

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2008-1141-MWD-E TCEQ ID: RN102097789 CASE NO.: 36128**

**RESPONDENT NAME: Syed N. Hyder**

<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> Riverside WWTP, located approximately 2.5 miles southwest of the intersection of Farm-to-Market Road 2818 and Farm-to-Market Road 1688 (Leonard Road), 2000 feet southwest of the intersection of Leonard Road and Jones Road, five miles southwest of Bryan, Brazos County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment plant</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input 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 December 29, 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. Steve Villatoro, Enforcement Division, Enforcement Team 1, MC 169, 512-239-4930; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Syed Hyder, Owner, P.O. Box 10021, College Station, Texas 77842  <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 type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" 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> May 16, 2008</p> <p><b>Date of NOE Relating to this Case:</b> June 12, 2008 (NOE)</p> <p><b>Background Facts:</b> This was record review.</p> <p><b>WATER</b></p> <p>1) Failure to comply with permit effluent limits for biochemical oxygen demand, total suspended solids, and flow [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011778001, Effluent Limitations and Monitoring Requirements No. 1].</p> <p>2) Failure to collect and analyze samples for dissolved oxygen ("DO"), for monitoring periods ending February 28, 2007, March 31, 2007, April 30, 2007, May 31, 2007, June 30, 2007, July 31, 2007, and August 31, 2007. Specifically, the Respondent reported on the discharge monitoring reports that this parameter was not analyzed [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0011778001, Monitoring and Reporting Requirements No.1].</p>	<p><b>Total Assessed:</b> \$43,993</p> <p><b>Total Deferred:</b> \$8,798  <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 (Due) to General Revenue:</b> \$2,943 (remaining \$32,252 due in 11 monthly payments of \$2,932 each)</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>The Executive Director recognizes that the Respondent, as of May 20, 2008, updated the Facility's operations guidance to ensure that the sampling for DO is properly accomplished.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011778001, including specific correction 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, within 180 days after the effective date of this Agreed Order.</p>

Additional ID No(s): WQ0011778001



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

<b>DATES</b>	Assigned	16-Jun-2008	Screening	27-Jun-2008	EPA Due	
	PCW	27-Jun-2008				

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

<b>CASE INFORMATION</b>			
Enf./Case ID No.	36128	No. of Violations	3
Docket No.	2008-1141-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Steve Villatoro
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000
		EC's Team	Enforcement Team 1

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

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

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes: The penalty is enhanced due to 31 self-reported monthly effluent violations, one NOV with related violations, one NOV without same or similar violations, two final agreed orders containing a denial of liability, and one final agreed order without a denial of liability.

**Culpability**   Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts    
 Approx. Cost of Compliance    
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommend reduction in the penalty so that monthly self-reported violations do not overly impact the penalty amount; includes the recommended enhancement to capture avoided cost.

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY**

**Screening Date** 27-Jun-2008

**Docket No.** 2008-1141-MWD-E

**PCW**

**Respondent** Syed N. Hyder

Policy Revision 2 (September 2002)

**Case ID No.** 36128

PCW Revision June 12, 2008

**Reg. Ent. Reference No.** RN102097789

**Media [Statute]** Water Quality

**Enf. Coordinator** Steve Villatoro

### 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)	32	160%
	Other written NOVs	1	2%
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		25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of 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%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 227%

>> **Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

The penalty is enhanced due to 31 self-reported monthly effluent violations, one NOV with related violations, one NOV without same or similar violations, two final agreed orders containing a denial of liability, and one final agreed order without a denial of liability.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 227%

<b>Screening Date</b> 27-Jun-2008	<b>Docket No.</b> 2008-1141-MWD-E	<b>PCW</b>
<b>Respondent</b> Syed N. Hyder		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 36128		<small>PCW Revision June 12, 2008</small>
<b>Reg. Ent. Reference No.</b> RN102097789		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Steve Villatoro		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011778001, Effluent Limitations and Monitoring Requirements No. 1	
<b>Violation Description</b>	Failed to comply with permit effluent limits, as documented during a record review conducted on May 16, 2008 and shown in the attached table.	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>

**>> Environmental, Property and Human Health Matrix**

OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input checked="" type="checkbox"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				<b>Percent</b> <input type="text" value="25%"/>	

**>> Programmatic Matrix**

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

**Matrix Notes**

A site specific model was used to evaluate biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Also, total suspended solids, dissolved oxygen in the receiving stream, and flow were considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

*mark only one with an x*

daily	<input type="text"/>
monthly	<input checked="" type="checkbox"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

Three monthly events are recommended for the monitoring periods ending in February 2007, April 2007, and July 2007.

**Good Faith Efforts to Comply**       Reduction     

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

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal**

**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:** Syed N. Hyder  
**Case ID No.** 36128  
**Reg. Ent. Reference No.** RN102097789  
**Media:** Water Quality  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$18,000	28-Feb-2007	30-Apr-2009	2.17	\$130	\$2,604	\$2,734
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install new catwalk and skimmer to clarifier and a digester to facility. Date required is the first date 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)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

<b>Approx. Cost of Compliance</b>	\$18,000	<b>TOTAL</b>	\$2,734
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<b>Screening Date</b> 27-Jun-2008	<b>Docket No.</b> 2008-1141-MWD-E	<b>PCW</b>		
<b>Respondent</b> Syed N. Hyder		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 36128		<small>PCW Revision June 12, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN102097789				
<b>Media [Statute]</b> Water Quality				
<b>Enf. Coordinator</b> Steve Villatoro				
<b>Violation Number</b> <input type="text" value="2"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0011778001, Monitoring and Reporting Requirements No.1			
<b>Violation Description</b>	Failed to collect and analyze samples for dissolved oxygen, for monitoring periods ending February 28, 2007, March 31, 2007, April 30, 2007, May 31, 2007, June 30, 2007, July 31, 2007, and August 31, 2007. The Facility reported on the discharge monitoring reports that this parameter was not analyzed.			
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="5%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment will or 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 the violation.			
				<b>Adjustment</b> <input type="text" value="\$9,500"/>
				<input type="text" value="\$500"/>
<b>Violation Events</b>				
	Number of Violation Events	<input type="text" value="7"/>	Number of violation days	<input type="text" value="194"/>
<small>mark only one with an x</small>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text" value="x"/>		
				<b>Violation Base Penalty</b> <input type="text" value="\$3,500"/>
Seven single events are recommended.				
<b>Good Faith Efforts to Comply</b>			<b>25.0%</b> Reduction	<input type="text" value="\$875"/>
		Before NOV	NOV to EDPRP/Settlement Offer	
	Extraordinary	<input type="text"/>	<input type="text"/>	
	Ordinary	<input type="text" value="x"/>	<input type="text"/>	
	N/A	<input type="text"/>	<small>(mark with x)</small>	
<b>Notes</b>	The Respondent has submitted DMRs demonstrating compliance for three consecutive months as of May 20, 2008.			
				<b>Violation Subtotal</b> <input type="text" value="\$2,625"/>
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
	Estimated EB Amount	<input type="text" value="\$318"/>	Violation Final Penalty Total	<input type="text" value="\$9,652"/>
			This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$9,652"/>

## Economic Benefit Worksheet

**Respondent** Syed N. Hyder  
**Case ID No.** 36128  
**Reg. Ent. Reference No.** RN102097789  
**Media** Water Quality  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$600	28-Feb-2007	31-Aug-2007	0.50	\$15	\$302	\$318
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost of sampling and lab analysis required to report effluent levels. Date required is the first date of noncompliance. Final date is the date of the last report without dissolved oxygen analysis.

Approx. Cost of Compliance

\$600

**TOTAL**

\$318

**Screening Date** 27-Jun-2008 **Docket No.** 2008-1141-MWD-E **PCW**  
**Respondent** Syed N. Hyder *Policy Revision 2 (September 2002)*  
**Case ID No.** 36128 *PCW Revision June 12, 2008*  
**Reg. Ent. Reference No.** RN102097789  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Steve Villatoro  
**Violation Number** 3  
**Rule Cite(s)** Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0011778001, Effluent Limitations and Monitoring Requirements No. 1  
**Violation Description** Failed to comply with permit effluent limits, as documented during a record review conducted on May 16, 2008 and shown in the attached table.

**Base Penalty** \$10,000

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				X	10%
Potential					

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes**  
 A simplified model was used to evaluate biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Also, total suspended solids and flow were considered. 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 4 307 Number of violation days

*mark only one with an x*

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$4,000

Four quarterly events are recommended for the monitoring periods ending on March 2007, May 2007, June 2007, September 2007, October 2007, November 2007, December 2007, and January 2008.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

**Notes**  
 The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$4,000

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

Estimated EB Amount \$0 Violation Final Penalty Total \$11,945

This violation Final Assessed Penalty (adjusted for limits) \$11,945

## Economic Benefit Worksheet

**Respondent** Syed N. Hyder  
**Case ID No.** 36128  
**Reg. Ent. Reference No.** RN102097789  
**Media** Water Quality  
**Violation No.** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for violation No. 1.

**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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

EFFLUENT VIOLATION TABLE						
Syed N. Hyder						
TPDES Permit No. WQ0011778001						
Docket No. 2008-1141-MWD-E						
Months	BOD Daily Avg. Loading	BOD Daily Avg. Conc.	BOD Single Grab Conc.	TSS Daily Avg. Conc.	TSS Single Grab Conc.	Flow Daily Avg.
	Limit = 7.5 lbs/day	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 0.045 MGD
Outfall 001A						
2/28/2007	c	100.0	137.0	34.5	c	c
3/31/2007	c	c	c	38.0	c	0.250
4/30/2007	c	22.0	c	39.0	c	0.096
5/31/2007	c	c	c	36.0	c	0.093
6/30/2007	c	c	c	45.0	c	0.054
7/31/2007	9.5	38.0	c	30.0	c	0.166
9/30/2007	c	44.0	c	36.0	c	c
10/31/2007	c	25.5	c	92.0	156.0	c
11/30/2007	c	c	c	30.0	c	c
12/31/2007	c	c	c	52.0	c	c
1/31/2008	c	49.0	c	48.0	c	c

conc. = concentration

lbs/day = pounds per day

mg/L = milligrams per liter

BOD = Biochemical Oxygen Demand

avg. = average

TSS = Total Suspended Solids

MGD = Million Gallons per Day



# Compliance History

Customer/Respondent/Owner-Operator: CN601130842 HYDER, SYED N Classification: AVERAGE Rating: 13.56  
 Regulated Entity: RN102097789 RIVERSIDE WWTP Classification: AVERAGE Site Rating: 13.56

ID Number(s):	WASTEWATER	PERMIT	WQ0011778001
	WASTEWATER	PERMIT	TPDES0071145
	WASTEWATER	PERMIT	TX0071145
	WASTEWATER	EPA ID	TX0071145
	WATER QUALITY NON PERMITTED	ID NUMBER	090100726
	WASTEWATER LICENSING	LICENSE	WQ0011778001

Location: located approximately 2.5 miles southwest of the intersection of Farm-to-Market Road 2818 and Farm-to-Market Road 1688 (Leonard Road), 2000 feet southwest of the intersection of Leonard Road and Jones Road, and five miles southwest of Bryan in Brazos County, Texas. Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: June 25, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 25, 2003 to June 25, 2008

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

Name: Steve Villatoro Phone: 512-239-4930

### Site Compliance History Components

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

### Components (Multimedia) for the Site :

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

Effective Date: 11/24/2005 ADMINORDER 2005-0648-MWD-E  
 Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: Effluent Limits PERMIT  
 Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Rqmt Prov: Self-reporting Requirements PERMIT  
 Description: Failure to submit monitoring results at the intervals specified in the permit as documented by a TCEQ record review.

Effective Date: 06/26/2006 ADMINORDER 2005-1895-MWD-E  
 Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.039(b)  
 30 TAC Chapter 305, SubChapter F 305.125(9)(A)  
 Rqmt Prov: Monitoring and Reporting Requirements PERMIT  
 Description: Failure to provide an adequate description of an unauthorized discharge in a noncompliance notification report submitted to the TCEQ.  
 Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(4)  
 30 TAC Chapter 305, SubChapter F 305.125(5)  
 Rqmt Prov: Operational Requirements, No. 1, Pg. 9 PERMIT  
 Description: Failure by the permittee to properly operate the wastewater treatment system and prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.  
 Classification: Major  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(4)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
30 TAC Chapter 317 317.4(d)  
30 TAC Chapter 317 317.4(g)

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

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

Effective Date: 03/08/2008

ADMINORDER 2007-1408-MWD-E

Classification: Major

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

Rqmt Prov: Permit Conditions No. 2.g. PERMIT

Description: Unauthorized discharge and accumulation of sewage sludge and grease into water in the state. Specifically, an accumulation of sewage sludge and grease were documented at the outfall and 35 yards downstream of the outfall. In addition, bloodworms were noted in the downstream samples

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	03/18/2004	(312042)
2	04/12/2004	(312043)
3	04/19/2004	(264204)
4	05/06/2004	(358880)
5	05/17/2004	(358879)
6	07/26/2004	(358881)
7	08/26/2004	(358882)
8	09/17/2004	(358883)
9	10/21/2004	(385595)
10	11/29/2004	(385597)
11	12/13/2004	(385600)
12	01/24/2005	(385603)
13	01/31/2005	(385585)
14	01/31/2005	(385586)
15	01/31/2005	(385588)
16	01/31/2005	(385589)
17	01/31/2005	(385591)
18	01/31/2005	(385575)
19	01/31/2005	(385576)
20	01/31/2005	(385579)
21	01/31/2005	(385580)
22	01/31/2005	(385582)
23	01/31/2005	(385583)
24	01/31/2005	(385584)
25	02/01/2005	(385596)
26	02/01/2005	(385599)
27	02/01/2005	(385602)
28	02/01/2005	(385577)
29	02/02/2005	(385587)
30	02/02/2005	(385590)
31	02/02/2005	(385592)
32	02/02/2005	(385593)
33	02/02/2005	(385594)
34	02/02/2005	(385598)
35	02/02/2005	(385601)
36	02/15/2005	(385578)
37	02/16/2005	(348715)
38	03/15/2005	(385581)
39	04/18/2005	(423600)
40	05/16/2005	(423601)
41	06/13/2005	(423602)
42	07/18/2005	(444402)
43	09/07/2005	(444403)
44	09/20/2005	(474980)
45	10/24/2005	(474981)
46	11/10/2005	(474982)
47	12/15/2005	(474983)
48	01/11/2006	(474984)

49 02/24/2006 (474978)  
 50 03/13/2006 (474979)  
 51 04/10/2006 (502597)  
 52 04/28/2006 (456250)  
 53 05/12/2006 (502598)  
 54 06/26/2006 (502599)  
 55 07/17/2006 (524919)  
 56 08/30/2006 (508769)  
 57 03/27/2007 (535893)  
 58 04/12/2007 (556548)  
 59 07/27/2007 (566550)  
 60 10/25/2007 (608436)  
 61 01/11/2008 (623083)  
 62 01/11/2008 (623084)  
 63 01/11/2008 (623085)  
 64 01/11/2008 (623086)  
 65 01/11/2008 (623087)  
 66 01/11/2008 (623088)  
 67 01/11/2008 (623089)  
 68 01/11/2008 (623091)  
 69 01/11/2008 (623092)  
 70 01/11/2008 (623093)  
 71 01/11/2008 (623094)  
 72 01/11/2008 (623095)  
 73 01/11/2008 (623096)  
 74 01/11/2008 (623098)  
 75 01/21/2008 (623099)  
 76 01/21/2008 (623090)  
 77 01/21/2008 (623097)  
 78 02/27/2008 (674500)  
 79 03/26/2008 (674501)  
 80 04/24/2008 (674502)  
 81 06/12/2008 (671354)

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

Date	01/31/2004	(385577)		
Self Report?	YES		Classificatio	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	(312042)		
Self Report?	YES		Classificatio	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	(312043)		
Self Report?	YES		Classificatio	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	(358880)		
Self Report?	YES		Classificatio	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	(358881)		
Self Report?	YES		Classificatio	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	(358882)		
Self Report?	YES		Classificatio	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	(358883)		
Self Report?	YES		Classificatio	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	(385597)		
Self Report?	YES		Classificatio	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 (385600)		
Self Report?	YES	Classificatio	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 (385603)		
Self Report?	YES	Classificatio	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	01/31/2005 (385578)		
Self Report?	YES	Classificatio	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	06/30/2005 (444402)		
Self Report?	YES	Classificatio	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	07/31/2005 (444403)		
Self Report?	YES	Classificatio	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	05/04/2006 (456250)		
Self Report?	NO	Classificatio	Minor
Citation:	30 TAC Chapter 317 317.4(a)(8) 30 TAC Chapter 317 317.7(i)		
Description:	Failure by the permittee to conduct the required testing of the backflow prevention device upon installation.		
Self Report?	NO	Classificatio	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C)		
Rqmt Prov:	PERMIT Sludge Provisions, Section II, F Pg.22		
Description:	Failure to submit a complete Annual Sludge Report to the TCEQ by September 1 of each year.		
Self Report?	NO	Classificatio	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(b)(1)		
Rqmt Prov:	PERMIT Operational Requirements, No. 1 Pg. 9		
Description:	Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.		
Self Report?	NO	Classificatio	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(d)		
Rqmt Prov:	PERMIT Monitoring & Rpting Reqs., N.2 P.4		
Description:	Failure by the regulated entity to comply with procedures in 30 TAC 319.11.		
Self Report?	NO	Classificatio	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(5)		
Rqmt Prov:	PERMIT Operational Requirements, No. 1 Pg. 9		
Description:	The permittee failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.		
Self Report?	NO	Classificatio	Minor
Citation:	30 TAC Chapter 312, SubChapter G 312.145(a)		
Description:	Failure by the permittee to comply with all provisions of 30 TAC 312.145 concerning sewage sludge use and disposal.		
Date	07/31/2006 (623089)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	08/31/2006 (623091)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	09/30/2006 (623092)		

Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	10/31/2006 (623094)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2006 (623096)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2006 (623098)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2007 (623083)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2007 (623084)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2007 (623085)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/03/2007 (556548)		
Self Report?	NO	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(4) 30 TAC Chapter 305, SubChapter F 305.125(5)		
Rqmt Prov:	PERMIT Operational Requirements, No. 1, Pg. 9		
Description:	Failure by the permittee to properly operate the wastewater treatment system and prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.		
Self Report?	NO	Classificatio	Major
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(4) 30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(d) 30 TAC Chapter 317 317.4(g)		
Rqmt Prov:	PERMIT Operational Requirements No. 1, Pg. 9		
Description:	Failure by the permittee to properly operate the wastewater treatment system and prevent the discharge and accumulation of sludge at the permitted outfall into or adjacent to waters in the state.		
Date	04/30/2007 (623086)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/31/2007 (623087)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/30/2007 (623088)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		

Description:	Failure to meet the limit for one or more permit parameter		
Date	07/31/2007 (623090)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	09/30/2007 (623093)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	10/31/2007 (623095)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2007 (623097)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2007 (623099)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2008 (674500)		
Self Report?	YES	Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
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  
SYED N. HYDER  
RN102097789

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2008-1141-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 Syed N. Hyder ("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 plant located approximately 2.5 miles southwest of the intersection of Farm-to-Market Road 2818 and Farm-to-Market Road 1688 (Leonard Road), 2000 feet southwest of the intersection of Leonard Road and Jones Road, and five miles southwest of Bryan in Brazos County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
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 June 17, 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 Forty-Three Thousand Nine Hundred Ninety-Three Dollars (\$43,993) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Nine Hundred Forty-Three Dollars (\$2,943) of the administrative penalty and Eight Thousand Seven Hundred Ninety-Eight Dollars (\$8,798) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Thirty-Two Thousand Two Hundred Fifty-Two Dollars (\$32,252) of the administrative penalty shall be payable in eleven monthly payments of Two Thousand Nine Hundred Thirty-Two Dollars (\$2,932) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

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, as of May 20, 2008, updated the Facility's operations guidance to ensure that the sampling for dissolved oxygen is properly accomplished.
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:



- Failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011778001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on May 16, 2008, and shown in the following table:

EFFLUENT VIOLATION TABLE						
Months	BOD Daily Avg. Loading	BOD Daily Avg. Conc.	BOD Single Grab Conc.	TSS Daily Avg. Conc.	TSS Single Grab Conc.	Flow Daily Avg.
	Limit = 7.5 lbs/day	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 0.045 MGD
Outfall 001A						
2/28/2007	c	100.0	137.0	34.5	c	c
3/31/2007	c	c	c	38.0	c	0.250
4/30/2007	c	22.0	c	39.0	c	0.096
5/31/2007	c	c	c	36.0	c	0.093
6/30/2007	c	c	c	45.0	c	0.054
7/31/2007	9.5	38.0	c	30.0	c	0.166
9/30/2007	c	44.0	c	36.0	c	c
10/31/2007	c	25.5	c	92.0	156.0	c
11/30/2007	c	c	c	30.0	c	c
12/31/2007	c	c	c	52.0	c	c
1/31/2008	c	49.0	c	48.0	c	c

conc. = concentration

lbs/day = pounds per day

mg/L = milligrams per liter

BOD = Biochemical Oxygen Demand

avg. = average

TSS = Total Suspended Solids

MGD = Million Gallons per Day



2. Failed to collect and analyze samples for dissolved oxygen, for monitoring periods ending February 28, 2007, March 31, 2007, April 30, 2007, May 31, 2007, June 30, 2007, July 31, 2007, and August 31, 2007, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0011778001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on May 16, 2008. Specifically, the Respondent reported on the discharge monitoring reports that this parameter was not analyzed.

### 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: Syed N. Hyder, Docket No. 2008-1141-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, within 180 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011778001, 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 notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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



with a copy to:

Water Section, Manager  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826

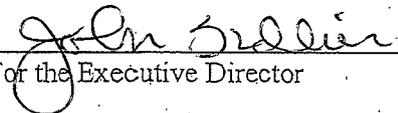
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any 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

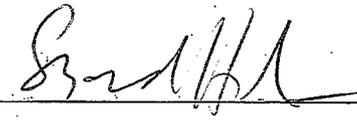
12/8/2008  
Date

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

10/14/08  
Date

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

\_\_\_\_\_  
Title

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

