

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1726-MWD-E **TCEQ ID:** RN102096633 **CASE NO.:** 34844

RESPONDENT NAME: West Houston Airport Corporation

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Lakeside Airport, 18000 Groeschke Road, Houston, Harris County</p> <p>TYPE OF OPERATION: Wastewater treatment facility for a private airport</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 9, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Merrilee Hupp, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4490; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Woody Lesikar, President, West Houston Airport Corporation, 18000 Groeschke Road, Houston, Texas 77084 Respondent's Attorney: Mr. Mark H. Zeppa, P.C., 4800 Spicewood Springs Road, Suite 202, Austin, Texas 78759-8436</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigations Relating to this Case: June 12, June 22, and July 2, 2007</p> <p>Date of NOE Relating to this Case: August 22, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to submit the annual sludge report for the monitoring period ending July 31, 2006 [30 TEX. ADMIN. CODE § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12516001, Sludge Provisions].</p> <p>2) Failure to properly operate and maintain the Facility. Specifically, the high-level alarm was not operational and there was no standby pump at the on-site lift station [30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.3(b)(1) and (e)(5), and TPDES Permit 12516001, Operational Requirements No. 1].</p> <p>3) Failure to properly operate and maintain the Facility. Specifically, it was documented that the solids throughout the Facility were not being properly managed, as indicated by a mixed liquor suspended solids concentration in the aeration basin of three times over the recommended level and approximately two feet of sludge in the chlorine contact basin, resulting in decreased capacities of both treatment units. Additionally, several diffusers in the aeration basin and digester were not functioning, and the entire plant was severely rusted [30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.4(g)(4)(B), and TPDES Permit No. 12516001, Operational Requirements No. 1].</p>	<p>Total Assessed: \$28,980</p> <p>Total Deferred: \$5,796 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$23,184</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a) On July 2, 2007, repaired the lift station high-level alarm, and removed the leaking tank and cleaned up the dechlorinating agent spill;</p> <p>b) By July 2, 2007, submitted the DMRs for January 2005 through January 2006, and April 2006 through March 2007 to the TCEQ; and</p> <p>c) On October 31, 2007, provided the monthly operating logs and field analyses records for April, May, and June 2007 for review by the TCEQ.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order:</p> <p>i. Repair or replace the air diffusers in the aeration and digester basins;</p> <p>ii. Replace the staff gauge;</p> <p>iii. Submit the annual sludge report for the monitoring period ending July 31, 2006;</p> <p>iv. Commence maintaining quality control analyses records with the quality control data for the C1 and DO analyses;</p> <p>v. Submit the revised DMR for September 2006 with the actual calculated loading values in pounds per day for CBOD, TSS, and NH3-N and the revised DMR for November 2006 with the correctly calculated daily average values for TSS;</p> <p>vi. Submit DMRs for February 2006,</p>

<p>4) Failure to provide a chlorine contact basin with adequate disinfection capacity. Specifically, the existing basin was measured as having a treatment capacity of ten cubic feet when a capacity of 19 cubic feet is required to provide the minimum 20 minute detention time at peak flows [30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.6(b)(3), and TPDES Permit 12516001, Operational Requirements No. 1].</p> <p>5) Failure to use an adequate flow measuring device to monitor instantaneous flow. Specifically, the staff gauge for flow measurement had disintegrated below the 3.5 inch mark [30 TEX. ADMIN. CODE § 305.125(1) and (5) and 319.11(d), and TPDES Permit No. 12516001, Operational Requirements No. 1].</p> <p>6) Failure to maintain compliance with the permit effluent limits for ammonia nitrogen, total chlorine residual, and dissolved oxygen ("DO") [30 TEX. ADMIN. CODE §305.125(1), TPDES Permit No. 12516001, Interim Effluent Limitations and Monitoring Requirements Nos. 1, 2 and 6, and TEX. WATER CODE § 26.121(a)].</p> <p>7) Failure to prevent the spill of dechlorinating agent from a plastic storage tank to the adjacent ground [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. 12516001, Operational Requirements No. 1].</p> <p>8) Failure to provide the operation logs, field analyses records, and quality control records for the field analyses for review upon request. Specifically, the monthly operation logs and field analyses records for DO and chlorine residual measurements were not available for April, May, and June 2007 and quality control records for the chlorine residual and DO analyses were not available for June 2006 through June 2007 [30 TEX. ADMIN. CODE §§ 305.125(1), 319.7(c), and 319.9 and TPDES Permit No. 12516001, Monitoring and Reporting Requirements No. 3.b].</p> <p>9) Failure to fill out the Discharge Monitoring Reports ("DMRs") correctly. Specifically, daily average loading values for carbonaceous biochemical oxygen ("CBOD"), total suspended solids ("TSS"), and ammonia nitrogen ("NH3-N") were reported as zero on the September 2006 DMR and an incorrect value was reported for the TSS daily average loading value on the November 2006 DMR (30 TEX.</p>		<p>March 2006, April 2007, and May 2007; and</p> <p>vii. Update operational guidance and conduct employee training regarding reporting and recordkeeping requirements, including procedures to ensure that the DMRs, annual sludge reports and written reports for effluent violations which deviate by more than 40% from the permitted limit are properly submitted to the TCEQ in accordance with TPDES Permit No. 12516001, Monitoring and Reporting Requirements Nos. 1 and 7 and required operational logs, field analyses reports, and quality control records are maintained and made available for review upon request by the TCEQ.</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions 2.a.i. through 2.a.vii.;</p> <p>c) Within 60 days after the effective date of this Agreed Order:</p> <p>i. Remove sludge from chlorine contact basin, and develop a solids management plan ("SMP") and submit a copy to the TCEQ. The SMP shall identify the appropriate range of solids to be maintained throughout the treatment units at the Facility and outline a program of internal process control testing to monitor the efficiency of the wastewater treatment and to maintain the proper solids balance at the Facility. The SMP shall be prepared by a Texas registered professional engineer or an "A" TCEQ Certified Wastewater Operator; and</p> <p>ii. Conduct an evaluation of the physical condition of each component of the existing Facility. The analysis shall be prepared by a Texas registered professional engineer and shall include, at a minimum, an evaluation of the Facility's structural integrity and recommendations listed in a plan with a schedule for implementation to be completed within 180 days after the effective date of this Agreed Order.</p> <p>d) Within 75 days, submit certification of compliance with Ordering Provisions 2.c.i. and 2.c.ii.</p>
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<p>ADMIN. CODE §§ 305.125(1) and 319.7(e) and TPDES Permit No. 12516001, Monitoring and Reporting Requirements No. 1].</p> <p>10) Failure to submit DMRs for February 2006, March 2006, April 2007, and May 2007 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(d) and TPDES Permit No. 12516001, Monitoring and Reporting Requirements No. 1].</p> <p>11) Failure to timely submit DMRs for January 2005 through January 2006, and April 2006 through March 2007 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(d) and TPDES Permit No. 12516001, Monitoring and Reporting Requirements No. 1].</p> <p>12) Failure to submit noncompliance notification reports for the effluent violations reported in September 2006 and October 2006 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 12516001, Monitoring and Reporting Requirements No. 7.c.].</p>		<p>e) Within 90 days after the effective date of this Agreed Order, the engineer or an "A" operator shall review the SMP in the field with the Respondent's operator. Immediately following the field review, the Respondent shall implement the SMP.</p> <p>f) Within 105 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 12516001, 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.</p> <p>g) Within 180 days after the effective date of this Agreed Order:</p> <p>i. Provide a chlorine contact basin with adequate disinfection capacity; and</p> <p>ii. Complete all necessary structural repairs as identified in Ordering Provision 2.c.ii.</p> <p>h) Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.g.i. and 2.g.ii.</p>
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Additional ID No(s): WQ0012516001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

TCEQ

DATES	Assigned PCW	27-Aug-2007	Screening	21-Sep-2007	EPA Due	
	PCW	2-Sep-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	West Houston Airport Corporation
Reg. Ent. Ref. No.	RN102096633
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34844	No. of Violations	12
Docket No.	2007-1726-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Merrilee Hupp
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$25,200
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20% Enhancement	Subtotals 2, 3, & 7	\$5,040
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Notes The Respondent has four NOVs for same or similar violations, two of which were self-reported.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

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

Total EB Amounts	\$1,072	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$16,470	<i>*Capped at the Total EB \$ Amount</i>		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$30,240
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-4%	Adjustment	-\$1,260
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommend reduction in the penalty to prevent double-enhancement of the penalty amount for same violations that were self-reported.

Final Penalty Amount	\$28,980
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$28,980
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DEFERRAL	20% Reduction	Adjustment	-\$5,796
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY	\$23,184
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Screening Date 21-Sep-2007

Docket No. 2007-1726-MWD-E

PCW

Respondent West Houston Airport Corporation

Policy Revision 2 (September 2002)

Case ID No. 34844

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN102096633

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

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)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	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) 20%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The Respondent has four NOVs for same or similar violations, two of which were self-reported.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

Screening Date 21-Sep-2007

Docket No. 2007-1726-MWD-E

PCW

Respondent West Houston Airport Corporation

Policy Revision 2 (September 2002)

Case ID No. 34844

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN102096633

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12516001, Sludge Provisions

Violation Description

Failed to submit the annual sludge report for the monitoring period ending July 31, 2006.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

Matrix Notes

100% of the rule requirement was not met by not submitting the annual sludge report.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: West Houston Airport Corporation
Case ID No.: 34844
Reg. Ent. Reference No.: RN102096633
Media: Water Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$250	1-Sep-2006	1-Jun-2008	1.8	\$22	n/a	\$22
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	1-Sep-2006	1-Jun-2008	1.8	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to submit the annual sludge report and to update the Facility's operational guidance and to conduct employee training to ensure that recordkeeping and reporting procedures are properly accomplished. Date required is the date the report 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)

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$350

TOTAL \$31

Screening Date 21-Sep-2007

Docket No. 2007-1726-MWD-E

PCW

Respondent West Houston Airport Corporation

Policy Revision 2 (September 2002)

Case ID No. 34844

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN102096633

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and (5), 317.3(b)(1) and (e)(5), and TPDES Permit No. 12516001, Operational Requirements No. 1

Violation Description

Failed to properly operate and maintain the Facility, as documented during investigations conducted June 12, 2007 through July 2, 2007. Specifically, the high-level alarm was not operational and there was no standby pump at the on-site lift station.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Failure to have an operational high-level alarm could result in the exposure of a significant amount of pollutants which would not exceed levels protective of human health or the environment.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	<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"/>

Violation Base Penalty

Two quarterly events are recommended from the investigation beginning June 12, 2007 to the date of compliance on July 2, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent West Houston Airport Corporation
Case ID No. 34844
Reg. Ent. Reference No. RN102096633
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$2,500	12-Jun-2007	2-Jul-2007	0.1	\$0	\$9	\$10
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	12-Jun-2007	2-Jul-2007	0.1	\$1	n/a	\$1

Notes for DELAYED costs

Estimated costs of repairing the high-level alarm on the lift station (\$200) and a new lift station pump (\$2,500).
 Date required is the first site investigation date, and final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$2,700	TOTAL	\$10
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Screening Date 21-Sep-2007

Docket No. 2007-1726-MWD-E

PCW

Respondent West Houston Airport Corporation

Policy Revision 2 (September 2002)

Case ID No. 34844

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN102096633

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (5) and 317.4(g)(4)(B) and TPDES Permit No. 12516001, Operational Requirements No. 1

Violation Description

Failed to properly operate and maintain the Facility, as documented during investigations conducted June 12, 2007 through July 2, 2007. Specifically, it was documented that the solids throughout the Facility were not being properly managed, as indicated by a mixed liquor suspended solids concentration in the aeration basin of three times over the recommended level and approximately two feet of sludge in the chlorine contact basin, resulting in decreased capacities of both treatment units. Additionally, several diffusers in the aeration basin and digester were not functioning, and the entire plant was severely rusted.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Failure to control solids and oxygen levels throughout the Facility could result in the exposure of a significant amount of pollutants which would not exceed levels protective of human health or the environment.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

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

Violation Base Penalty

Two quarterly events are recommended from the investigation beginning June 12, 2007 to the screening date of September 21, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent West Houston Airport Corporation
Case ID No. 34844
Reg. Ent. Reference No. RN102096633
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$2,000	12-Jun-2007	1-Jun-2008	1.0	\$6	\$130	\$136
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	12-Jun-2007	1-Jun-2008	1.0	\$2	\$32	\$34
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,800	12-Jun-2007	1-Jun-2008	1.0	\$88	n/a	\$88
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	12-Jun-2007	1-Jun-2008	1.0	\$24	n/a	\$24

Notes for DELAYED costs

Estimated costs of removing excessive solids from the clarifier and chlorine contact basin (\$500), developing and implementing a solids management plan, and providing additional process control testing based on \$50 per month and personnel time based on \$100 per month to ensure that adequate dissolved oxygen ("DO") levels and proper solids levels are maintained throughout the Facility. Estimated costs of rust removal and painting of the Facility is \$2,000, and replacing and repairing the diffusers is \$500. Date required is the first site investigation date. Final date is the projected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$4,800	TOTAL	\$282
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Screening Date 21-Sep-2007

Docket No. 2007-1726-MWD-E

PCW

Respondent West Houston Airport Corporation

Policy Revision 2 (September 2002)

Case ID No. 34844

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN102096633

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (5) and 317.6(b)(3) and TPDES Permit No. 12516001, Operational Requirements No. 1

Violation Description

Failed to provide a chlorine contact basin with adequate disinfection capacity, as documented during the investigations conducted June 12, 2007 through July 2, 2007. Specifically, on July 2, 2007, the existing basin was measured as having a treatment capacity of ten cubic feet when a capacity of 19 cubic feet is required to provide the minimum 20 minute detention time at peak flows.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide adequate disinfection detention capacity will or could result in the exposure of pollutants which would exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3

81 Number of violation days

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

Violation Base Penalty \$7,500

Three monthly events are recommended from the documentation of the violation on July 2, 2007 to the screening date of September 21, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$468

Violation Final Penalty Total \$8,625

This violation Final Assessed Penalty (adjusted for limits) \$8,625

Economic Benefit Worksheet

Respondent: West Houston Airport Corporation
Case ID No.: 34844
Reg. Ent. Reference No.: RN102096633
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
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$5,000	2-Jul-2007	1-Nov-2008	1.3	\$22	\$446	\$468
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs for the expansion of the chlorine contact basin. Date required is the date the violation was documented. Final date is the projected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$468

Screening Date 21-Sep-2007

Docket No. 2007-1726-MWD-E

PCW

Respondent West Houston Airport Corporation

Policy Revision 2 (September 2002)

Case ID No. 34844

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN102096633

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (5) and 319.11(d) and TPDES Permit No. 12516001, Operational Requirements No. 1

Violation Description Failed to use an adequate flow measuring device to monitor instantaneous flow measurements. Specifically, the staff gauge for flow measurement had disintegrated below the 3.5 inch mark.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Human health or the environment will or could be exposed to an insignificant amount of pollutants which would not exceed levels protective of human health or the environment.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent West Houston Airport Corporation
Case ID No. 34844
Reg. Ent. Reference No. RN102096633
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$100	12-Jun-2007	1-Jun-2008	1.0	\$0	\$6	\$7
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to replace the primary flow measuring device (staff gauge). Date required is the investigation date and final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs
 (This area is currently blank)

Approx. Cost of Compliance	\$100	TOTAL	\$7
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Screening Date 21-Sep-2007

Docket No. 2007-1726-MWD-E

PCW

Respondent West Houston Airport Corporation

Policy Revision 2 (September 2002)

Case ID No. 34844

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN102096633

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. 12516001, Interim Effluent Limitations and Monitoring Requirements Nos. 1, 2 and 6, and Tex. Water Code § 26.121(a)

Violation Description Failed to maintain compliance with the permit effluent limits. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

A simplified model was used to evaluate ammonia-nitrogen to determine whether the discharged amount of pollutants exceeded protective levels. Flow, chlorine, and dissolved oxygen concentrations were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 92 Number of violation days

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

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$47

Violation Final Penalty Total \$2,300

This violation Final Assessed Penalty (adjusted for limits) \$2,300

Economic Benefit Worksheet

Respondent West Houston Airport Corporation
Case ID No. 34844
Reg. Ent. Reference No. RN102096633
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$450	1-Sep-2006	30-Sep-2008	2.1	\$47	n/a	\$47
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated costs of personnel to conduct additional inspection, monitoring, and operational adjustments to ensure compliance with permit limits based on \$100 per month for personnel and \$50 per month for sampling. Date required is the beginning of the first violation month. Final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$450

TOTAL \$47

Screening Date 21-Sep-2007	Docket No. 2007-1726-MWD-E	PCW
Respondent West Houston Airport Corporation	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34844	<i>PCW Revision September 19, 2007</i>	
Reg. Ent. Reference No. RN102096633		
Media [Statute] Water Quality		
Enf. Coordinator Merrilee Hupp		
Violation Number 7		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. 12516001, Operational Requirements No. 1	
Violation Description	Failed to prevent the spill of dechlorinating agent from a plastic storage tank to the adjacent ground.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="10%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	Failure to prevent the spill of dechlorinating agent to the ground resulted in the exposure of an insignificant amount of contaminants which did not exceed levels protective of human health and the environment.				
Adjustment					\$9,000

\$1,000

Violation Events

	<input type="text" value="1"/>		<input type="text" value="20"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>	semiannual	<input type="text"/>
	annual	<input type="text"/>	single event	<input type="text"/>
Violation Base Penalty <input type="text" value="\$1,000"/>				
One quarterly event is recommended based on the investigation beginning June 12, 2007 to the date of compliance on July 2, 2007.				

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$1"/>	Violation Final Penalty Total <input type="text" value="\$1,150"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,150"/>	

Economic Benefit Worksheet

Respondent: West Houston Airport Corporation
Case ID No.: 34844
Reg. Ent. Reference No.: RN102096633
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
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$500	12-Jun-2007	2-Jul-2007	0.1	\$1	n/a	\$1
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to remove the dechlorination agent from the site and to clean up the chemical spill is \$500. Date required is the investigation date. Final date is the date corrective actions were documented.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$1

Screening Date 21-Sep-2007

Docket No. 2007-1726-MWD-E

PCW

Respondent West Houston Airport Corporation

Policy Revision 2 (September 2002)

Case ID No. 34844

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN102096633

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1), 319.7(c), and 319.9 and TPDES Permit No. 12516001, Monitoring and Reporting Requirements No. 3.b

Violation Description

Failed to provide the operation logs, field analyses records, and quality control records for the field analyses for review upon request. Specifically, the monthly operation logs and field analyses records for DO and chlorine residual measurements were not available for April, May, and June 2007 and quality control records for the chlorine residual and DO analyses were not available for June 2006 through June 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 5%

Matrix Notes

At least 30% but less than 70% of the rule requirement was met.

Adjustment \$9,500

\$500

Violation Events

1

101 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended based on documentation of the violation during the investigation beginning June 12, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$29

Violation Final Penalty Total \$575

This violation Final Assessed Penalty (adjusted for limits) \$575

Economic Benefit Worksheet

Respondent West Houston Airport Corporation
Case ID No. 34844
Reg. Ent. Reference No. RN102096633
Media Water Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$250	30-Jun-2006	1-Jun-2008	1.9	\$24	n/a	\$24
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$50	30-Jun-2006	1-Jun-2008	1.9	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to maintain quality control data and to update the Facility's operational guidance and to conduct employee training to ensure that recordkeeping and reporting procedures are properly accomplished. Date required is the date of the first incomplete operational log. Final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$300	TOTAL	\$29
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Screening Date 21-Sep-2007

Docket No. 2007-1726-MWD-E

PCW

Respondent West Houston Airport Corporation

Policy Revision 2 (September 2002)

Case ID No. 34844

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN102096633

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.7(e) and TPDES Permit No. 12516001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to fill out the discharge monitoring reports ("DMRs") correctly. Specifically, the daily average loading values for carbonaceous biochemical oxygen ("CBOD"), total suspended solids ("TSS"), and ammonia-nitrogen ("NH3-N") were reported as zero on the September 2006 DMR and an incorrect value was reported for the TSS daily average loading value on the November 2006 DMR.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Over 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2

101 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Two single events (one for each DMR) are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$24

Violation Final Penalty Total \$230

This violation Final Assessed Penalty (adjusted for limits) \$230

Economic Benefit Worksheet

Respondent West Houston Airport Corporation
Case ID No. 34844
Reg. Ent. Reference No. RN102096633
Media Water Quality
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$250	20-Oct-2006	1-Jun-2008	1.6	\$20	n/a	\$20
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$50	20-Oct-2006	1-Jun-2008	1.6	\$4	n/a	\$4

Notes for DELAYED costs
 Estimated cost to submit revised DMRs and to update the Facility's operational guidance and to conduct employee training to ensure that recordkeeping and reporting procedures 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)**

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

Notes for AVOIDED costs

Approx. Cost of Compliance **\$300**

TOTAL **\$24**

Screening Date 21-Sep-2007

Docket No. 2007-1726-MWD-E

PCW

Respondent West Houston Airport Corporation

Policy Revision 2 (September 2002)

Case ID No. 34844

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN102096633

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.7(d) and TPDES Permit No. 12516001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to submit DMRs for February 2006, March 2006, April 2007, and May 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4

550 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$4,000

Four single events are recommended for the missing DMRs.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$47

Violation Final Penalty Total \$4,600

This violation Final Assessed Penalty (adjusted for limits) \$4,600

Economic Benefit Worksheet

Respondent: West Houston Airport Corporation
Case ID No.: 34844
Reg. Ent. Reference No.: RN102096633
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$250	20-Mar-2006	1-Jun-2008	2.2	\$28	n/a	\$28
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$180	20-Mar-2006	1-Jun-2008	2.2	\$20	n/a	\$20

Notes for DELAYED costs
 Estimated cost to submit four DMRs and to update the Facility's operational guidance and to conduct employee training to ensure that recordkeeping and reporting procedures are properly accomplished. Date required is the first DMR due date. Final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$430	TOTAL	\$47
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Screening Date 21-Sep-2007	Docket No. 2007-1726-MWD-E	PCW
Respondent West Houston Airport Corporation	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34844	<i>PCW Revision September 19, 2007</i>	
Reg. Ent. Reference No. RN102096633		
Media [Statute] Water Quality		
Enf. Coordinator Merrilee Hupp		
Violation Number <input type="text" value="11"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code §§ 305.125(1) and 319.7(d) and TPDES Permit No. 12516001, Monitoring and Reporting Requirements No. 1"/>	
Violation Description	<input type="text" value="Failed to timely submit DMRs for January 2005 through January 2006, and April 2006 through March 2007."/>	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
				Percent <input type="text" value="1%"/>
Matrix Notes	<input type="text" value="Over 70% of the rule requirement was met."/>			
Adjustment				<input type="text" value="\$9,900"/>

Violation Events

Number of Violation Events <input type="text" value="25"/>	<input type="text" value="988"/>	Number of violation days
<i>mark only one with an x</i> daily <input type="text"/> monthly <input type="text"/> quarterly <input type="text"/> semiannual <input type="text"/> annual <input type="text"/> single event <input checked="" type="checkbox"/>	Violation Base Penalty <input type="text" value="\$2,500"/>	
<input type="text" value="Twenty-five single events (one per DMR) are recommended."/>		

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$100"/>	Violation Final Penalty Total <input type="text" value="\$2,875"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,875"/>	

Economic Benefit Worksheet

Respondent: West Houston Airport Corporation
Case ID No.: 34844
Reg. Ent. Reference No.: RN102096633
Media: Water Quality
Violation No.: 11

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$250	20-Feb-2005	1-Jun-2008	3.3	\$41	n/a	\$41
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	20-Feb-2005	2-Jul-2007	2.4	\$59	n/a	\$59

Notes for DELAYED costs

Estimated cost to submit 25 DMRs and to update the Facility's operational guidance and to conduct employee training to ensure that recordkeeping and reporting procedures are properly accomplished. Date required is the first DMR due date. Final date is the date DMR's were submitted (7/2/07) and the date that training will be conducted.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$750	TOTAL	\$100
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Screening Date 21-Sep-2007	Docket No. 2007-1726-MWD-E	PCW
Respondent West Houston Airport Corporation	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34844	<i>PCW Revision September 19, 2007</i>	
Reg. Ent. Reference No. RN102096633		
Media [Statute] Water Quality		
Enf. Coordinator Merrilee Hupp		
Violation Number	12	
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 12516001, Monitoring and Reporting Requirements No. 7.c.	
Violation Description	Failed to submit noncompliance notification reports for the effluent violations reported in September 2006 and October 2006.	
Base Penalty	\$10,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
>> Programmatic Matrix					
		Major	Moderate	Minor	
	Falsification	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
Matrix Notes	100% of the rule requirement was not met.				
	Adjustment	<input type="text" value="\$9,000"/>			

Violation Events

Number of Violation Events <input type="text" value="2"/>	<input type="text" value="320"/>	Number of violation days												
<i>mark only one with an x</i> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">daily</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">monthly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">quarterly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">semiannual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">annual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">single event</td><td style="text-align: center;"><input type="text" value="x"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text" value="x"/>	Violation Base Penalty	<input type="text" value="\$2,000"/>
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input type="text" value="x"/>													
Two single events are recommended (one per report).														

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

Estimated EB Amount <input type="text" value="\$24"/>	Violation Final Penalty Total <input type="text" value="\$2,300"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,300"/>	

Economic Benefit Worksheet

Respondent West Houston Airport Corporation
Case ID No. 34844
Reg. Ent. Reference No. RN102096633
Media Water Quality
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$250	30-Sep-2006	1-Jun-2008	1.7	\$21	n/a	\$21
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$40	30-Sep-2006	1-Jun-2008	1.7	\$3	n/a	\$3

Notes for DELAYED costs
 Estimated cost to prepare and submit noncompliance notices and to update the Facility's operational guidance and to conduct employee training to ensure that recordkeeping and reporting procedures are properly accomplished. Date required is the first possible due date of the noncompliance notice. Final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$290	TOTAL	\$24
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Respondent: West Houston Airport Corporation
 ID Number: RN102096633
 Docket Number: 2007-1726-MWD-E

Corresponds to Violation 6:

OUTFALL OO1 INTERIM EFFLUENT LIMITS

Month/Year	NH3-N Daily Avg. Loading Limit = 0.03 (lbs/day)	NH3-N Daily Avg. Conc. Limit = 2.0 (mg/L)	NH3-N Single Grab Limit = 15.0 (mg/L)	Cl Min. Conc. Limit = 1.0 (mg/L)	DO Min. Conc. Limit = 6.0 (mg/L)
Sep-06	**	6.6	16.3	c	c
Oct-06	2.3	6.5	c	c	c
July 2-07*	n/a	n/a	c	0.01	5.46

Abbreviations: Ammonia-nitrogen ("NH3-N"); Total Chlorine Residual ("Cl");
 Dissolved Oxygen ("DO"); Average ("Avg");
 Minimum ("Min"); Concentration ("Conc");
 pounds per day ("lbs/day"); milligrams per liter ("mg/L");
 compliant ("c"); and not applicable ("n/a")
 * - Region investigation grab sample
 ** miscalculated

Compliance History

Customer/Respondent/Owner-Operator: CN600633739 West Houston Airport Corporation Classification: AVERAGE Rating: 2.12

Regulated Entity: RN102096633 LAKESIDE AIRPORT Classification: AVERAGE Site Rating: 0.35

ID Number(s): WASTEWATER PERMIT WQ0012516001
 WASTEWATER PERMIT TPDES0089907
 WASTEWATER PERMIT TX0089907
 WASTEWATER LICENSING LICENSE WQ0012516001

Location: 18000 Groeschke Road in Harris County Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 01, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 01, 2002 to October 01, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Catherine Albrecht Phone: (713)767-3672

Site Compliance History Components

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

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- 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. (CEEDS Inv. Track. No.)
- 1 10/09/2002 (212145)
 - 2 11/14/2002 (212148)
 - 3 11/14/2002 (212151)
 - 4 04/14/2003 (212155)
 - 5 04/14/2003 (212159)
 - 6 04/14/2003 (212163)
 - 7 04/14/2003 (212129)
 - 8 04/14/2003 (212138)
 - 9 05/22/2003 (24252)
 - 10 12/03/2003 (256413)
 - 11 05/09/2005 (378765)
 - 12 09/28/2005 (419127)
 - 13 11/17/2005 (435748)
 - 14 07/07/2006 (481085)
 - 15 07/31/2006 (489575)
 - 16 08/22/2007 (565686)
- E. Written notices of violations (NOV). (CEEDS Inv. Track. No.)

Date: 05/21/2003 (24252)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to provide required sludge records.

Date: 05/05/2005 (378765)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to maintain compliance with the permit limits for ammonia.

Date: 09/30/06
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain compliance with the permit limits for ammonia.

Date: 10/31/2006
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain compliance with the permit limits for ammonia.

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WEST HOUSTON AIRPORT
CORPORATION
RN102096633

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2007-1726-MWD-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding West Houston Airport Corporation ("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, represented by Mark H. Zeppa, Law Offices of Mark H. Zeppa, P.C., appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility for a private airport at 18000 Groeschke Road in Harris County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 27, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Twenty-Eight Thousand Nine Hundred Eighty Dollars (\$28,980) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Three Thousand One Hundred Eighty-Four Dollars (\$23,184) of the administrative penalty and Five Thousand Seven Hundred Ninety-Six Dollars (\$5,796) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On July 2, 2007, repaired the lift station high-level alarm, and removed the leaking tank and cleaned up the dechlorinating agent spill;
 - b. By July 2, 2007, submitted the discharge monitoring reports ("DMRs") for January 2005 through January 2006, and April 2006 through March 2007 to the TCEQ; and
 - c. On October 31, 2007, provided the monthly operating logs and field analyses records for April, May, and June 2007 for review by the TCEQ.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to submit the annual sludge report for the monitoring period ending July 31, 2006, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12516001, Sludge Provisions, as documented during investigations conducted June 12, 2007 through July 2, 2007.

2. Failed to properly operate and maintain the Facility, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.3(b)(1) and (e)(5), and TPDES Permit 12516001, Operational Requirements No. 1, as documented during investigations conducted June 12, 2007 through July 2, 2007. Specifically, the high-level alarm was not operational and there was no standby pump at the on-site lift station.
3. Failed to properly operate and maintain the Facility, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.4(g)(4)(B), and TPDES Permit No. 12516001, Operational Requirements No. 1, as documented during investigations conducted June 12, 2007 through July 2, 2007. Specifically, it was documented that the solids throughout the Facility were not being properly managed, as indicated by a mixed liquor suspended solids concentration in the aeration basin of three times over the recommended level and approximately two feet of sludge in the chlorine contact basin, resulting in decreased capacities of both treatment units. Additionally, several diffusers in the aeration basin and digester were not functioning, and the entire plant was severely rusted.
4. Failed to provide a chlorine contact basin with adequate disinfection capacity, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.6(b)(3), and TPDES Permit 12516001, Operational Requirements No. 1, as documented during investigations conducted June 12, 2007 through July 2, 2007. Specifically, the existing basin was measured as having a treatment capacity of ten cubic feet when a capacity of 19 cubic feet is required to provide the minimum 20 minute detention time at peak flows.
5. Failed to use an adequate flow measuring device to monitor instantaneous flow, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 319.11(d), and TPDES Permit 12516001, Operational Requirements No. 1, as documented during investigations conducted June 12, 2007 through July 2, 2007. Specifically, the staff gauge for flow measurement had disintegrated below the 3.5 inch mark.
6. Failed to maintain compliance with the permit effluent limits, as listed in the table below, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 12516001, Interim Effluent Limitations and Monitoring Requirements Nos. 1, 2 and 6, and TEX. WATER CODE § 26.121(a), as documented during investigations conducted June 12, 2007 through July 2, 2007.

Month/Year	NH ₃ -N Daily Avg. Loading Limit = 0.03 (lbs/day)	NH ₃ -N Daily Avg. Conc. Limit = 2.0 (mg/L)	NH ₃ -N Single Grab Conc. Limit = 15.0 (mg/L)	Cl Min. Conc. Limit = 1.0 (mg/L)	DO Min. Conc. Limit = 6.0 (mg/L)
Sep-06	**	6.6	16.3	c	c
Oct-06	2.3	6.5	c	c	c
July 2-07*	n/a	n/a	c	0.01	5.46

Abbreviations: Ammonia-nitrogen (“NH₃-N”); Chlorine Residual (“Cl”);
 Dissolved Oxygen (“DO”); Average (“Avg”);
 Minimum (“Min”); Concentration (“Conc”);
 pounds per day (“lbs/day”); milligrams per liter (“mg/L”);
 compliant (“c”); and not applicable (“n/a”)
 * - Region investigation grab sample ** - miscalculated

7. Failed to prevent the spill of dechlorinating agent from a plastic storage tank to the adjacent ground, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. 12516001, Operational Requirements No. 1, as documented during investigations conducted on June 12, 2007 through July 2, 2007.
8. Failed to provide the operation logs, field analyses records, and quality control records for the field analyses for review upon request, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 319.7(c) and 319.9, and TPDES Permit No. 12516001, Monitoring and Reporting Requirements No. 3.b, as documented during investigations conducted June 12, 2007 through July 2, 2007. Specifically, the monthly operation logs and field analyses records for DO and chlorine residual measurements were not available for April, May, and June 2007 and quality control records for the chlorine residual and DO analyses were not available for June 2006 through June 2007.
9. Failed to fill out the DMRs correctly, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(e) and TPDES Permit No. 12516001, Monitoring and Reporting Requirements No. 1, as documented during investigations conducted June 12, 2007 through July 2, 2007. Specifically, the daily average loading values for carbonaceous biochemical oxygen demand ("CBOD"), total suspended solids ("TSS"), and NH₃-N were reported as zero on the September 2006 DMR and an incorrect value was reported for the TSS daily average loading value on the November 2006 DMR.
10. Failed to submit DMRs for February 2006, March 2006, April 2007, and May 2007, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(d) and TPDES Permit No. 12516001, Monitoring and Reporting Requirements No. 1, as documented during investigations conducted June 12, 2007 through July 2, 2007.
11. Failed to timely submit DMRs for January 2005 through January 2006 and April 2006 through March 2007, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(d) and TPDES Permit No. 12516001, Monitoring and Reporting Requirements No. 1, as documented during investigations conducted June 12, 2007 through July 2, 2007.
12. Failed to submit noncompliance notification reports for the effluent violations reported in September 2006 and October 2006, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 12516001, Monitoring and Reporting Requirements No. 7.c., as documented during an investigations conducted June 12, 2007 through July 2, 2007.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: West Houston Airport Corporation, Docket No. 2007-1726-MWD-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Repair or replace the air diffusers in the aeration and digester basins;
 - ii. Replace the staff gauge pursuant to 30 TEX. ADMIN. CODE § 319.11(d);
 - iii. Submit the annual sludge report for the monitoring period ending July 31, 2006 to:

Compliance Monitoring Team (MC 224)
Enforcement Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - iv. Commence maintaining quality control analyses records with the quality control data for the Cl and DO analyses, as required by 30 TEX. ADMIN. CODE § 319.9, Table 3;
 - v. Submit the revised DMR for September 2006 with the actual calculated loading values in pounds per day for CBOD, TSS, and NH₃-N and the revised DMR for November 2006 with the correctly calculated daily average values for TSS, as required by 30 TEX. ADMIN. CODE § 319.7(e) to the address in Ordering Provision No. 2.a.iii above;
 - vi. Submit DMRs for February 2006, March 2006, April 2007, and May 2007, as required by 30 TEX. ADMIN. CODE § 319.7(d) to the address in Ordering Provision No. 2.a.iii above; and

- vii. Update operational guidance and conduct employee training regarding reporting and recordkeeping requirements, including procedures to ensure that the DMRs, annual sludge reports and written reports for effluent violations which deviate by more than 40% from the permitted limit are properly submitted to the TCEQ in accordance with TPDES Permit No. 12516001, Monitoring and Reporting Requirements Nos. 1 and 7 and required operational logs, field analyses reports, and quality control records are maintained and made available for review upon request by the TCEQ.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification, as described in Ordering Provision No. 2.h. below, of compliance with Ordering Provisions Nos. 2.a.i through 2.a.vii.
- c. Within 60 days after the effective date of this Agreed Order:
 - i. Remove sludge from chlorine contact basin, and develop a solids management plan ("SMP") and submit a copy to the TCEQ. The SMP shall identify the appropriate range of solids to be maintained throughout the treatment units at the Facility and outline a program of internal process control testing to monitor the efficiency of the wastewater treatment and to maintain the proper solids balance at the Facility. The SMP shall be prepared by a Texas registered professional engineer or an "A" TCEQ Certified Wastewater Operator; and
 - ii. Conduct an evaluation of the physical condition of each component of the existing Facility. The analysis shall be prepared by a Texas registered professional engineer and shall include, at a minimum, an evaluation of the Facility's structural integrity and recommendations listed in a plan with a schedule for implementation to be completed within 180 days after the effective date of this Agreed Order.
- d. Within 75 days, submit certification of compliance with Ordering Provisions Nos. 2.c.i. and 2.c.ii.
- e. Within 90 days after the effective date of this Agreed Order, the engineer or an "A" operator shall review the SMP in the field with the Respondent's operator. Immediately following the field review, the Respondent shall implement the SMP.
- f. Within 105 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 12516001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include the notarization and certification language as described in Ordering Provision No. 2.h below.
- g. Within 180 days after the effective date of this Agreed Order:
 - i. Provide a chlorine contact basin with adequate disinfection capacity; and
 - ii. Complete all necessary structural repairs as identified in Ordering Provision No. 2.c.ii.

- h. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.g.i and 2.g.ii. 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 fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent

receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. ...
For the Executive Director

4/28/2009
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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

Woody Lesikar
Signature

3/17/2009
Date

Woody Lesikar
Name (Printed or typed)
Authorized Representative of
West Houston Airport Corporation

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.

