

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

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**DOCKET NO.:** 2009-0662-MWD-E **TCEQ ID:** RN101516714 **CASE NO.:** 37576**RESPONDENT NAME:** Victoria County Water Control and Improvement District 1

<b>ORDER TYPE:</b>		
<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	
<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> Victoria Co. Water Control and Improvement District 1, located northwest of and adjacent to the Missouri Pacific Railroad right-of-way approximately 3,000 feet northeast, along the Missouri Pacific Railroad from its intersection with State Highway 185, Bloomington, Victoria County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on October 19, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Isaac Martin, Board President, Victoria County Water Control and Improvement District 1, P.O. Box 667, Bloomington, Texas 77951  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2009-0662-MWD-E

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> March 11 and 12, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> April 29, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010513002, Operational Requirements No. 1, and 30 TEX. ADMIN. CODE § 305.125(5)].</p> <p>2) Failure to prevent the discharge of wastewater into or adjacent to water in the state [TPDES Permit No. WQ0010513002, Permit Conditions No. 2.g., 30 TEX. ADMIN. CODE § 305.125(4), and TEX. WATER CODE § 26.121(a)].</p> <p>3) Failure to comply with permit effluent limits for chlorine residual and total suspended solids [TPDES Permit No. WQ0010513002, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].</p> <p>4) Failure to monitor the effluent characteristics at the frequency specified in the permit [TPDES Permit No. WQ0010513002, Effluent Limitations and Monitoring Requirements Nos. 3 and 6, and 30 TEX. ADMIN. CODE § 319.4].</p> <p>5) Failure to retain process control, maintenance, and operations records at the Facility, or make readily available for review by a TCEQ representative for a period of three</p>	<p><b>Total Assessed:</b> \$34,676</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$34,676</p> <p><b>Total Paid (Due) to General Revenue:</b> \$0</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>Findings Orders Justification:</b> The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Submitted the August 2008 Discharge Monitoring Report ("DMR") on September 24, 2008;</p> <p>b. Submitted the annual sludge report for the reporting period ending July 31, 2008 on September 29, 2008;</p> <p>c. Repaired the sewer main break at First Street and North Leonard by placing a six inch wrap around clamp on the line and disinfecting the area on January 14, 2009; and</p> <p>d. Submitted the November 2008 through January 2009 DMRs on March 17, 2009.</p> <p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Immediately after the effective date of this Agreed Order:</p> <p>i. Begin monitoring the effluent characteristics at the frequency specified in the permit;</p> <p>ii. Begin retaining process control, maintenance, and operations records at the Facility; and</p> <p>iii. Begin performing accurate loading calculations.</p> <p>b. Within 15 days after the effective date of this Agreed Order:</p> <p>i. Implement measures to ensure that all reports and other information requested by the Executive Director are signed by the</p>

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<p>years [TPDES Permit No. WQ0010513002, Operational Requirements No. 1, and 30 TEX. ADMIN. CODE § 305.125(1)].</p> <p>6) Failure to perform accurate loading calculations [TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements No. 2, and 30 TEX. ADMIN. CODE § 305.125(1)].</p> <p>7) Failure to submit the monthly effluent reports by the 20th day of the following month [TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements No. 1, and 30 TEX. ADMIN. CODE § 319.7(d)].</p> <p>8) Failure to report effluent violations which deviates from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance [TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements No. 7.c., and 30 TEX. ADMIN. CODE § 305.125(1)].</p> <p>9) Failure to conduct quality assurance requirements for wastewater analyses [TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements No. 1, and 30 TEX. ADMIN. CODE § 319.7(a)].</p> <p>10) Failure to timely submit the annual sludge report for the reporting period ending July 31, 2008 by September 1, 2008 [TPDES Permit No. WQ0010513002, Sludge Provisions and 30 TEX. ADMIN. CODE § 305.125(17)].</p> <p>11) Failure to ensure that all reports and other information requested by the Executive Director are signed by the authorized person [TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements No. 10, and 30 TEX. ADMIN. CODE §§ 305.125(1) and 305.128].</p> <p>12) Failure to conform to the flow measurements, equipment, installation, and procedures prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C., or methods that are equivalent as approved by the Executive Director [30 TEX. ADMIN. CODE § 319.11(d)].</p>		<p>authorized person;</p> <p>ii. Submit the March, April, and September 2008 DMRs; and</p> <p>iii. Submit written notification to the Regional Office for the total suspended solids effluent limitation exceedance of January 2009.</p> <p>c. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Begin performing quality assurance/quality control checks on the Chlorine Pocket Colorimeter II meter on a 10% basis;</p> <p>ii. Develop and implement procedures to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained to eliminate clogging of the diffusers;</p> <p>iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs and annual sludge reports; and</p> <p>iv. Begin conforming to the flow measurements by installing a staff gauge on the final 90 degree V-notch weir.</p> <p>d. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of Permit No. WQ0010513002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations and with Ordering Provision Nos. 2.a. through 2.c.</p>
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Additional ID No(s): WQ0010513002



Attachment A

Docket Number: 2009-0662-MWD-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Victoria County Water Control and Improvement District 1

**Payable Penalty Amount:** Thirty-Four Thousand Six Hundred Seventy-Six Dollars (\$34,676)

**SEP Amount:** Thirty-Four Thousand Six Hundred Seventy-Six Dollars (\$34,676)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Guadalupe-Blanco River Trust - Aransas National Wildlife Refuge Habitat Enhancement Project

**Location of SEP:** Victoria County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. An environmental restoration project to improve and maintain the wetland habitat of the Myrtle Foester-Whitmire Unit of the Aransas National Wildlife Refuge (Refuge) for waterfowl and shorebirds. The Guadalupe-Blanco River Trust, Guadalupe-Blanco River Authority (GBRA), and the Aransas National Wildlife Refuge (Refuge) are engaging in a cooperative program to provide a more reliable supply of water to the Myrtle Foester-Whitmire Unit and to improve the efficiency of the delivery of freshwater to and within the Unit.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving and maintaining the wetland habitat of the Myrtle-Foester Whitmire Unit of the Aransas National Wildlife Refuge (Refuge) for waterfowl and shorebirds.



C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Todd Votteler, Ph.D.  
933 E. Court Street  
Seguin, Texas 78155

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>TCEQ</b>	<b>DATES</b>	<b>Assigned</b>	4-May-2009	<b>Screening</b>	6-May-2009	<b>EPA Due</b>	
		<b>PCW</b>	14-May-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Victoria County Water Control and Improvement District 1
<b>Reg. Ent. Ref. No.</b>	RN101516714
<b>Facility/Site Region</b>	14-Corpus Christi
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	37576	<b>No. of Violations</b>	13
<b>Docket No.</b>	2009-0662-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jorge Ibarra, P.E.
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$16,600
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the Indicated percentage.</small>		
<b>Compliance History</b>	111.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b> \$18,426
<b>Notes</b>	The Respondent was issued one 1680 Agreed Order, four NOVs with the same/similar type of violations, three NOVs without the same/similar type of violations, and self-reported thirteen months of effluent violations.	
<b>Culpability</b>	No 0.0% Enhancement	<b>Subtotal 4</b> \$0
<b>Notes</b>	The Respondent does not meet the culpability criteria.	
<b>Good Faith Effort to Comply Total Adjustments</b>		<b>Subtotal 5</b> \$350
<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b> \$0
<small>Total EB Amounts</small>	\$1,942	
<small>Approx. Cost of Compliance</small>	\$8,550	<small>*Capped at the Total EB \$ Amount</small>
<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$34,676
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b> \$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>		
<b>Notes</b>		
	<b>Final Penalty Amount</b>	\$34,676
<b>STATUTORY LIMIT ADJUSTMENT</b>		<b>Final Assessed Penalty</b> \$34,676
<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b> \$0
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only, e.g. 20 for 20% reduction.)</small>		
<b>Notes</b>	No deferral is recommended for Findings Orders.	
<b>PAYABLE PENALTY</b>		\$34,676

**Screening Date:** 6-May-2009

**Docket No.:** 2009-0662-MWD-E

**PCW**

**Respondent:** Victoria County Water Control and Improvement District

Policy Revision 2 (September 2002)

**Case ID No.:** 37576

PCW Revision October 30, 2008

**Reg. Ent. Reference No.:** RN101516714

**Media [Statute]:** Water Quality

**Enf. Coordinator:** Jorge Ibarra, P.E.

**Compliance History Worksheet**

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	17	85%
	Other written NOVs	3	6%
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%

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)** 111%

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

No

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

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

Average Performer

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

>> **Compliance History Summary**

**Compliance History Notes**

The Respondent was issued one 1660 Agreed Order, four NOVs with the same/similar type of violations, three NOVs without the same/similar type of violations, and self-reported thirteen months of effluent violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 111%

<b>Screening Date</b>	6-May-2009	<b>Docket No.</b>	2009-0662-MWD-E	<b>PCW</b>
<b>Respondent</b>	Victoria County Water Control and Improvement District 1		<small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small>	
<b>Case ID No.</b>	37576	<b>Reg. Ent. Reference No.</b>	RN101516714	
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Jorge Ibarra, P.E.			
<b>Violation Number</b>	<input type="text" value="1"/>			
<b>Rule Cite(s)</b>	Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010513002, Operational Requirements No. 1, and 30 Tex. Admin. Code § 805.125(5)			
<b>Violation Description</b>	Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, excessive foaming was observed in the aeration basins and several of the diffusers were clogged.			
	<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>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>
	<b>Percent</b>	<input type="text" value="10%"/>		
<b>&gt;&gt; Programmatic Matrix</b>				
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<b>Percent</b>	<input type="text" value="0%"/>		
<b>Matrix Notes</b>	Failure to ensure that the facility and all of its systems of collection, treatment and disposal are properly operated and maintained could result in the release of significant amounts of pollutants which would not exceed levels that are protective of human health or the environment.			
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>		
		<input type="text" value="\$1,000"/>		
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	<input type="text" value="1"/>	<b>Number of violation days</b>	<input type="text" value="56"/>
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="text" value="X"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
	<b>Violation Base Penalty</b>	<input type="text" value="\$1,000"/>		
	One quarterly event is recommended. The penalty was calculated from the investigation date of March 11, 2009, to the screening date of May 6, 2009.			
<b>Good Faith Efforts to Comply</b>				
	<b>0.0%</b> Reduction			<input type="text" value="\$0"/>
	<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input checked="" type="text" value="X"/>	<small>(mark with x)</small>		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
	<b>Violation Subtotal</b>	<input type="text" value="\$1,000"/>		
<b>Economic Benefit (EB) for this violation</b>				
	<b>Estimated EB Amount</b>	<input type="text" value="\$76"/>	<b>Statutory Limit Test</b>	
			<b>Violation Final Penalty Total</b>	<input type="text" value="\$2,110"/>
			<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$2,110"/>

## Economic Benefit Worksheet

**Respondent:** Victoria County Water Control and Improvement District 1  
**Case ID No.:** 37576  
**Reg. Ent. Reference No.:** RN101516714  
**Media:** Water Quality  
**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	16

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$1,500	11-Mar-2009	15-Mar-2010	1.01	\$76	n/a	\$76

**Notes for DELAYED costs:** Estimated cost to develop and implement procedures to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained to include unclogging the diffusers. Date required is the investigation date and the final date is the expected compliance date.

### 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	\$1,500	<b>TOTAL</b>	\$76
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<b>Screening Date:</b> 6-May-2009	<b>Docket No.:</b> 2009-0662-MWD-E	<b>PCW</b>		
<b>Respondent:</b> Victoria County Water Control and Improvement District 1	<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.:</b> 37576	<small>PCW Revision October 30, 2008</small>			
<b>Reg. Ent. Reference No.:</b> RN101516714				
<b>Media [Statute]:</b> Water Quality				
<b>Enf. Coordinator:</b> Jorge Ibarra, P.E.				
<b>Violation Number:</b> 2				
<b>Rule Cite(s):</b>	TPDES Permit No. WQ0010613002, Permit Conditions No. 2.g., 30 Tex. Admin. Code § 305.125(4), and Tex. Water Code § 26.121(a)			
<b>Violation Description:</b>	Failed to prevent the discharge of wastewater into or adjacent to water in the state. Specifically, an unauthorized discharge occurred on January 13, 2009 which was caused by a sewer main break at First Street and North Leonard discharging approximately 60 gallons of wastewater.			
<b>Base Penalty</b>		\$10,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Major	Moderate	Minor	
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Percent</b> <input type="text" value="10%"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Failure to prevent the discharge of sewage into or adjacent to water in the state resulted in the release of insignificant amounts of pollutants.			
<b>Adjustment:</b>		\$9,000		
		\$1,000		
<b>Violation Events</b>				
<b>Number of Violation Events:</b> <input type="text" value="1"/>		<b>Number of violation days:</b> <input type="text" value="2"/>		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>	
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
One quarterly event is recommended. The penalty was calculated from the date of the discharge, January 13, 2009, to the compliance date of January 14, 2009.				
<b>Good Faith Efforts to Comply</b>		<input type="text" value="25.0%"/> Reduction	\$250	
	Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
N/A	<small>(mark with x)</small>			
<b>Notes</b>	The Respondent achieved compliance on January 14, 2009 for this violation.			
<b>Violation Subtotal</b>		\$750		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b> <input type="text" value="\$0"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$1,880"/>		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$1,880"/>		

### Economic Benefit Worksheet

**Respondent** Victoria County Water Control and Improvement District 1  
**Case ID No.** 37576  
**Reg. Ent. Reference No.** RN101516714  
**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)	\$1,000	13-Jan-2009	14-Jan-2009	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to fix the sewer break and disinfect the contaminated area. Date required is the date of the discharge and the final date is the compliance date.

**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

\$1,000

TOTAL

\$0

<b>Screening Date:</b> 6-May-2009		<b>Docket No.:</b> 2009-0662-MWD-E		<b>PCW</b>
<b>Respondent:</b> Victoria County Water Control and Improvement District 1		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.:</b> 37576		<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.:</b> RN101516714				
<b>Media [Statute]:</b> Water Quality				
<b>Enf. Coordinator:</b> Jorge Ibarra, P.E.				
<b>Violation Number:</b>	<input type="text" value="3"/>			
<b>Rule Cite(s):</b>	TPDES Permit No. WQ0010513002; Effluent Limitations and Monitoring Requirements Nos. 1 and 2; 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)			
<b>Violation Description:</b>	Failed to comply with permit effluent limits. See attached Effluent Limit Violation Table.			
<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"/>	X
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="10%"/>
<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>	Failure to comply with permit effluent limits resulted in the exposure of insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.			
<b>Adjustment</b>				<input type="text" value="\$9,000"/>
				<input type="text" value="\$1,000"/>
<b>Violation Events</b>				
<b>Number of Violation Events:</b>		<input type="text" value="2"/>	<input type="text" value="100"/>	<b>Number of violation days</b>
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	X		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
				<b>Violation Base Penalty</b> <input type="text" value="\$2,000"/>
Two quarterly events are recommended.				
<b>Good Faith Efforts to Comply</b>		0.0% Reduction		<input type="text" value="\$0"/>
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
N/A	X	(mark with x)		
<b>Notes:</b>	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>				<input type="text" value="\$2,000"/>
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		<input type="text" value="\$68"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$4,220"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$4,220"/>

### Economic Benefit Worksheet

**Respondent** Victoria County Water Control and Improvement District 1

**Case ID No.** 37576

**Reg. Ent. Reference No.** RN101516714

**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**

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)	\$1,000	1-Dec-2008	15-Apr-2010	1.37	\$68	n/a	\$68

Notes for DELAYED costs

Estimated cost to develop and implement procedures to comply with permit effluent limits. Date required is the first date of non-compliance and the final date is the expected compliance date.

**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

\$1,000

**TOTAL**

\$68

**Screening Date:** 6-May-2009  
**Docket No.:** 2009-0662-MWD-E  
**PCW**  
**Respondent:** Victoria County Water Control and Improvement District 1  
*Policy Revision 2 (September 2002)*  
**Case ID No.:** 37576  
*PCW Revision October 30, 2008*

**Reg. Ent. Reference No.:** RN101516714

**Media [Statute]:** Water Quality

**Enf. Coordinator:** Jorge Ibarra, P.E.

**Violation Number:** 4

**Rule Cite(s):** TPDES Permit No. WQ0010513002, Effluent Limitations and Monitoring Requirements Nos. 3 and 6, and 30 Tex. Admin. Code § 319.4.

**Violation Description:** Failed to monitor the effluent characteristics at the frequency specified in the permit. Specifically, the effluent parameter for dissolved oxygen was not monitored once a week during the months of July 2008, and from February 1, 2009 through March 12, 2009, and the effluent parameter for pH was not monitored once a month during the months of July 2008 and February 2009.

**Base Penalty:** \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes:** Failure to monitor the effluent characteristics at the frequency specified in the permit could result in the exposure of significant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

**Adjustment:** \$9,000

\$1,000

Violation Events

Number of Violation Events: 2      90      Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semianual	
annual	
single event	

**Violation Base Penalty:** \$2,000

Two quarterly events are recommended for the quarters containing the months of July 2008, February 2009, and March 2009.

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:** \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

**Estimated EB Amount:** \$1,625

**Violation Final Penalty Total:** \$4,220

**This violation Final Assessed Penalty (adjusted for limits):** \$4,220

### Economic Benefit Worksheet

**Respondent:** Victoria County Water Control and Improvement District 1  
**Case ID No.:** 37576  
**Reg. Ent. Reference No.:** RN101518714  
**Media:** Water Quality  
**Violation No.:** 4

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	0.00			0.00	\$0	\$0	\$0
Buildings	0.00			0.00	\$0	\$0	\$0
Other (as needed)	0.00			0.00	\$0	\$0	\$0
Engineering/construction	0.00			0.00	\$0	\$0	\$0
Land	0.00			0.00	\$0	n/a	\$0
Record Keeping System	0.00			0.00	\$0	n/a	\$0
Training/Sampling	0.00			0.00	\$0	n/a	\$0
Remediation/Disposal	0.00			0.00	\$0	n/a	\$0
Permit Costs	0.00			0.00	\$0	n/a	\$0
Other (as needed)	0.00			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)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal	0.00			0.00	\$0	\$0	\$0
Personnel	0.00			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	0.00			0.00	\$0	\$0	\$0
Supplies/equipment	0.00			0.00	\$0	\$0	\$0
Financial Assurance [2]	0.00			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	0.00			0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	1-Jul-2008	31-Mar-2009	1.67	\$125	\$1,500	\$1,625

Notes for AVOIDED costs

Estimated cost to monitor the effluent characteristics at the frequency specified in the permit. Date Required is the first date of non-compliance.

Approx. Cost of Compliance

\$1,500

TOTAL

\$1,625

<b>Screening Date:</b> 6-May-2009	<b>Docket No.:</b> 2009-0662-MWD-E	<b>PCW</b>				
<b>Respondent:</b> Victoria County Water Control and Improvement District 1		<i>Policy Revision 2 (September 2002)</i>				
<b>Case ID No.:</b> 37576		<i>PCW Revision October 30, 2008</i>				
<b>Reg. Ent. Reference No.:</b> RN101518714						
<b>Media (Statute):</b> Water Quality						
<b>Enf. Coordinator:</b> Jorge Ibarra, P.E.						
<b>Violation Number:</b>	5					
<b>Rule Cite(s):</b>	TPDES Permit No. WQ0010513002, Operational Requirements No. 1, and 30 Tex. Admin. Code § 305.125(1)					
<b>Violation Description:</b>	Failed to retain process control, maintenance, and operations records at the Facility, or make readily available for review by a TCEQ representative for a period of three years. Specifically, process control, maintenance, and operations records from September 2007 through January 2009 were not readily available for review by a TCEQ representative.					
<b>Base Penalty</b>		\$10,000				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>						
OR	Harm			Percent		
	Release	Major	Moderate		Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	0%	
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<b>&gt;&gt; Programmatic Matrix</b>						
	Falsification	Major	Moderate	Minor	Percent	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		10%
Matrix Notes	100% of the rule requirement was not met.					
<b>Adjustment</b>					\$9,000	
					\$1,000	
<b>Violation Events</b>						
Number of Violation Events		1	Number of violation days		1	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty			
	weekly	<input type="checkbox"/>				\$1,000
	monthly	<input type="checkbox"/>				
	quarterly	<input type="checkbox"/>				
	semiannual	<input type="checkbox"/>				
	annual	<input type="checkbox"/>				
single event	<input checked="" type="checkbox"/>					
One single event is recommended.						
<b>Good Faith Efforts to Comply</b>						
		0.0%	Reduction		\$0	
		Before NOV	NOV to EDCRP/Settlement Offer			
Extraordinary	<input type="checkbox"/>					
Ordinary	<input type="checkbox"/>					
N/A	<input checked="" type="checkbox"/>	(mark with x)				
Notes	The Respondent does not meet the good faith criteria for this violation.					
<b>Violation Subtotal</b>					\$1,000	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>			
Estimated EB Amount		\$22	Violation Final Penalty Total		\$2,110	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					\$2,110	

## Economic Benefit Worksheet

**Respondent:** Victoria County Water Control and Improvement District 1  
**Case ID No.:** 37576  
**Reg. Ent. Reference No.:** RN101516714  
**Media:** Water Quality  
**Violation No.:** 5

Percent Interest	Years of Depreciation
5.0	15

**Item Cost:**    **Date Required:**    **Final Date:**    **Yrs:**    **Interest Saved:**    **Onetime Costs:**    **EB Amount:**  
**Item Description:** 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	\$500	11-Mar-2009	1-Feb-2010	0.90	\$22	n/a	\$22
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 to retain process control, maintenance, and operations records at the Facility. Date required is the investigation date and the final date is the expected compliance date.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$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    \$500    **TOTAL**    \$22

**Screening Date:** 6-May-2009 **Docket No.:** 2009-0662-MWD-E **PCW**  
**Respondent:** Victoria County Water Control and Improvement District 1 *Policy Revision 2 (September 2002)*  
**Case ID No.:** 37576 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.:** RN101516714  
**Media [Statute]:** Water Quality  
**Enf. Coordinator:** Jorge Ibarra, P.E.

**Violation Number:** 8  
**Rule Cite(s):** TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements No. 2, and 30 Tex. Admin. Code § 305.125(1)  
**Violation Description:** Failed to perform accurate loading calculations. Specifically, the operator was using the weekly average instead of the daily average for flow to perform the loading calculations.

**Base Penalty** \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				X	1%

**Matrix Notes:** More than 70% of the rule requirement was met.

**Adjustment** \$9,900

\$100

Violation Events

Number of Violation Events: 1 Number of violation days: 1

- mark only one with an x
- daily
  - weekly
  - monthly
  - quarterly
  - semiannual
  - annual
  - single event

**Violation Base Penalty** \$100

One single event is recommended.

**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** \$100

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

**Estimated EB Amount** \$22 **Violation Final Penalty Total** \$211

**This violation Final Assessed Penalty (adjusted for limits)** \$211

### Economic Benefit Worksheet

**Respondent:** Victoria County Water Control and Improvement District 1

**Case ID No.:** 37576

**Reg. Ent. Reference No.:** RN101516714

**Media:** Water Quality

**Violation No.:** 6

<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
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	\$500	11-Mar-2009	1-Feb-2010	0.90	\$22	n/a	\$22
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 train employees on the proper method of performing accurate loading calculations. Date required is the investigation date and the final date is the expected compliance date.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$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>	\$500	<b>TOTAL</b>	\$22
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<b>Screening Date:</b> 6-May-2009	<b>Docket No.:</b> 2009-0662-MWD-E	<b>PCW</b>				
<b>Respondent:</b> Victoria County Water Control and Improvement District 1		<i>Policy Revision 2 (September 2002)</i>				
<b>Case ID No.:</b> 37576		<i>PCW Revision October 30, 2008</i>				
<b>Reg. Ent. Reference No.:</b> RN101516714						
<b>Media [Statute]:</b> Water Quality						
<b>Enf. Coordinator:</b> Jorge Ibarra, P.E.						
<b>Violation Number:</b>	7					
<b>Rule Cite(s):</b>	TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements No. 1, and 30-Tex. Admin. Code § 319.7(d)					
<b>Violation Description:</b>	Failed to submit the monthly effluent reports by the 20th day of the following month. Specifically, the Respondent failed to submit the March, April, and September 2008 discharge monitoring reports ("DMRs") by the 20th day of the following month.					
<b>Base Penalty:</b>	\$10,000					
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>						
OR	Harm					
	Release	Major    Moderate    Minor				
	Actual	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td></tr></table>				
	Potential	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td></tr></table>				
	<b>Percent:</b>	0%				
<b>&gt;&gt; Programmatic Matrix</b>						
	Falsification	Major    Moderate    Minor				
		<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px; text-align: center;">X</td><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td></tr></table>		X		
	X					
	<b>Percent:</b>	10%				
<b>Matrix Notes:</b>	100% of the rule requirement was not met.					
<b>Adjustment:</b>	\$9,000					
		<b>\$1,000</b>				
<b>Violation Events</b>						
	3	306				
		Number of violation days				
<i>mark only one with an x</i>	daily	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td></tr></table>				
	weekly	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td></tr></table>				
	monthly	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td></tr></table>				
	quarterly	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td></tr></table>				
semiannual	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td></tr></table>					
annual	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td></tr></table>					
single event	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px; text-align: center;">X</td></tr></table>	X				
X						
	<b>Violation Base Penalty:</b>	\$3,000				
	Three single events are recommended, one for each of the three missing DMRs.					
<b>Good Faith Efforts to Comply</b>						
	0.0% Reduction	\$0				
	Before NOV    NOV to EDPRP/Settlement Offer					
Extraordinary	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td></tr></table>					
Ordinary	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td></tr></table>					
N/A	X    (mark with x)					
<b>Notes:</b>	The Respondent does not meet the good faith criteria for this violation.					
<b>Violation Subtotal:</b>	\$3,000					
<b>Economic Benefit (EB) for this violation</b>						
<b>Statutory Limit Test</b>						
<b>Estimated EB Amount:</b>	\$27	<b>Violation Final Penalty Total:</b> \$6,330				
		<b>This violation Final Assessed Penalty (adjusted for limits):</b> \$6,330				

## Economic Benefit Worksheet

**Respondent:** Victoria County Water Control and Improvement District 1  
**Case ID No.:** 37576  
**Reg. Ent. Reference No.:** RN101516714  
**Media:** Water Quality  
**Violation No.:** 7

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$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)	\$300	20-Apr-2008	15-Feb-2010	1.82	\$27	n/a	\$27

Notes for DELAYED costs

Estimated cost to submit the missing DMRs and conduct employee training to ensure that self-reporting requirements are properly accomplished. Date Required is the date the first DMR was due. 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

Approx. Cost of Compliance

\$300	TOTAL	\$27
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<b>Screening Date</b> 6-May-2009		<b>Docket No.</b> 2009-0662-MWD-E		<b>PCW</b>
<b>Respondent</b> Victoria County Water Control and Improvement District 1		<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b> 37576		<i>PCW Revision October 30, 2008</i>		
<b>Reg. Ent. Reference No.</b> RN101516714				
<b>Media [Statute]</b> Water Quality				
<b>Enf. Coordinator</b> Jorge Ibarra, P.E.				
<b>Violation Number</b>	8			
<b>Rule Cite(s)</b>	TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements No. 1, and 30 Tex. Admin. Code § 319.7(d)			
<b>Violation Description</b>	Failed to timely submit the monthly effluent reports by the 20th day of the following month. Specifically, the Respondent failed to submit the August, 2008 and November 2008 through January 2009 DMRs by the 20th day of the following month.			
<b>Base Penalty</b>				\$10,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	Major	Moderate	Minor	
<b>Release</b>				
<b>Actual</b>				<b>Percent</b> 0%
<b>Potential</b>				
<b>&gt;&gt; Programmatic Matrix</b>				
	Major	Moderate	Minor	
<b>Falsification</b>			x	<b>Percent</b> 1%
<b>Matrix Notes</b>	More than 70% of the rule requirement was met.			
<b>Adjustment</b>				\$9,900
				\$100
<b>Violation Events</b>				
	4	4	Number of violation days	
<i>mark only one with an x</i>	<b>daily</b>			
	<b>weekly</b>			
	<b>monthly</b>			
	<b>quarterly</b>			
	<b>semiannual</b>			
	<b>annual</b>			
	<b>single event</b>	x		
<b>Violation Base Penalty</b>				\$400
Four single events are recommended, one for each of the four late DMRs.				
<b>Good Faith Efforts to Comply</b>				
		25.0%	Reduction	
		Before NOV    NOV to EDPRP/Settlement Offer		
<b>Extraordinary</b>				
<b>Ordinary</b>	x			
<b>N/A</b>			(mark with x)	
<b>Notes</b>	The Respondent achieved compliance by March 17, 2009 for this violation.			
<b>Violation Subtotal</b>				\$300
<b>Economic Benefit (EB) for this violation</b>				
<b>Statutory Limit Test</b>				
<b>Estimated EB Amount</b>		\$10	<b>Violation Final Penalty Total</b> \$744	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$744

### Economic Benefit Worksheet

**Respondent** Victoria County Water Control and Improvement District 1  
**Case ID No.** 37576  
**Reg. Ent. Reference No.** RN101516714  
**Media** Water Quality  
**Violation No.** 8

<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)	\$400	20-Sep-2008	17-Mar-2009	0.49	\$10	n/a	\$10

**Notes for DELAYED costs** Estimated cost to submit the missing DMRs. Date Required is the date the first DMR was due. Final Date is the date of compliance.

**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**

<b>Approx. Cost of Compliance</b>	\$400	<b>TOTAL</b>	\$10
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<b>Screening Date</b> 6-May-2009	<b>Docket No.</b> 2009-0662-MWD-E	<b>PCW</b>
<b>Respondent</b> Victoria County Water Control and Improvement District 1	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 37576	<i>PCW Revision October 30, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN101516714		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Jorge Ibarra, P.E.		
<b>Violation Number</b> 9		
<b>Rule Cite(s)</b> TPDES Permit No. WQ0010513002; Monitoring and Reporting Requirements No. 7.c., and 30 Tex. Admin. Code § 805.125(1)		
<b>Violation Description</b>	Failed to report effluent violations which deviates from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, the Respondent failed to submit written notification to the Regional Office and the Enforcement Division once becoming aware that the TSS effluent limitation was exceeded by more than 40% in January 2009.	
<b>Base Penalty</b>	\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
OR	Harm	
	Release	Major    Moderate    Minor
	Actual	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	<b>Percent</b>	0%
<b>&gt;&gt; Programmatic Matrix</b>		
	Falsification	Major    Moderate    Minor
	<input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	<b>Percent</b>	10%
<b>Matrix Notes</b>	100% of the rule requirement was not met.	
<b>Adjustment</b>	\$9,000	
		\$1,000
<b>Violation Events</b>		
<b>Number of Violation Events</b>	1	<b>Number of violation days</b>
	1	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>
	weekly	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input checked="" type="checkbox"/>
<b>Violation Base Penalty</b>	\$1,000	
	One single event is recommended.	
<b>Good Faith Efforts to Comply</b>		
	0.0% Reduction	\$0
	Before NOV    NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.	
<b>Violation Subtotal</b>	\$1,000	
<b>Economic Benefit (EB) for this violation</b>		
<b>Estimated EB Amount</b>	\$9	<b>Statutory Limit Test</b>
		<b>Violation Final Penalty Total</b>
		\$2,110
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
	\$2,110	

### Economic Benefit Worksheet

**Respondent:** Victoria County Water Control and Improvement District 1  
**Case ID No.:** 97576  
**Reg. Ent. Reference No.:** RN101518714  
**Media:** Water Quality  
**Violation No.:** 9

<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	\$100	11-Mar-2009	15-Feb-2010	0.93	\$5	n/a	\$5
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	11-Mar-2009	15-Feb-2010	0.93	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to submit the required non-compliance notification and conduct employee training to ensure that self-reporting requirements are properly accomplished. Date required is the investigation date and the final date is the expected compliance date.

**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

\$200

**TOTAL**

\$9

<b>Screening Date:</b> 6-May-2009		<b>Docket No.:</b> 2009-0662-MWD-E		<b>PCW</b>	
<b>Respondent:</b> Victoria County Water Control and Improvement District 1		<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.:</b> 37578		<i>PCW Revision October 30, 2008</i>			
<b>Reg. Ent. Reference No.:</b> RN101518714					
<b>Media [Statute]:</b> Water Quality					
<b>Enf. Coordinator:</b> Jorge Ibarra, P.E.					
<b>Violation Number</b>	<input type="text" value="10"/>				
<b>Rule Cite(s)</b>	TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements No. 1, and 30.Tex. Admin. Code § 319.7(a)				
<b>Violation Description</b>	Failed to conduct quality assurance requirements for wastewater analyses. Specifically, the operator was not performing quality assurance/quality control checks on the Chlorine Pocket Colorimeter II meter on a 10% basis.				
<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>				
	Major	Moderate	Minor		
<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="5%"/>	
<b>Potential</b>	<input type="text"/>	<input type="text"/>	x		
<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>	Failure to conduct quality assurance requirements for wastewater analyses could result in the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment.				
<b>Adjustment</b>				<input type="text" value="\$9,500"/>	
				<input type="text" value="\$500"/>	
<b>Violation Events</b>					
<b>Number of Violation Events</b>		<input type="text" value="1"/>	<b>Number of violation days</b>		
		<input type="text" value="1"/>			
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$500"/>		
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	x			
One single event is recommended.					
<b>Good Faith Efforts to Comply</b>					
		<b>0.0% Reduction</b>	<input type="text" value="\$0"/>		
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	<input type="text"/>			
N/A	x	(mark with x)			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.				
<b>Violation Subtotal</b>				<input type="text" value="\$500"/>	
<b>Economic Benefit (EB) for this violation</b>					
<b>Statutory Limit Test</b>					
<b>Estimated EB Amount</b>		<input type="text" value="\$24"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$1,055"/>		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$1,055"/>	

## Economic Benefit Worksheet

**Respondent:** Victoria County Water Control and Improvement District 1  
**Case ID No.:** 37576  
**Reg. Ent. Reference No.:** RN101518714  
**Media:** Water Quality  
**Violation No.:** 10

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)	\$500	11-Mar-2009	1-Mar-2010	0.97	\$24	n/a	\$24

Notes for DELAYED costs

Estimated cost to perform quality assurance/quality control checks on the Chlorine Pocket Colorimeter II meter on a 10% basis. Date required is the investigation date and the final date is the expected compliance date.

**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

\$500

TOTAL

\$24

<b>Screening Date:</b> 6-May-2009	<b>Docket No.:</b> 2009-0862-MWD-E	<b>PCW</b>			
<b>Respondent:</b> Victoria County Water Control and Improvement District 1	<i>Policy Revision 2 (September 2002)</i>				
<b>Case ID No.:</b> 37576	<i>PCW Revision October 30, 2008</i>				
<b>Reg. Ent. Reference No.:</b> RN101516714					
<b>Media [Statute]:</b> Water Quality					
<b>Enf. Coordinator:</b> Jorge Ibarra, P.E.					
<b>Violation Number:</b> 11					
<b>Rule Cite(s):</b>	TPDES Permit No. WQ0010513002, Sludge Provisions and 30 Tex. Admin. Code § 305.125(17)				
<b>Violation Description:</b>	Failed to timely submit the annual sludge report for the reporting period ending July 31, 2008 by September 1, 2008.				
<b>Base Penalty</b>		\$10,000			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> <input type="text" value="0%"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	<b>Percent</b> <input type="text" value="1%"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Matrix Notes</b>	More than 70% of the rule requirement was met.				
<b>Adjustment</b>				\$9,900	
					\$100
<b>Violation Events</b>					
	<b>Number of Violation Events</b>	<input type="text" value="1"/>	<b>Number of violation days</b>	<input type="text" value="1"/>	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	<b>Violation Base Penalty</b>	<input type="text" value="\$100"/>	
	weekly	<input type="checkbox"/>			
	monthly	<input type="checkbox"/>			
	quarterly	<input type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
	single event	<input checked="" type="checkbox"/>			
One single event is recommended.					
<b>Good Faith Efforts to Comply</b>			0.0% Reduction	\$0	
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>			
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>			
N/A	<input checked="" type="checkbox"/>	(mark with x)			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.				
<b>Violation Subtotal</b>				\$100	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>	<input type="text" value="\$1"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$211"/>		
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$211"/>	

### Economic Benefit Worksheet

**Respondent:** Victoria County Water Control and Improvement District 1  
**Case ID No.:** 37576  
**Reg. Ent. Reference No.:** RN101516714  
**Media:** Water Quality  
**Violation No.:** 11

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

**Item Cost**    **Date Required**    **Final Date**    **Yrs**    **Interest Saved**    **Onetime Costs**    **EB Amount**  
**Item Description:** 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)	\$250	1-Sep-2008	29-Sep-2008	0.08	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to prepare and submit the required sludge report and conduct employee training to ensure that self reporting requirements are properly accomplished. Date Required is the first day of non-compliance. Final Date is the compliance date.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$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:

\$250

**TOTAL**

\$1

**Screening Date:** 6-May-2009      **Docket No.:** 2009-0662-MWD-E      **PCW**  
**Respondent:** Victoria County Water Control and Improvement District 1      *Policy Revision 2 (September 2002)*  
**Case ID No.:** 37576      *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.:** RN101516714  
**Media [Statute]:** Water Quality  
**Enf. Coordinator:** Jorge Ibarra, P.E.

**Violation Number:** 12  
**Rule Cite(s):** TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements No. 10, and 30, Tex. Admin. Code §§ 305.125(1) and 305.128  
**Violation Description:** Failed to ensure that all reports and other information requested by the Executive Director are signed by the authorized person. Specifically, the electronic discharge monitoring reports ("eDMRs") for November 2008 through February 2009 were not submitted by an authorized person.

**Base Penalty** \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	X			10%

**Matrix Notes:** 100% of the rule requirement was not met.

**Adjustment** \$9,000

\$1,000

**Violation Events**

Number of Violation Events: 4      Number of violation days: 4

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

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

Four single events are recommended.

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

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

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

**Violation Subtotal** \$4,000

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

**Estimated EB Amount** \$19      **Violation Final Penalty Total** \$8,440

**This violation Final Assessed Penalty (adjusted for limits)** \$8,440

### Economic Benefit Worksheet

**Respondent:** Victoria County Water Control and Improvement District 1  
**Case ID No.:** 37576  
**Reg. Ent. Reference No.:** RN101516714  
**Media:** Water Quality  
**Violation No.:** 12

Percent Interest	Years of Depreciation
5.0	15

**Item Cost**    **Date Required**    **Final Date**    **Yrs**    **Interest Saved**    **Onetime Costs**    **EB Amount**  
**Item Description:** 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)	\$400	11-Mar-2009	15-Feb-2010	0.93	\$19	n/a	\$19

**Notes for DELAYED costs:** Estimated cost to ensure that all reports and other information requested by the Executive Director are signed by the authorized person. Date required is the investigation date and the final date is the expected compliance date.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$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**    \$400    **TOTAL**    \$19

<b>Screening Date:</b> 6-May-2009	<b>Docket No.:</b> 2009-0662-MWD-E	<b>PCW</b>
<b>Respondent:</b> Victoria County Water Control and Improvement District 1	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.:</b> 37576	<i>PCW Revision October 30, 2008</i>	
<b>Reg. Ent. Reference No.:</b> RN101516714		
<b>Media [Statute]:</b> Water Quality		
<b>Enf. Coordinator:</b> Jorge Ibarra, P.E.		
<b>Violation Number:</b> 13		
<b>Rule Cite(s):</b>	30 Tex. Admin. Code § 319.11(d)	
<b>Violation Description:</b>	Failed to conform to the flow measurements, equipment, installation, and procedures prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C., or methods that are equivalent as approved by the Executive Director. Specifically, a staff gauge was not installed on the final 90 degree V notch weir; therefore, a flow accuracy check could not be performed.	
	<b>Base Penalty</b>	\$10,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
OR	<b>Harm</b>	
	Release	Major      Moderate      Minor
	Actual	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
	<b>Percent</b>	5%
<b>&gt;&gt; Programmatic Matrix</b>		
	<b>Falsification</b>	Major      Moderate      Minor
		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	<b>Percent</b>	0%
<b>Matrix Notes</b>	Failure to install a staff gauge on the final 90 degree V-notch weir could result in the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment.	
	<b>Adjustment</b>	\$9,500
		\$500
<b>Violation Events</b>		
	<b>Number of Violation Events</b>	<input type="text" value="1"/> <input type="text" value="1"/> <b>Number of violation days</b>
<i>mark only one with an x</i>	daily	<input type="checkbox"/>
	weekly	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input checked="" type="checkbox"/>
	<b>Violation Base Penalty</b>	\$500
	One single event is recommended.	
<b>Good Faith Efforts to Comply</b>		
	0.0% Reduction	\$0
	Before NOV      NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.	
	<b>Violation Subtotal</b>	\$500
<b>Economic Benefit (EB) for this violation</b>		
	<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	<input type="text" value="\$37"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$1,055"/>
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,055"/>	

### Economic Benefit Worksheet

**Respondent:** Victoria County Water Control and Improvement District 1  
**Case ID No.:** 37578  
**Reg. Ent. Reference No.:** RN101516714  
**Media:** Water Quality  
**Violation No.:** 13

<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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$500	11-Mar-2009	1-Apr-2010	1.06	\$2	\$35	\$37
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

Estimated cost to install a staff gauge on the final 90 degree V-notch weir. Date required is the investigation date and the final date is the expected compliance date.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$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

\$500

**TOTAL**

\$37

Effluent Limit Violation Table

table rev.

Victoria County Water Control and Improvement District 1

RN101516714, Case No. 37576

2009-0662-MWD-E

Jorge Ibarra, P.E.

Corresponds to Violation Number: 3

**EFFLUENT PARAMETER**

**Permit Limit**

	Cl Residual Minimum	TSS Daily Average							
<i>Month/Year</i>	1.0 mg/L	15 mg/L							
Dec-08	c	22.6							
Jan-09	c	27							
3/11/2009 *	0.76	c							

\* Grab Sample

Name	Abbreviation
milligram per liter	mg/L
Total Suspended Solids	TSS
Chlorine	Cl
compliant	c



# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600736946	Victoria County Water Control and Improvement District 1	Classification: AVERAGE	Rating: 2.13
Regulated Entity:	RN101516714	VICTORIA CO Water Control and Improvement District 1	Classification: AVERAGE	Site Rating: 3.31
ID Number(s):	WASTEWATER	PERMIT		WQ0010513002
	WASTEWATER	PERMIT		TPDES0122246
	WASTEWATER	PERMIT		TX0122246
Location:	northwest of and adjacent to the Missouri Pacific Railroad right-of way approximately 3,000 feet northeast, along the Missouri Pacific Railroad from its intersection with state Highway 185 in Bloomington, Victoria County, Texas			
TCEQ Region:	REGION 14 - CORPUS CHRISTI			
Date Compliance History Prepared:	May 06, 2009			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	May 06, 2004 to May 06, 2009			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	<u>Jorge Ibarra, P.E.</u>	Phone:	<u>(817) 588-5890</u>	

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
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: 04/03/2008 ADMINORDER 2007-1375-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)  
30 TAC Chapter 319, SubChapter A 319.7(d)
  - 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.
- B. Any criminal convictions of the state of Texas and the federal government.
  - N/A
- C. Chronic excessive emissions events.
  - N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	05/13/2004	(367575)
2	06/21/2004	(328275)
3	07/21/2004	(367576)
4	09/16/2004	(367577)
5	02/14/2005	(427811)
6	03/14/2005	(373954)
7	03/15/2005	(427813)
8	03/17/2005	(427812)
9	05/12/2005	(427814)
10	06/06/2005	(427815)
11	06/23/2005	(397079)
12	07/18/2005	(447825)
13	08/15/2005	(447826)
14	09/13/2005	(447827)
15	10/11/2005	(432000)
16	10/11/2005	(433977)
17	10/11/2005	(434014)
18	02/17/2006	(493128)
19	03/22/2006	(493129)
20	05/18/2006	(506597)
21	05/19/2006	(506598)
22	06/19/2006	(506599)
23	07/10/2006	(528769)
24	08/11/2006	(528770)
25	09/21/2006	(528771)
26	11/10/2006	(518257)
27	01/23/2007	(534711)
28	02/22/2007	(589371)
29	03/02/2007	(542228)
30	04/25/2007	(538599)
31	04/28/2007	(589372)
32	06/04/2007	(589373)
33	06/20/2007	(563661)
34	06/25/2007	(589374)
35	07/11/2007	(564582)
36	08/09/2007	(605834)
37	08/30/2007	(605835)
38	10/25/2007	(632248)
39	02/19/2008	(677500)
40	04/01/2008	(696259)
41	05/07/2008	(657281)
42	06/18/2008	(696260)
43	07/17/2008	(696261)
44	08/04/2008	(638009)
45	08/15/2008	(717916)
46	10/01/2008	(717917)
47	10/24/2008	(706440)
48	03/27/2009	(740027)
49	04/29/2009	(739602)

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

Date:	05/31/2004 (328275)	CN600736946
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	

Description: Failure to meet the limit for one or more permit parameter  
 Date: 06/30/2004 (367576) CN600736946  
 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: 07/21/2004 (282117) CN600736946  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
 TPDES Permit WQ0010521-002 PERMIT

Description: Failure to properly operate and maintain the wastewater collection system.  
 Date: 02/28/2005 (427812) CN600736946  
 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: 03/31/2005 (427813) CN600736946  
 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: 05/31/2005 (427815) CN600736946  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter  
 Date: 06/24/2005 (397079) CN600736946  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TPDES Permit No. WQ0010513-002 PERMIT

Description: Failure to maintain the chlorine residual at or above the minimum required concentration of 1.0 mg/l.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TPDES Permit No. WQ0010513-002 PERMIT

Description: Failure to comply with the permitted effluent limits for ammonia-nitrogen daily average concentration, ammonia-nitrogen daily maximum concentration, chlorine residual minimum, and Total Suspended Solids (TSS) daily average loading during the month of June 2004.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.6  
 30 TAC Chapter 319, SubChapter A 319.9(c)  
 TPDES Permit No. WQ0010513-002 PERMIT

Description: Failure to perform adequate quality control for the analysis of chlorine residual and dissolved oxygen.  
 Date: 06/30/2005 (447825) CN600736946  
 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: 07/31/2005 (447826) CN600736946  
 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 (528770) CN600736946  
 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 (528771) CN600736946  
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 11/10/2006 (518257) CN600736946  
 Self Report? NO Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Permit Conditions 2.g. PERMIT  
 Description: Failure to prevent an unauthorized discharge of wastewater or any other waste.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Permit Conditions 2.d. PERMIT  
 Description: Failure to take all reasonable steps to minimize or prevent any discharge or  
 sludge use or disposal or other permit violation which has the reasonable  
 likelihood of adversely affecting human health or the environment.  
 Date: 01/24/2007 (534711) CN600736946  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.3(e)(5)  
 Description: Failure to provide an audio-visual alarm system (red flashing light and horn) for  
 all lift stations.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.6(b)(1)(E)  
 Description: Failure to provide forced mechanical ventilation for the chlorination room which  
 will provide a complete air change a minimum of every three minutes.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Effluent Limitations 2. (page 2) OP  
 Description: Failure to maintain a chlorine residual in the effluent of at least 1.0 milligrams per  
 liter (mg/l) after a detention time of at least 20 minutes (based on peak flow).  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Monitoring and Reporting 2. (page 4) OP  
 Description: Failure to ensure that test procedures for the analysis of pollutants complies with  
 procedures specified in 30 TAC Chapters 319.11-319.12.  
 Date: 01/31/2007 (589371) CN600736946  
 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: 04/26/2007 (538599) CN600736946  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Permit Conditions 2.d. PERMIT  
 Description: Failure to take all reasonable steps to minimize or prevent any discharge or  
 sludge use or disposal or other permit violation which has the reasonable  
 likelihood of adversely affecting human health or the environment.  
 Date: 08/31/2007 (632248) CN600736946  
 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: 04/29/2008 (646290) CN600736946  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 30, SubChapter J 30.350(j)  
 Other Requirements; No. 1, Pg. 23 PERMIT  
 Description: Failure to operate the wastewater treatment plant (WWTP) a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher.  
 Date: 12/31/2008 CN600736946  
 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: 01/31/2009 CN600736946  
 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: 03/27/2009 (740027) CN600736946  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(5)  
 Operational Requirements 4. (Page 10) PERMIT  
 Description: Failure to install prior to plant start-up, and subsequently maintain, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
VICTORIA COUNTY WATER CONTROL  
AND IMPROVEMENT DISTRICT 1  
RN101516714

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER  
DOCKET NO. 2009-0662-MWD-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Victoria County Water Control and Improvement District 1 (“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 it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, 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 plant located northwest of and adjacent to the Missouri Pacific Railroad right-of-way approximately 3,000 feet northeast, along

the Missouri Pacific Railroad from its intersection with State Highway 185 in Bloomington, Victoria County, Texas (the "Facility").

2. The Respondent has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation on March 11, 2009, TCEQ staff documented that the Respondent did not ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, excessive foaming was observed in the aeration basins and several of the diffusers were clogged.
4. During an investigation on March 11 and 12, 2009, TCEQ staff documented that the Respondent did not prevent the discharge of wastewater into or adjacent to water in the state. Specifically, an unauthorized discharge occurred on January 13, 2009 which was caused by a sewer main break at First Street and North Leonard discharging approximately 50 gallons of wastewater.
5. During an investigation on March 11 and 12, 2009, TCEQ staff documented that the Respondent did not comply with permit effluent limits, as depicted in the table below:

EFFLUENT PARAMETER		
Permit Limit		
	Cl Residual Minimum	TSS Daily Average
Month/Year	1.0 mg/L	15 mg/L
Dec-08	c	22.6
Jan-09	c	27
11-Mar-09 *	0.76	c

mg/L = milligrams per liter c = compliant TSS = total suspended solids Cl = chlorine \* Grab Sample

6. During an investigation on March 11 and 12, 2009, TCEQ staff documented that the Respondent did not monitor the effluent characteristics at the frequency specified in the permit. Specifically, the effluent parameter for dissolved oxygen was not monitored once a week during the months of July 2008, and from February 1, 2009 through March 12, 2009, and the effluent parameter for pH was not monitored once a month during the months of July 2008 and February 2009.
7. During an investigation on March 11 and 12, 2009, TCEQ staff documented that the Respondent did not retain process control, maintenance, and operations records at the Facility, or make readily available for review by a TCEQ representative for a period of three years. Specifically, process control, maintenance, and operations records from September 2007 through January 2009 were not readily available for review by a TCEQ representative.
8. During an investigation on March 11 and 12, 2009, TCEQ staff documented that the Respondent did not perform accurate loading calculations. Specifically, the operator was using the weekly average instead of the daily average for flow to perform the loading calculations.

9. During an investigation on March 11 and 12, 2009, TCEQ staff documented that the Respondent did not submit the monthly effluent reports by the 20th day of the following month. Specifically, the Respondent failed to submit the March, April, August, September, and November 2008 through January 2009 discharge monitoring reports ("DMRs") by the 20th day of the following month.
10. During an investigation on March 11 and 12, 2009, TCEQ staff documented that the Respondent did not report effluent violations which deviates from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, the Respondent failed to submit written notification to the Regional Office and the Enforcement Division once becoming aware that the TSS effluent limitation was exceeded by more than 40% in January 2009.
11. During an investigation on March 11 and 12, 2009, TCEQ staff documented that the Respondent did not conduct quality assurance requirements for wastewater analyses. Specifically, the operator was not performing quality assurance/quality control checks on the Chlorine Pocket Colorimeter II meter on a 10% basis.
12. During an investigation on March 11 and 12, 2009, TCEQ staff documented that the Respondent did not timely submit the annual sludge report for the reporting period ending July 31, 2008 by September 1, 2008.
13. During an investigation on March 11 and 12, 2009, TCEQ staff documented that the Respondent did not ensure that all reports and other information requested by the Executive Director are signed by the authorized person. Specifically, the electronic discharge monitoring reports ("eDMRs") for November 2008 through February 2009 were not submitted by an authorized person.
14. During an investigation on March 11 and 12, 2009, TCEQ staff documented that the Respondent did not conform to the flow measurements, equipment, installation, and procedures prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C., or methods that are equivalent as approved by the Executive Director. Specifically, a staff gauge was not installed on the final 90 degree V-notch weir; therefore, a flow accuracy check could not be performed.
15. The Respondent received notice of the violations on May 4, 2009.
16. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. Submitted the August 2008 DMR on September 24, 2008;
  - b. Submitted the annual sludge report for the reporting period ending July 31, 2008 on September 29, 2008;

- c. Repaired the sewer main break at First Street and North Leonard by placing a six inch wrap around clamp on the line and disinfecting the area on January 14, 2009; and
- d. Submitted the November 2008 through January 2009 DMRs on March 17, 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 ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010513002, Operational Requirements No. 1, and 30 TEX. ADMIN. CODE § 305.125(5).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent the discharge of wastewater into or adjacent to water in the state, in violation of TPDES Permit No. WQ0010513002, Permit Conditions No. 2, g., 30 TEX. ADMIN. CODE § 305.125(4), and TEX. WATER CODE § 26.121(a).
4. As evidenced by Findings of Fact No. 5, the Respondent failed to comply with permit effluent limits, in violation of TPDES Permit No. WQ0010513002, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a).
5. As evidenced by Findings of Fact No. 6, the Respondent failed to monitor the effluent characteristics at the frequency specified in the permit, in violation of TPDES Permit No. WQ0010513002, Effluent Limitations and Monitoring Requirements Nos. 3 and 6, and 30 TEX. ADMIN. CODE § 319.4.
6. As evidenced by Findings of Fact No. 7, the Respondent failed to retain process control, maintenance, and operations records at the Facility, or make readily available for review by a TCEQ representative for a period of three years, in violation of TPDES Permit No. WQ0010513002, Operational Requirements No. 1, and 30 TEX. ADMIN. CODE § 305.125(1).
7. As evidenced by Findings of Fact No. 8, the Respondent failed to perform accurate loading calculations, in violation of TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements No. 2, and 30 TEX. ADMIN. CODE § 305.125(1).
8. As evidenced by Findings of Fact No. 9, the Respondent failed to submit the monthly effluent reports by the 20th day of the following month, in violation of TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements No. 1, and 30 TEX. ADMIN. CODE § 319.7(d).
9. As evidenced by Findings of Fact No. 10, the Respondent failed to report effluent violations which deviates from the permitted effluent limitation by more than 40% in writing to the

Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, in violation of TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements No. 7.c., and 30 TEX. ADMIN. CODE § 305.125(1).

10. As evidenced by Findings of Fact No. 11, the Respondent failed to conduct quality assurance requirements for wastewater analyses, in violation of TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements No. 1, and 30 TEX. ADMIN. CODE § 319.7(a).
11. As evidenced by Findings of Fact No. 12, the Respondent failed to timely submit the annual sludge report for the reporting period ending July 31, 2008 by September 1, 2008, in violation of TPDES Permit No. WQ0010513002, Sludge Provisions and 30 TEX. ADMIN. CODE § 305.125(17).
12. As evidenced by Findings of Fact No. 13, the Respondent failed to ensure that all reports and other information requested by the Executive Director are signed by the authorized person, in violation of TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements No. 10, and 30 TEX. ADMIN. CODE §§ 305.125(1) and 305.128.
13. As evidenced by Findings of Fact No. 14, the Respondent failed to conform to the flow measurements, equipment, installation, and procedures prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C., or methods that are equivalent as approved by the Executive Director, in violation of 30 TEX. ADMIN. CODE § 319.11(d).
14. 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.
15. An administrative penalty in the amount of Thirty-Four Thousand Six Hundred Seventy-Six Dollars (\$34,676) 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. Thirty-Four Thousand Six Hundred Seventy-Six Dollars (\$34,676) shall be conditionally offset by ABC The Respondent's completion of a Supplemental Environmental Project ("SEP").

### 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 Thirty-Four Thousand Six Hundred Seventy-Six Dollars (\$34,676) as set forth in Section II, Paragraph 15 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: Victoria County Water Control and Improvement District 1, Docket No. 2009-0662-MWD-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 15 above, Thirty-Four Thousand Six Hundred Seventy-Six Dollars (\$34,676) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
  - a. Immediately after the effective date of this Agreed Order:
    - i. Begin monitoring the effluent characteristics at the frequency specified in the permit, in accordance with TPDES Permit No. WQ0010513002, Effluent Limitations and Monitoring Requirements;
    - ii. Begin retaining process control, maintenance, and operations records at the Facility, in accordance with TPDES Permit No. WQ0010513002, Operational Requirements; and
    - iii. Begin performing accurate loading calculations, in accordance with TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements.
  - b. Within 15 days after the effective date of this Agreed Order:
    - i. Implement measures to ensure that all reports and other information requested by the Executive Director are signed by the authorized person, in accordance with TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements;
    - ii. Submit the March, April, and September 2008 DMRs, in accordance with TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements; and
    - iii. Submit written notification to the Regional Office for the TSS effluent limitation exceedance of January 2009, in accordance with TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements.

- c. Within 30 days after the effective date of this Agreed Order:
- i. Begin performing quality assurance/quality control checks on the Chlorine Pocket Colorimeter II meter on a 10% basis;
  - ii. Develop and implement procedures to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained to eliminate clogging of the diffusers, in accordance with TPDES Permit No. WQ0010513002, Operational Requirements;
  - iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs and annual sludge reports, in accordance with TPDES Permit No. WQ0010513002, Monitoring and Reporting Requirements No. 1 and Sludge Provisions; and
  - iv. Begin conforming to the flow measurements by installing a staff gauge on the final 90 degree V-notch weir, in accordance with 30 TEX. ADMIN. CODE § 319.11(d).
- d. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of Permit No. WQ0010513002, 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 and with Ordering Provision Nos. 3.a. through 3.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines 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  
Corpus Christi Regional Office  
Texas Commission on Environmental Quality  
6300 Ocean Drive, Suite 1200  
Corpus Christi, Texas 78412-5503

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.

11. 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 Szellin  
For the Executive Director

9/18/09  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Victoria County Water Control and Improvement District 1. I am authorized to agree to the attached Agreed Order on behalf of Victoria County Water Control and Improvement District 1, 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, Victoria County Water Control and Improvement District 1 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.

Isaac Martin  
Signature

8-12-09  
Date

ISAAC MARTIN  
Name (Printed or typed)  
Authorized Representative of  
Victoria County Water Control and Improvement District 1

BOARD PRESIDENT  
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.

**Attachment A**  
**Docket Number: 2009-0662-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Victoria County Water Control and Improvement District 1</b>
<b>Payable Penalty Amount:</b>	<b>Thirty-Four Thousand Six Hundred Seventy-Six Dollars (\$34,676)</b>
<b>SEP Amount:</b>	<b>Thirty-Four Thousand Six Hundred Seventy-Six Dollars (\$34,676)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Guadalupe-Blanco River Trust - Aransas National Wildlife Refuge Habitat Enhancement Project</b>
<b>Location of SEP:</b>	<b>Victoria County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. An environmental restoration project to improve and maintain the wetland habitat of the Myrtle Foester-Whitmire Unit of the Aransas National Wildlife Refuge (Refuge) for waterfowl and shorebirds. The Guadalupe-Blanco River Trust, Guadalupe-Blanco River Authority (GBRA), and the Aransas National Wildlife Refuge (Refuge) are engaging in a cooperative program to provide a more reliable supply of water to the Myrtle Foester-Whitmire Unit and to improve the efficiency of the delivery of freshwater to and within the Unit.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving and maintaining the wetland habitat of the Myrtle-Foester Whitmire Unit of the Aransas National Wildlife Refuge (Refuge) for waterfowl and shorebirds.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Todd Votteler, Ph.D.  
933 E. Court Street  
Seguin, Texas 78155

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

