>PCW</b>
<b>Respondent</b>	CRVC Via Bayou, LLC	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	35353	<i>PCW Revision November 6, 2007</i>		
<b>Reg. Ent. Reference No.</b>	RN101246601			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Andrew Hunt			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014326001, Monitoring and Reporting Requirements No. 5			
<b>Violation Description</b>	Failed to calibrate the flow meter within the previous twelve months.			
<b>Base Penalty</b>				\$10,000

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>		<b>Minor</b>
	Actual				
Potential			x	<b>Percent</b> 5%	

>> Programmatic Matrix

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
					<b>Percent</b> 0%
<b>Matrix Notes</b>	Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.				

**Adjustment** \$9,500

\$500

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	x	

**Violation Base Penalty** \$500

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$525"/>	Violation Final Penalty Total <input type="text" value="\$1,722"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,722"/>	

## Economic Benefit Worksheet

**Respondent** CRVC Via Bayou, LLC  
**Case ID No.** 35353  
**Reg. Ent. Reference No.** RN101246601  
**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

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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

### 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	\$500	14-Nov-2006	14-Nov-2007	1.0	\$25	\$500	\$525
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

Estimated costs to calibrate the effluent flow meter. Date required is twelve months prior to the date of investigation. Final Date is the date of investigation.

Approx. Cost of Compliance \$500

TOTAL \$525

<b>Screening Date</b>	4-Feb-2008	<b>Docket No.</b>	2008-0213-MWD-E	<b>PCW</b>
<b>Respondent</b>	CRVC Via Bayou, LLC	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	35353	<i>PCW Revision November 6, 2007</i>		
<b>Reg. Ent. Reference No.</b>	RN101246601			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Andrew Hunt			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014326001, Effluent Limitations and Monitoring Requirements No. 1			
<b>Violation Description</b>	Failed to comply with the permitted effluent limitations, as shown in the attached effluent table.			
<b>Base Penalty</b>				\$10,000

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	Actual				x
Potential				<b>Percent</b> 10%	

>> Programmatic Matrix

	<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b> 0%

**Matrix Notes**  
 A simplified model was used to evaluate carbonaceous biochemical oxygen demand and ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

**Adjustment** \$9,000

\$1,000

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	x
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty** \$1,000

One quarterly event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$759"/>	Violation Final Penalty Total <input type="text" value="\$3,443"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$3,443"/>	

## Economic Benefit Worksheet

**Respondent:** CRVC Via Bayou, LLC  
**Case ID No.:** 35353  
**Reg. Ent. Reference No.:** RN101246601  
**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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$10,000	1-Aug-2007	31-Aug-2008	1.1	\$36	\$723	\$759
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs:** Estimated cost to evaluate causes of effluent excursions and to rehabilitate the system. Date Required is the first month of noncompliance. Final Date is the expected date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs:**

<b>Approx. Cost of Compliance</b>	\$10,000	<b>TOTAL</b>	\$759
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<b>Screening Date</b>	4-Feb-2008	<b>Docket No.</b>	2008-0213-MWD-E	<b>PCW</b>
<b>Respondent</b>	CRVC Via Bayou, LLC	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	35353	<i>PCW Revision November 6, 2007</i>		
<b>Reg. Ent. Reference No.</b>	RN101246601			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Andrew Hunt			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014326001, Monitoring and Reporting Requirements No. 7.c			
<b>Violation Description</b>	Failed to submit noncompliance notifications for effluent violations more than 40 percent above the permitted limitation for the months of August and September 2007.			
<b>Base Penalty</b>				\$10,000

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>			Percent	
	<b>Release</b>	Major	Moderate		Minor
	Actual				
Potential				0%	

>> Programmatic Matrix

Matrix Notes	<b>Falsification</b>	Major	Moderate	Minor	Percent
		x			
100% of the rule requirement was not met.					
<b>Adjustment</b>					\$9,000

\$1,000

Violation Events

Number of Violation Events	2	Number of violation days	61	<b>Violation Base Penalty</b>	\$2,000
<i>mark only one with an x</i>	daily				
	monthly				
	quarterly				
	semiannual				
	annual				
single event	x				

Two single events are recommended, one for each noncompliance notification that was not submitted.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount	\$3
<b>Violation Final Penalty Total</b>	\$6,887
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$6,887

## Economic Benefit Worksheet

Respondent: CRVC Via Bayou, LLC  
 Case ID No. 35353  
 Reg. Ent. Reference No. RN101246601  
 Media: Water Quality  
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

### 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)	\$100	14-Nov-2007	15-Jul-2008	0.7	\$3	n/a	\$3

**Notes for DELAYED costs**      Estimated cost to develop a standard operating procedure to ensure that future noncompliance notifications are submitted to TCEQ. Date required is the investigation date. Final date is the expected date of compliance.

### 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	\$100	<b>TOTAL</b>	\$3
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<b>Screening Date</b>	4-Feb-2008	<b>Docket No.</b>	2008-0213-MWD-E	<b>PCW</b>
<b>Respondent</b>	CRVC Via Bayou, LLC	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	35353	<i>PCW Revision November 6, 2007</i>		
<b>Reg. Ent. Reference No.</b>	RN101246601			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Andrew Hunt			
<b>Violation Number</b>	4			
<b>Rule Cite(s)</b>	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014326001, Permit Conditions No. 2.d			
<b>Violation Description</b>	Failed to prevent the unauthorized discharge of sludge. Specifically, during the investigation, four inches of sludge was observed at the outfall before Pond No. 1 and six inches of sludge was measured up to 20 feet from the outfall.			
<b>Base Penalty</b>				\$10,000

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	Actual				x
Potential				<b>Percent</b> 10%	

>> Programmatic Matrix

	Major	Moderate	Minor	
Falsification				<b>Percent</b> 0%

**Matrix Notes**  
Human health or the environment has been exposed to insignificant amounts of pollutants as a result of this violation.

**Adjustment** \$9,000

\$1,000

Violation Events

Number of Violation Events  Number of violation days

*mark only one with an x*

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$1,000

One quarterly event is recommended from the date of the investigation (11/14/2007) to date of compliance (12/26/2007).

Economic Benefit (EB) for this violation

Statutory Limit Test

**Estimated EB Amount** \$8

**Violation Final Penalty Total** \$3,443

**This violation Final Assessed Penalty (adjusted for limits)** \$3,443

## Economic Benefit Worksheet

Respondent CRVC Via Bayou, LLC  
 Case ID No. 35353  
 Reg. Ent. Reference No. RN101246601  
 Media Water Quality  
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

### 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)	\$1,000	14-Nov-2007	26-Dec-2007	0.1	\$0	\$8	\$8
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated costs to remove, transport, and dispose of discharged sludge. Date Required is the date of the investigation. Final Date is the date of compliance.

### 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	\$1,000	<b>TOTAL</b>	\$8
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<b>Screening Date</b> 4-Feb-2008	<b>Docket No.</b> 2008-0213-MWD-E	<b>PCW</b>
<b>Respondent</b> CRVC Via Bayou, LLC	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 35353	<small>PCW Revision November 6, 2007</small>	
<b>Reg. Ent. Reference No.</b> RN101246601		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Andrew Hunt		
<b>Violation Number</b> 5		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014326001, Other Requirements No. 7	
<b>Violation Description</b>	Failed to inspect the wastewater treatment system daily as required by the permit. During the investigation, it was noted that a licensed operator was checking the operation of the wastewater treatment facility only five days per week.	
<b>Base Penalty</b>		\$10,000

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	<b>Actual</b>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
<b>Potential</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Percent</b> <input type="text" value="5%"/>	

>> Programmatic Matrix

	<b>Falsification</b>	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
					<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.				

**Adjustment**

Violation Events

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One single event is recommended based upon the date of the investigation (11/14/2007).

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$317"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$1,722"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,722"/>	

## Economic Benefit Worksheet

Respondent CRVC Via Bayou, LLC  
 Case ID No. 35353  
 Reg. Ent. Reference No. RN101246601  
 Media Water Quality  
 Violation No. 5

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

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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

### 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]	\$300	14-Nov-2007	23-Jan-2008	1.1	\$17	\$300	\$317
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated costs for a licensed operator on-site for two additional days per week. Date required is the date of investigation. Final Date is the date of compliance.

Approx. Cost of Compliance \$300

TOTAL \$317

<b>Screening Date</b> 4-Feb-2008	<b>Docket No.</b> 2008-0213-MWD-E	<b>PCW</b>
<b>Respondent</b> CRVC Via Bayou, LLC	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35353	<i>PCW Revision November 6, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN101246601		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Andrew Hunt		
<b>Violation Number</b>	6	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 317.7(e)	
<b>Violation Description</b>	Failed to provide fencing for the wastewater treatment plant. Specifically, during the investigation, the treatment unit was not completely fenced and did not contain hazard signs at all entry points.	
<b>Base Penalty</b>		\$10,000

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	x	<input type="text"/>	<b>Percent</b> <input style="width:50px;" type="text" value="10%"/>

>> Programmatic Matrix

	<b>Falsification</b>	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width:50px;" type="text" value="0%"/>

**Matrix Notes** Human health or the environment will or could be exposed to significant amounts of pollutants as a result of the violation.

**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	x
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty**

One quarterly event is recommended based upon the date of investigation (11/14/2007) to the date of screening (2/4/2008).

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
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<b>Estimated EB Amount</b> <input style="width:150px;" type="text" value="\$1,231"/>	<b>Violation Final Penalty Total</b> <input style="width:100px;" type="text" value="\$3,443"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width:100px;" type="text" value="\$3,443"/>	

## Economic Benefit Worksheet

Respondent: CRVC Via Bayou, LLC  
 Case ID No. 35353  
 Reg. Ent. Reference No. RN101246601  
 Media Water Quality  
 Violation No. 6

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	\$20,000	14-Nov-2007	30-Sep-2008	0.9	\$59	\$1,173	\$1,231
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to fence and provide hazard signs for the treatment system. Date required is the date of investigation. Final Date is the expected date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$1,231

<b>EFFLUENT VIOLATION TABLE</b> <b>TPDES Permit No. WQ0014326001</b> <b>Docket No. 2008-0213-MWD-E</b>				
Months	NH3-N Daily ave. conc.	NH3-N Daily ave. loading	NH3-N Single grab max. conc.	CBOD Daily ave. conc.
	Limit = 3.0 mg/L	Limit = 0.5 lbs/day	Limit = 15 mg/L	Limit = 10 mg/L
Outfall 001				
8/31/2007	9.58	1.3	34.2	11.8
9/30/2007	33.46	1.35	89.2	12.75

ave. = average

NH3-N = ammonia nitrogen

CBOD = carbonaceous biochemical oxygen demand

conc. = concentration

lbs/day = pounds per day

max. = maximum

mg/L = milligrams per Liter



# Compliance History

Customer/Respondent/Owner-Operator: CN603247123 CRVC Via Bayou, LLC Classification: AVERAGE Rating: 3.37  
Regulated Entity: RN101246601 VIA BAYOU RV PARK Classification: AVERAGE Site Rating: 3.37  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0840252  
WASTEWATER PERMIT WQ0014326001  
WASTEWATER PERMIT TX0124761  
Location: 10000 SAN LEON DR, GALVESTON COUNTY, TEXAS Rating Date: 9/1/2007 Repeat Violator: NO  
TCEQ Region: REGION 12 - HOUSTON  
Date Compliance History Prepared: January 29, 2008  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: January 24, 2003 to January 24, 2008  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Andrew Hunt Phone: 512-239-1203

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner?  

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CRVC Via Bayou, LLC
4. If Yes, who was/were the prior owner(s)?  

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Via Bayou, Inc.
5. When did the change(s) in ownership occur?  
  
05/16/2007

## 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: 10/24/2005  
Classification: Moderate

ADMINORDER 2004-1544-MWD-E

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

Rqmt Prov: Effluent Limits PERMIT

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

Effective Date: 09/21/2007  
Classification: Moderate

ADMINORDER 2006-2196-MWD-E

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 02/19/2003 (23755)

2	04/16/2003	(236731)
3	04/16/2003	(236730)
4	04/16/2003	(236729)
5	07/16/2003	(329090)
6	07/16/2003	(329091)
7	07/24/2003	(329092)
8	08/18/2003	(329093)
9	09/22/2003	(329094)
10	10/23/2003	(329095)
11	11/20/2003	(329096)
12	12/22/2003	(329097)
13	01/28/2004	(329098)
14	02/25/2004	(368110)
15	03/22/2004	(329088)
16	04/16/2004	(329089)
17	05/20/2004	(368111)
18	07/14/2004	(368112)
19	07/19/2004	(368113)
20	08/18/2004	(368114)
21	08/26/2004	(288387)
22	09/20/2004	(368115)
23	10/20/2004	(368116)
24	11/19/2004	(368117)
25	12/20/2004	(390690)
26	01/24/2005	(390691)
27	02/08/2005	(349735)
28	02/21/2005	(390688)
29	03/21/2005	(448095)
30	04/11/2005	(390689)
31	05/09/2005	(428120)
32	06/14/2005	(428121)
33	07/05/2005	(428122)
34	08/15/2005	(448096)
35	09/06/2005	(374212)
36	09/12/2005	(448097)
37	10/07/2005	(493634)
38	11/17/2005	(493635)
39	01/12/2006	(493636)
40	02/02/2006	(439436)
41	02/17/2006	(493632)
42	03/10/2006	(493633)
43	04/17/2006	(506881)
44	05/11/2006	(506882)
45	05/17/2006	(465552)
46	06/12/2006	(506883)
47	07/07/2006	(529032)
48	09/18/2006	(529034)
49	09/29/2006	(529033)
50	12/07/2006	(532548)
51	02/16/2007	(535123)
52	02/22/2007	(535814)
53	01/07/2008	(610750)

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

Date:	02/19/2003	(23755)	
Self Report?	NO		Classification Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)		
Description:	Well house is not completely built		
Date:	02/28/2003	(236730)	
Self Report?	YES		Classification Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		

Date: 03/31/2003 (236731)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 04/30/2003 (329090)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 05/31/2003 (329091)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 06/30/2003 (329092)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 07/31/2003 (329093)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 08/31/2003 (329094)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 09/30/2003 (329095)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 10/31/2003 (329096)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 11/30/2003 (329097)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/31/2004 (368110)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 02/29/2004 (329088)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 03/31/2004 (329089)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 04/30/2004 (368111)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2004 (368112)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 06/30/2004 (368113)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 07/31/2004 (368114)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 08/31/2004 (368115)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 09/30/2004 (368116)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 10/31/2004 (368117)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 11/30/2004 (390690)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 12/31/2004 (390691)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 02/07/2005 (349735)  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT 14326-001  
 Description: Failure to comply with the permitted effluent limits for the review period of  
 02/04 through 10/04.  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT 14326-001  
 Description: Failure to submit noncompliance notifications for effluent violations which  
 deviates from the permitted effluent limitations by more than 40%.  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)  
 Rqmt Prov: PERMIT 14326-001  
 Description: Failure to document that the effluent samples are transported at 4 degrees  
 Celsius, as required.  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to calculate the daily average loading (lbs/day) correctly.  
 Date: 02/28/2005 (448095)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2005 (493635)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 12/31/2005 (493636)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/31/2006 (493632)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 02/01/2006 (439436)  
 Self Report? NO Classification Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)  
 Description: Failure to properly complete the Discharge Monitoring Reports (DMRs).  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)  
 30 TAC Chapter 319, SubChapter A 319.11(b)  
 Description: Failure to perform the manganese oxide correction with each total chlorine  
 residual analysis.  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)  
 30 TAC Chapter 319, SubChapter A 319.7(c)  
 Description: Failure to maintain calibration and Quality Assurance/Quality Control  
 (QA/QC) records on the pH, D.O., and chlorine field meters.  
 Date: 02/28/2006 (493633)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 03/31/2006 (506881)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 04/30/2006 (506882)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 05/31/2006 (506883)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 06/30/2006 (529032)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 07/31/2006 (529033)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 08/31/2006 (529034)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/16/2007 (535123)

Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT 14326-001

Description: Failure to calibrate the totalizer at least annually.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.4(g)(4)(B)

Rqmt Prov: PERMIT 14326-001

Description: Failure to properly operate and maintain the blowers.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.4(g)

Rqmt Prov: PERMIT 14326-001

Description: Failure to properly operate and maintain the aeration basin.

Date: 02/21/2007 (535814)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)

Description: Well house is not completely built

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(a)(1)

Description: Capacity Requirements

Failure to provide sufficient plant capacity to accommodate the maximum daily demand of your system.

Date: 08/31/2007

Self Report? YES Classification Moderate

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

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2007

Self Report? YES Classification Moderate

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

TWC Chapter 26 26.121(a)

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  
CRVC VIA BAYOU, LLC  
RN101246601**

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

## **AGREED ORDER DOCKET NO. 2008-0213-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 CRVC Via Bayou, LLC ("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 system at located at 10000 San Leon Drive in Galveston County, Texas (the "Facility").
2. The Respondent has discharged municipal 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 January 12, 2008.
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 Twenty Thousand Six Hundred Sixty Dollars (\$20,660) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Sixteen Thousand Five Hundred Twenty-Eight Dollars (\$16,528) of the administrative penalty and Four Thousand One Hundred Thirty-Two Dollars



- (\$4,132) 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. On November 30, 2007, calibrated the effluent flow meter;
    - b. On December 26, 2007, removed all sludge; and
    - c. On or before January 23, 2008, began inspecting the Facility seven days per week.
  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 calibrate the flow meter within the previous twelve months, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014326001, Monitoring and Reporting Requirements No. 5, as documented during an investigation conducted on November 14, 2007.
2. Failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014326001, Effluent Limitations and Monitoring Requirements No. 1, as documented during an investigation conducted on November 14, 2007, and shown in the table below:



EFFLUENT VIOLATION TABLE				
Months	NH3-N Daily ave. conc.	NH3-N Daily ave. loading	NH3-N Single grab max. conc.	CBOD Daily ave. conc.
	Limit = 3.0 mg/L	Limit = 0.5 lbs/day	Limit = 15 mg/L	Limit = 10 mg/L
<b>Outfall 001</b>				
8/31/2007	9.58	1.3	34.2	11.8
9/30/2007	33.46	1.35	89.2	12.75

ave. = average

NH3-N = ammonia nitrogen

CBOD = carbonaceous biochemical oxygen demand

conc. = concentration

lbs/day = pounds per day

max. = maximum

mg/L = milligrams per Liter

3. Failed to submit noncompliance notifications for effluent violations more than 40 percent above the permitted limitation, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014326001, Monitoring and Reporting Requirements No. 7.c, as documented during an investigation conducted on November 14, 2007. Specifically, the Respondent failed to notify the TCEQ of permitted effluent violations for the months of August and September 2007.
4. Failed to prevent the unauthorized discharge of sludge, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014326001, Permit Conditions No. 2.d, as documented during an investigation conducted on November 14, 2007. Specifically, during the investigation, four inches of sludge was observed at the outfall before Pond No. 1 and six inches of sludge was measured up to 20 feet from the outfall.
5. Failed to inspect the wastewater treatment system daily as required by the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014326001, Other Requirements No. 7, as documented during an investigation conducted on November 14, 2007. Specifically, during the investigation, it was noted that a licensed operator was checking the operation of the Facility only five days per week.
6. Failed to provide fencing for the wastewater treatment plant, in violation of 30 TEX. ADMIN. CODE § 317.7(e), as documented during an investigation conducted on November 14, 2007. Specifically, during the investigation, the treatment units were not completely fenced and did not contain hazard signs at all entry points.



### 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: CRVC Via Bayou, LLC, Docket No. 2008-0213-MWD-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, update the Facility's operations guidance to ensure that reporting requirements are properly accomplished, including the procedures for reporting to the TCEQ all effluent violations that deviate from the permit limit by more than 40%, in accordance with 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014326001, Monitoring and Reporting Requirements No. 7.c;
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014326001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be in accordance with Ordering Provision No. 2.d. below;
  - c. Within 90 days after the effective date of this Agreed Order, completely fence the Facility and post hazard signs at all entry points into the Facility, in accordance with 30 TEX. ADMIN. CODE § 317.7(e); and
  - d. Within 105 days after the effective date of this Agreed Order, submit written certification of compliance as described below. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a through 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:



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

The certification and discharge monitoring reports shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the 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.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the 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.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by



facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the 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

7/30/2008  
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

4.21.09  
Date

JON KESSLER  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
CRVC Via Bayou, LLC

Sec.  
\_\_\_\_\_  
Title

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

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