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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-0865-IWD-E TCEQ ID: RN102586088 CASE NO.: 37758
RESPONDENT NAME: Weatherford U.S., L.P.

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Weatherford US LP, located approximately 0.75 mile west of U.S. Highway 290 and two miles east of Eldridge Road on Spencer Road, Houston, Harris County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the BD and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 2, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: CT Corporation System, Registered Agent, Weatherford U.S., L.P., 350 N. Saint Paul Street, Dallas, Texas 75201 Ms. R. Huff, Facility Manager, Weatherford U.S., L.P., 350 N. Saint Paul Street, Dallas, Texas 75201 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 5, 2009</p> <p>Date of NOV/NOE Relating to this Case: May 20, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>Failure to comply with permitted effluent limits for total suspended solids, ammonia nitrogen, organic carbon, copper and carbonaceous biochemical oxygen demand at Outfalls 001 and 002 [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004760000, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$20,615</p> <p>Total Deferred: \$0 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$20,615</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent re-seeded the biological treatment system and ceased discharging from Outfall 002, and returned to compliance with permitted effluent limitations by January 31, 2009.</p>

Additional ID No(s): TPDES Permit No. WQ0004760000



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	26-May-2009	Screening	5-Jun-2009	EPA Due	
	PCW	5-Jun-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Weatherford U.S., L.P.
Reg. Ent. Ref. No.	RN102586088
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37758	No. of Violations	3
Docket No.	2009-0865-IWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Cheryl Thompson
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

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 Respondent has self-reported twenty-four months of effluent violations, received one previous NOV for non-similar violations and two NOVs for same or similar violations and one 1660 Agreed Order with 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 a reduction in penalty to prevent double-enhancement of the penalty amount for same violations that were self-reported.

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 5-Jun-2009

Docket No. 2009-0865-IWD-E

PCW

Respondent Weatherford U.S., L.P.

Policy Revision 2 (September 2002)

Case ID No. 37758

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102586088

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

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)	26	130%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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) 152%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent has self-reported twenty-four months of effluent violations, received one previous NOV for non-similar violations and two NOVs for same or similar violations and one 1660 Agreed Order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 152%

Screening Date 5-Jun-2009 **Docket No.** 2009-0865-IWD-E **PCW**

Respondent Weatherford U.S., L.P. *Policy Revision 2 (September 2002)*

Case ID No. 37758 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN102586088

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s) Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004760000, Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)

Violation Description Failed to comply with permitted effluent limits for Outfalls 001 and 002, as documented during a record review conducted on March 5, 2009. See attached table.

Base Penalty \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	10%
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen ("NH3-N") and carbonaceous biochemical oxygen demand ("CBOD") to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids ("TSS") was also 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 that are protective of human health or the environment.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended for the quarter containing the month of November 2008 at Outfall 001, and for the quarter containing the month of October 2008 for Outfall 002.

Good Faith Efforts to Comply

Reduction
Before NOV NOV to EDRP/Settlement

\$500

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent returned to compliance by January 31, 2009.

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Estimated EB Amount \$126

Statutory Limit Test

Violation Final Penalty Total \$4,358

This violation Final Assessed Penalty (adjusted for limits) \$4,358

Economic Benefit Worksheet

Respondent Weatherford U.S., L.P.
Case ID No. 37758
Reg. Ent. Reference No. RN102586088
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
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)	\$10,000	31-Oct-2008	31-Jan-2009	0.25	\$126	n/a	\$126

Notes for DELAYED costs
 The estimated cost to evaluate the causes of the effluent violations and to implement necessary rehabilitation to the wastewater system. Date required is the month the first non-compliant excursion was documented. Final date is the date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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				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 \$10,000 **TOTAL** \$126

Screening Date	5-Jun-2009	Docket No.	2009-0865-IWD-E	PCW
Respondent	Weatherford U.S., L.P.			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	37758			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN102586088			
Media [Statute]	Water Quality			
Enf. Coordinator	Cheryl Thompson			
Violation Number	2			
Rule Cite(s)	Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004760000, Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)			
Violation Description	Failed to comply with permitted effluent limits for Outfall 001, as documented during a record review conducted on March 5, 2009. See attached table.			

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual	x			
	Potential				
				<input type="text" value="50%"/>	

>> Programmatic Matrix

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

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen ("NH3-N") and carbonaceous biochemical oxygen demand ("CBOD") to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids ("TSS") was also considered. As a result of these discharges, human health or the environment has been exposed to pollutants which exceed levels that are protective of human health and the environment.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One monthly event is recommended for the month of December 2008.

Good Faith Efforts to Comply

	25.0%	Reduction
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	x	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

Notes The Respondent returned to compliance by January 31, 2009.

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 Weatherford U.S., L.P.
Case ID No. 37758
Reg. Ent. Reference No. RN102586088
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
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

See violation # 1

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				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

Screening Date 5-Jun-2009	Docket No. 2009-0865-IWD-E
Respondent Weatherford U.S., L.P.	PCW <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small>
Case ID No. 37758	
Reg. Ent. Reference No. RN102586088	
Media [Statute] Water Quality	
Enf. Coordinator Cheryl Thompson	
Violation Number 3	
Rule Cite(s)	Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004760000, Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)
Violation Description	Failed to comply with permitted effluent limits for Outfall 001, as documented during a record review conducted on March 5, 2009. See attached table.
	Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual		x		
Potential				Percent 25%	

>> Programmatic Matrix

	Major	Moderate	Minor	
				Percent 0%

Matrix Notes

A simplified model was used to evaluate copper to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total organic carbon was also considered. As a result of these discharges, human health or the environment has been exposed to pollutants which do not exceed levels that are protective of human health and the environment.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events Number of violation days

<small>mark only one with an x</small>	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One monthly event is recommended for the month of October 2008.

Good Faith Efforts to Comply

		25.0% Reduction
		<small>Before NOV NOV to EDPRP/Settlement Offer</small>
Extraordinary		
Ordinary	x	
N/A		<small>(mark with x)</small>

\$625

Notes The Respondent returned to compliance by January 31, 2009.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$5,448

This violation Final Assessed Penalty (adjusted for limits) \$5,448

Economic Benefit Worksheet

Respondent Weatherford U.S., L.P.
Case ID No. 37758
Reg. Ent. Reference No. RN102586088
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
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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

See violation # 1

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				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

Weatherford U.S., L.P.			
Docket No. 2009-0865-IWD-E			
TPDES Permit No. WQ0004760000			
Outfall 001			
	October 2008	November 2008	December 2008
Total Suspended Solids Daily Average 15 mg/L	c	c	17.4
Total Suspended Solids Daily Maximum 40 mg/L	c	c	43
Total Ammonia Nitrogen Daily Average 0.18 lbs/day	c	0.19	0.76
Total Ammonia Nitrogen Daily Maximum 0.90 lbs/day	c	1.21	4.01
Total Ammonia Nitrogen Daily Average 2 mg/L	c	6.55	21.79
Total Ammonia Nitrogen Daily Maximum 10 mg/L	c	29.5	70.9
Total Organic Carbon Daily Maximum 75 mg/L	157	c	c
Total Copper Daily Average 0.023 mg/L	0.0642	c	c
Total Copper Daily Maximum 0.049 mg/L	0.0687	c	c
CBOD 5-Day Daily Average 10 mg/L	c	10.35	10.88
CBOD 5-Day Daily Maximum 25 mg/L	c	28	c

Weatherford U.S., L.P.			
Docket No. 2009-0865-IWD			
TPDES Permit No. WQ0004760000			
Outfall 002			
	October 2008	November 2008	December 2008
Total Suspended Solids Daily Average 30 mg/L	72.5	c	c
Total Suspended Solids Daily Maximum 65 mg/L	90	c	c

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600288302 Weatherford U.S., L.P.	Classification: AVERAGE	Rating: 2.17
Regulated Entity:	RN102586088 WEATHERFORD US LP	Classification: AVERAGE	Site Rating: 2.04
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD102692241
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	38164
	PUBLIC WATER SYSTEM/SUPPLY WASTEWATER	REGISTRATION PERMIT	1011850
	WASTEWATER	PERMIT	TX0089940000
	WASTEWATER	PERMIT	WQ0014070001
	WASTEWATER	PERMIT	WQ14070001
	WASTEWATER	PERMIT	WQ0014070001
	WASTEWATER	PERMIT	WQ0004760000
	WASTEWATER	PERMIT	TX0089940

Location: Located approximately 0.75 mile west of U.S. Highway 290 and two miles east of Eldridge Road on Spencer Road in the City Houston, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 08, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 08, 2004 to June 08, 2009

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

Name: Cheryl Thompson Phone: (817) 588-5886

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
 - Effective Date: 08/31/2007 ADMINORDER 2006-2228-IWD-E
 - Classification: Moderate
 - Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
 - Rqmt Prov: Effluent Limits PERMIT
 - Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
- B. Any criminal convictions of the state of Texas and the federal government.
 - N/A
- C. Chronic excessive emissions events.
 - N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	06/09/2004	(361733)
2	07/26/2004	(361734)
3	08/26/2004	(361735)
4	10/18/2004	(361736)
5	11/29/2004	(387310)
6	12/13/2004	(387311)
7	01/24/2005	(387312)
8	01/28/2005	(344710)
9	02/10/2005	(425066)
10	03/03/2005	(372949)
11	03/15/2005	(425067)
12	04/15/2005	(425068)
13	05/16/2005	(425089)

14 07/13/2005 (445696)
 15 08/09/2005 (445697)
 16 10/05/2005 (477480)
 17 10/24/2005 (477481)
 18 12/07/2005 (477482)
 19 12/27/2005 (477483)
 20 01/27/2006 (477484)
 21 02/27/2006 (477478)
 22 03/22/2006 (477479)
 23 04/07/2006 (454857)
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 25 05/05/2006 (464910)
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 37 02/19/2007 (550610)
 38 03/15/2007 (586947)
 39 03/16/2007 (543769)
 40 04/11/2007 (540413)
 41 04/17/2007 (586948)
 42 05/17/2007 (586949)
 43 06/18/2007 (586950)
 44 07/13/2007 (586951)
 45 08/16/2007 (604862)
 46 09/17/2007 (604863)
 47 10/17/2007 (604864)
 48 11/14/2007 (625359)
 49 12/18/2007 (625360)
 50 01/16/2008 (625361)
 51 02/13/2008 (675662)
 52 03/14/2008 (675663)
 53 04/17/2008 (675664)
 54 05/18/2008 (693980)
 55 06/16/2008 (693981)
 56 07/16/2008 (693982)
 57 08/15/2008 (715320)
 58 09/23/2008 (715321)
 59 10/17/2008 (715322)
 60 11/20/2008 (731117)
 61 12/31/2008 (731118)
 62 01/20/2009 (731119)
 63 05/21/2009 (737656)

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

Date: 06/30/2004 (361734) CN600288302
 Self 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 (361735) CN600288302
 Self 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: 01/27/2005 (344710)
 Self NO Classification: Major
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to comply with the daily average permit limits for Ammonia Nitrogen, Dissolved Oxygen, and Total Suspended Solids.
 Date: 02/28/2005 (425067) CN600288302
 Self 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: 04/30/2005 (425069) CN600288302
 Self 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: 07/31/2005 (445697) CN600288302
 Self 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 (477482) CN600288302
 Self 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: 11/30/2005 (477483) CN600288302
 Self 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 (477484) CN600288302
 Self 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: 02/28/2006 (477479) CN600288302
 Self 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 (504063) CN600288302
 Self 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: 04/07/2006 (454857) CN600288302
 Self NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to maintain compliance with the permitted effluent limitations.
 Date: 04/30/2006 (504064) CN600288302
 Self 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 (504065) CN600288302
 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: 08/30/2006 (504066) CN600288302
 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 (526429) CN600288302
 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 (526430) CN600288302
 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: 01/31/2007 (550610) CN600288302
 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: 02/28/2007 (586947) CN600288302
 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: 03/31/2007 (586948) CN600288302
 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: 04/10/2007 (540413) CN600288302
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to properly operate and maintain the chlorine contact basin.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to provide accurate flow measurements.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to properly collect oil and grease (O&G) samples as required.
 Date: 04/30/2007 (586949) CN600288302
 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: 05/31/2007 (586950) CN600288302
 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: 07/31/2007 (604862) CN600288302
 Self Report? YES Classification: 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: 10/31/2008 (731117) CN600288302
 Self Report? YES Classification: 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: 11/30/2008 (731118) CN600288302
 Self Report? YES Classification: 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: 12/31/2008 (731119) CN600288302
 Self Report? YES Classification: 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
WEATHERFORD U.S., L.P.
RN102586088

§
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§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2009-0865-IWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Weatherford U.S., L.P. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located approximately 0.75 mile west of United States Highway 290 and two miles east of Eldridge Road on Spencer Road in Houston, Harris 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. During a record review on March 5, 2009, TCEQ staff documented that the Respondent failed to comply with permitted effluent limits, as depicted in the tables below:

Outfall 001			
	October 2008	November 2008	December 2008
Total Suspended Solids Daily Average 15 mg/L	c	c	17.4
Total Suspended Solids Daily Maximum 40 mg/L	c	c	43
Total Ammonia Nitrogen Daily Average 0.18 lbs/day	c	0.19	0.76
Total Ammonia Nitrogen Daily Maximum 0.90 lbs/day	c	1.21	4.01
Total Ammonia Nitrogen Daily Average 2 mg/L	c	6.55	21.79
Total Ammonia Nitrogen Daily Maximum 10 mg/L	c	29.5	70.9
Total Organic Carbon Daily Maximum 75 mg/L	157	c	c
Total Copper Daily Average 0.023 mg/L	0.0642	c	c
Total Copper Daily Maximum 0.049 mg/L	0.0687	c	c
CBOD 5-Day Daily Average 10 mg/L	c	10.35	10.88
CBOD 5-Day Daily Maximum 25 mg/L	c	28	c

Outfall 002			
	October 2008	November 2008	December 2008
Total Suspended Solids Daily Average 30 mg/L	72.5	c	c
Total Suspended Solids Daily Maximum 65 mg/L	90	c	c

milligrams per liter = mg/L compliant (no excursions) = c pounds per day =lbs/day
CBOD 5-day = Carbonaceous Biochemical Oxygen Demand (5-day)

4. The Respondent received notice of the violations on May 25, 2009.
5. The Executive Director recognizes that the Respondent re-seeded the biological treatment system and ceased discharging from Outfall 002, and returned to compliance with permitted effluent limitations by January 31, 2009.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits for Outfalls 001 and 002, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004760000, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on March 5, 2009.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Twenty Thousand Six Hundred Fifteen Dollars (\$20,615) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Twenty Thousand Six Hundred Fifteen Dollar (\$20,615) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Twenty Thousand Six Hundred Fifteen Dollars (\$20,615) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Weatherford U.S., L.P., Docket No. 2009-0865-IWD-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
4. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
5. This Agreed Order, issued by the Commission, shall not be admissible against 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.
6. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Miller
For the Executive Director

10/9/2009
Date

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

I understand that by entering into this Agreed Order, Weatherford U.S., L.P. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

R. Huff
Signature

8/18/09
Date

R. Huff
Name (Printed or typed)
Authorized Representative of
Weatherford U.S., L.P.

Facility Manager
Title

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

