

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0410-MWD-E TCEQ ID: RN102915691 CASE NO.: 33028
RESPONDENT NAME: CREEK PARK CORPORATION

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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

SITE WHERE VIOLATIONS OCCURRED: Approximately one mile east of County Road 600 and approximately 1.5 miles south of the intersection of County Road 600 and Farm-to-Market Road 917, Johnson County

TYPE OF OPERATION: Wastewater treatment plant

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There was one complaint. The complaint alleged that there was an unauthorized discharge of sewage from a broken collection line. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: The complainant has not indicated a desire to protest this action or speak at Agenda. No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired September 7, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Kari L. Gilbreth, Litigation Division, MC 175, (512) 239-1320
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Ms. Merrilee Gerberding-Hupp, Water Enforcement Section, MC 169, (512) 239-4490

TCEQ Regional Contact: Mr. Sid Slocum, Water Regional Office, MC R-4, (817) 588-5901

Respondent: Mr. C. T. Chien, President, Creek Park Corporation, 2901 Shadow Drive W., Arlington, Texas 76006; Mr. C. T. Chien, President, Creek Park Corporation, P.O. Box 200972, Arlington, Texas 76006

Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: December 4, 2006</p> <p>Date of Investigation Relating to this Case: December 4, 2006 and January 3, 2007</p> <p>Date of NOE Relating to this Case: February 22, 2007</p> <p>Background Facts: The EDRP was filed December 15, 2008. The Respondent filed an answer and the case was referred to SOAH. The EDFARP was filed June 15, 2009. Settlement was achieved and a signed Agreed Order was received on July 14, 2009.</p> <p>Current Compliance Status: One outstanding technical requirement.</p> <p>MWD:</p> <ol style="list-style-type: none"> Failed to comply with permit effluent limits [30 TEX. ADMIN. CODE § 305.125(1); TD PES Permit No. WQ0013868001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6; and TEX. WATER CODE § 26.121(a)]. Failed to measure flow in a manner that was representative of actual flow [30 TEX. ADMIN. CODE § 305.125(1) and (11)(A) and TD PES Permit No. WQ0013868001, Monitoring and Reporting Requirements No. 3.a.]. Failed to timely submit the Discharge Monitoring Report for the monitoring period ending January 31, 2005 [30 TEX. ADMIN. CODE § 319.7(d) and TD PES Permit No. WQ0013868001, Monitoring and Reporting Requirements No. 1]. Failed to provide a lock for the gate at the entry point to the Facility [30 TEX. ADMIN. CODE § 317.7(e)]. Failed to timely submit annual sludge reports for the monitoring periods ending July 31, 2004, July 31, 2005, and July 31, 2006 by September 1 of the corresponding years [30 TEX. ADMIN. CODE § 305.125(17); TD PES Permit No. WQ0013868001, Sludge Provisions]. 	<p>Total Assessed: \$16,380</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$630/\$15,750</p> <p>The Respondent paid \$630 of the administrative penalty. The remaining amount of \$15,750 shall be payable in 35 monthly payments of \$450 each.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: Three repeated enforcement actions over the prior five year period.</p>	<p>Corrective Actions Taken: The Executive Director recognizes that the Respondent performed the following corrective actions at the Facility:</p> <ol style="list-style-type: none"> By January 5, 2007, completed repairs on the collection line and manhole, and cleaned the line below the manhole. In February 2007, began complying with permitted effluent limitations. On March 8, 2007, began calculating and reporting flows based on a 30 degree V-notch weir. On March 14, 2007, submitted the Discharge Monitoring Report for the monitoring period ending January 31, 2005. On March 8, 2007, demonstrated it installed a lock on the main gate of the Facility. On March 27, 2007, submitted the annual sludge reports for the monitoring periods ending July 31, 2004, July 31, 2005 and July 31, 2006. On March 16, 2007, demonstrated that it removed excess sludge and solids from the digester, clarifier, and chlorine contact chamber, reinstalled a bar screen, reinforced the sludge digester wall plate, and replaced the rusty V-notch weir. On November 1, 2007, demonstrated that it has an alternative power supply. <p>Ordering Provisions: The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Within 60 days, update the Facility's operational guidance and conduct employee training to ensure that reporting requirements are properly accomplished. Within 75 days, submit written certification demonstrating compliance.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>6. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0013868001, Operational Requirements No. 1].</p> <p>7. Failed to provide auxiliary power facilities for the wastewater treatment facility [30 TEX. ADMIN. CODE § 317.4(a)(5)²].</p> <p>8. Failed to report any noncompliance which may endanger human health or safety or the environment orally within 24 hours and in writing within five working days of becoming aware of the noncompliance [30 TEX. ADMIN. CODE § 305.125(9); TDPEs Permit No. WQ0013868001, Monitoring and Reporting Requirements No. 7.a.].</p> <p>9. Failed to prevent unauthorized discharges of wastewater from the collection system which resulted due to a line blockage below the manhole [30 TEX. ADMIN. CODE § 305.125(4) and (5); TEX. WATER CODE § 26.121(a); and TPDES Permit No. WQ0013868001, Permit Conditions No. 2.g. and Operational Requirements No. 1].</p> <p>¹ 30 TEX. ADMIN. CODE § 317.7(e) was recodified in 30 TEX. ADMIN. CODE § 217.328(a) effective August 28, 2008, by 33 Tex. Reg 6843.</p> <p>² 30 TEX. ADMIN. CODE § 317.4(a)(5) was recodified in 30 TEX. ADMIN. CODE § 217.36 effective August 28, 2008, by 33 Tex. Reg. 6843.</p>		



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

DATES	Assigned	26-Feb-2007		
	PCW	9-Jun-2009	Screening	21-Mar-2007
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Creek Park Corporation
Reg. Ent. Ref. No.	RN102915691
Facility/Site Region	4
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	33028	No. of Violations	9
Docket No.	2007-0410-MWD-E	Order Type	Findings
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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes: Respondent self-reported 11 effluent violations, received four Commission-issued NOV's with same or similar violations to this case, and was issued an agreed order with a denial of liability.

Culpability **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **Subtotal 5**

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

Notes: The Respondent has not met the good faith criteria.

Total EB Amounts **Subtotal 6**
 Approx. Cost of Compliance *Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **Adjustment**

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 21-Mar-2007

Docket No. 2007-0410-MWD-E

PCW

Respondent Creek Park Corporation

Policy Revision 2 (September 2002)

Case ID No. 33028

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102915691

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)	15	75%
	Other written NOVs	0	0%
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) 95%

>> 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

Respondent self-reported 11 effluent violations, received four Commission-issued NOVs with same or similar violations to this case, and was issued an agreed order with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 95%

Screening Date 21-Mar-2007

Docket No. 2007-0410-MWD-E

PCW

Respondent Creek Park Corporation

Policy Revision 2 (September 2002)

Case ID No. 33028

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102915691

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(9) and TPDES Permit No. WQ0013868001, Monitoring and Reporting Requirements No. 7a.

Violation Description

Failed to report any noncompliance which may endanger human health or safety or the environment orally within 24 hours of becoming aware of the noncompliance, as documented by the investigation that began on December 4, 2006. Specifically, an unauthorized discharge was documented on December 4, 2006 without an oral notification being received from the Respondent.

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			10%

Matrix Notes

100 percent (%) of the rule and permit requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 14

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

Violation Base Penalty \$1,000

One single event is recommended for the violation documented during the December 4, 2006 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$39

Violation Final Penalty Total \$1,950

This violation Final Assessed Penalty (adjusted for limits) \$1,950

Economic Benefit Worksheet

Respondent Creek Park Corporation
Case ID No. 33028
Reg. Ent. Reference No. RN102915691
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$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	5-Dec-2006	9-Jan-2010	3.1	\$39	n/a	\$39
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 update the Facility's operational guidance and conduct training to ensure noncompliance notices are provided within the required timeframes. Date required is when an oral notification or facsimiled report was due to TCEQ, and final date is when compliance is expected to be achieved.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$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 section is currently blank.)

Approx. Cost of Compliance TOTAL

\$250

\$39

Screening Date 21-Mar-2007

Docket No. 2007-0410-MWD-E

PCW

Respondent Creek Park Corporation

Policy Revision 2 (September 2002)

Case ID No. 33028

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102915691

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number

Rule Cite(s) 30. Tex. Admin. Code § 305.125(4) and (5), Tex. Water Code § 26.121(a), and TPDES Permit No. WQ0013868001, Permit Conditions No. 2.g. and Operational Requirements No. 1

Violation Description

Failed to prevent unauthorized discharges of wastewater from the collection system which resulted due to a line blockage below the manhole. Specifically, due to poor maintenance of the collection line and manhole, unauthorized discharges occurred at four different locations as follows: 1) through cracks in the manhole behind unit no. 26, 2) through the damaged collection line 20 to 30 feet uphill from the manhole, 3) through seepage from a buried portion of the collection line, and 4) through a hole approximately two inches in diameter in the collection line, about 20 feet uphill of seepage area, as documented during investigation which began on December 4, 2006.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

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

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

One quarterly event is recommended from the December 4, 2006 investigation date until the compliance date of January 5, 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 Creek Park Corporation
Case ID No. 33028
Reg. Ent. Reference No. RN102915691
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	4-Dec-2006	5-Jan-2007	0.1	\$4	n/a	\$4

Notes for DELAYED costs

Cost is estimate for repairs and line cleaning necessary to prevent and stop unauthorized discharges. Date required is the date they were first documented by the investigator, and final date is when the last of the four unauthorized discharges were stopped and cleaned up.

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

\$1,000

TOTAL

\$4

Screening Date 21-Mar-2007

Docket No. 2007-0410-MWD-E

PCW

Respondent Creek Park Corporation

Policy Revision 2 (September 2002)

Case ID No. 33028

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102915691

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0013868001, Operational Requirements No. 1.

Violation Description

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the influent bar screen was missing, the clarifier was almost completely covered in a 2 to 3 inch thick layer of floating solids and leaves, the wall separating the sludge holding tank from the aeration chamber was significantly corroded, the V-notch weir was significantly corroded, the chlorine contact basin contained excessive solids and sludge deposits, and the chlorine dispenser was empty as documented on January 3, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants below levels protective of human health or environmental factors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 72

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

Violation Base Penalty \$1,000

One quarterly event is recommended from the date the violation was documented (January 3, 2007) to the date of compliance (March 16, 2007).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$1,950

This violation Final Assessed Penalty (adjusted for limits) \$1,950

Economic Benefit Worksheet

Respondent Creek Park Corporation
Case ID No. 33028
Reg. Ent. Reference No. RN102915691
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
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	\$1,000	3-Jan-2007	16-Mar-2007	0.2	\$10	n/a	\$10
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Cost is estimate for equipment repairs and sludge and solids removal and disposal. Date required is when the violation was documented and final date is when compliance was achieved.

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

\$1,000

TOTAL

\$10

Screening Date 21-Mar-2007

Docket No. 2007-0410-MWD-E

PCW

Respondent Creek Park Corporation

Policy Revision 2 (September 2002)

Case ID No. 33028

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102915691

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 317.4(a)(5)

Violation Description

Failed to provide auxiliary power facilities for the wastewater treatment facility, as documented on January 3, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could be or will be exposed to significant amounts of pollutants below levels protective of human health or environmental factors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

107 Number of violation days

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

Violation Base Penalty \$1,000

One quarterly event is recommended based on the period from January 3, 2007 when the violation was documented to the March 21, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,008

Violation Final Penalty Total \$1,950

This violation Final Assessed Penalty (adjusted for limits) \$1,950

Economic Benefit Worksheet

Respondent Creek Park Corporation
 Case ID No. 33028
 Reg. Ent. Reference No. RN102915691
 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							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$20,000	3-Jan-2007	5-Jan-2010	3.0	\$3,008	n/a	\$3,008

Notes for DELAYED costs: Cost is estimate for auxillary power facilities or alternative arrangements to prevent effluent from deleteriously affecting the receiving waters during a power outage. Date required is when the violation was documented and final date is when compliance is expected to be achieved.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$20,000 TOTAL \$3,008

Screening Date 21-Mar-2007

Docket No. 2007-0410-MWD-E

PCW

Respondent Creek Park Corporation

Policy Revision 2 (September 2002)

Case ID No. 33028

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102915691

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. WQ0013868001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6, and Tex. Water Code § 26.121(a)

Violation Description Failed to comply with permit effluent limits. (See attached Effluent Table)

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids, dissolved oxygen, and minimum chlorine residual 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 levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

3

123 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,000

Three quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$5,850

This violation Final Assessed Penalty (adjusted for limits) \$5,850

Economic Benefit Worksheet

Respondent Creek Park Corporation
Case ID No. 33028
Reg. Ent. Reference No. RN102915691
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
<i>No commas or \$</i>							
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				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$75	31-Mar-2006	28-Feb-2007	0.9	\$3	n/a	\$3

Notes for DELAYED costs
 Cost includes the addition of an air line to increase the dissolved oxygen levels and provide better mixing of suspended solids and also the addition of chlorine tablets to the dispenser to increase chlorine residual levels. Date required is the first documented noncompliance and final date is the 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
 (Empty box for notes)

Approx. Cost of Compliance \$75 TOTAL \$3

Screening Date 21-Mar-2007

Docket No. 2007-0410-MWD-E

PCW

Respondent Creek Park Corporation

Policy Revision 2 (September 2002)

Case ID No. 33028

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102915691

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (11)(A) and TPDES Permit No. WQ0013868001, Monitoring and Reporting Requirements No. 3.a.

Violation Description Failed to measure flow in a manner so as to be representative of actual flow. Specifically, the operator was calculating flows based on a 60 degree V-notch weir rather than a 30 degree V-notch weir which was in place at the wastewater treatment facility, as documented during the investigation that began on December 4, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,500

\$500

Violation Events

		1	94	Number of violation days
mark only one with an x	daily			Violation Base Penalty \$500
	monthly			
	quarterly			
	semiannual			
	annual			
single event		x		

One single event is recommended based upon the investigation date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$975

This violation Final Assessed Penalty (adjusted for limits) \$975

Economic Benefit Worksheet

Respondent Creek Park Corporation
Case ID No. 33028
Reg. Ent. Reference No. RN102915691
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
<i>No commas or \$</i>							
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				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$50	4-Dec-2006	8-Mar-2007	0.3	\$1	n/a	\$1

Notes for DELAYED costs
 Cost is estimate for the recalculation of flow values based on a 30 degree V-notch weir rather than a 60 degree V notch weir. Date required is the investigation date and final date is the date flow values were being reported correctly.

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
 (Empty box for notes)

Approx. Cost of Compliance \$50
TOTAL \$1

Screening Date 21-Mar-2007

Docket No. 2007-0410-MWD-E

PCW

Respondent Creek Park Corporation

Policy Revision 2 (September 2002)

Case ID No. 33028

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102915691

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 319.7(d) and TPDES Permit No. WQ0013868001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to timely submit the Discharge Monitoring Report for the monitoring period ending January 31, 2005, as documented during the investigation that began on December 4, 2006.

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	1%

Matrix Notes About 30 percent of the requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 752

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

Violation Base Penalty \$100

One single event is recommended for the January 2005 monthly report.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$195

This violation Final Assessed Penalty (adjusted for limits) \$195

Economic Benefit Worksheet

Respondent Creek Park Corporation
Case ID No. 33028
Reg. Ent. Reference No. RN102915691
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
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				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$50	20-Feb-2005	14-Mar-2007	2.1	\$5	n/a	\$5

Notes for DELAYED costs

Cost is estimate for the administrative costs associated with the submittal of a discharge monitoring report. Date required is the due date of the January 2005 report and final date is the date the report was received by TCEQ.

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

\$50

TOTAL

\$5

Screening Date 21-Mar-2007

Docket No. 2007-0410-MWD-E

PCW

Respondent Creek Park Corporation

Policy Revision 2 (September 2002)

Case ID No. 33028

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102915691

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 317.7(e)

Violation Description Failed to provide a lock for the gate at the entry point to the facility.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					5%
Potential			x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Not providing a lock for the gate at a wastewater treatment facility which was completely fenced will or could expose human, health or the environment to an insignificant amount of pollutants as a result of this violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1 Number of violation days 94

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$500

One single event is recommended for the investigation date, December 4, 2006, when the violation was documented.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$975

This violation Final Assessed Penalty (adjusted for limits) \$975

Economic Benefit Worksheet

Respondent Creek Park Corporation
Case ID No. 33028
Reg. Ent. Reference No. RN102915691
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
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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				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$20	4-Dec-2006	8-Mar-2007	0.3	\$0	n/a	\$0

Notes for DELAYED costs

Cost is that associated with the labor to install a lock on main gate to the wastewater treatment plant. Date required is the investigation date and final date is when compliance was achieved.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20

TOTAL

\$0

Screening Date 21-Mar-2007

Docket No. 2007-0410-MWD-E

PCW

Respondent Creek Park Corporation

Policy Revision 2 (September 2002)

Case ID No. 33028

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102915691

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0013868001, Sludge Provisions

Violation Description Failed to timely submit annual sludge reports for the monitoring periods ending July 31, 2004, July 31, 2005 and July 31, 2006 by September 1 of the corresponding years.

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

About 30% of the permit requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 3

931 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

mark only one with an x

Violation Base Penalty \$300

Three annual events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$39

Violation Final Penalty Total \$585

This violation Final Assessed Penalty (adjusted for limits) \$585

Economic Benefit Worksheet

Respondent Creek Park Corporation
Case ID No. 33028
Reg. Ent. Reference No. RN102915691
Media Water Quality
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Item Description 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				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$300	1-Sep-2004	27-Mar-2007	2.6	\$39	n/a	\$39

Notes for DELAYED costs: Cost is estimate for the administrative costs and labor associated with the completion and submittal of annual sludge reports. Date required is the due date for the first of three annual reports and final date is when all three annual reports were received by TCEQ.

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	\$39
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Compliance History

Customer/Respondent/Owner-Operator:	CN601479488 Creek Park Corporation	Classification: AVERAGE	Rating: 2.75
Regulated Entity:	RN102915691 WALNUT CREEK MHP	Classification: AVERAGE	Site Rating: 5.25
ID Number(s):	WASTEWATER	PERMIT	WQ0013868001
	WASTEWATER	PERMIT	TPDES0118770
	WASTEWATER	PERMIT	TX0118770
Location:	LOCATED APPROX 1 MI E OF CR 600 AND APPROX 1.5 MI S OF THE INTERSECTION OF CR 600 AND FM 917 IN JOHNSON COUNTY		
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	March 20, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 20, 2002 to March 20, 2007		

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

Name: Merrilee G. Hupp Phone: 512-239-4490

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? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

Components (Multimedia) for the Site :

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

Effective Date: 08/28/2004 ADMINORDER 2000-1118-MWD-E

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.2(c)(5)(F)
30 TAC Chapter 317 317.4(b)(4)

Rqmt Prov: OR 1 PERMIT
OR 5 PERMIT

Description: Failed to properly operate and maintain the Facility to ensure compliance with the requirements of its permit.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
TWC Chapter 26 26.121

Rqmt Prov: 2g PERMIT

Description: Failed to prevent an unauthorized discharge.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)(B)[G]

Rqmt Prov: M&R 7 PERMIT

Description: Failed to notify the TCEQ Regional Office and Enforcement Division, in writing, of the unauthorized discharge found during the May 31, 2000 inspection within five working days of becoming aware of the non-compliance.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.1

Rqmt Prov: M&R 1 PERMIT
Sludge Provisions G PERMIT

Description: Failed to submit the monthly DMRs by the 20th day of the following month and was unable to provide the sludge documents required by the permit.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
TWC Chapter 26 26.121

Rqmt Prov: FEL&MR 1 PERMIT
FEL&MR 2 PERMIT
FEL&MR 4 PERMIT
FEL&MR 6 PERMIT

Description: Failed to prevent the discharge of visible solids from the effluent pipe.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	06/03/2002	(233840)
2	06/03/2002	(233842)
3	06/03/2002	(233846)
4	06/03/2002	(233849)
5	06/03/2002	(233858)
6	06/03/2002	(233861)
7	06/03/2002	(233864)
8	06/03/2002	(233867)
9	06/03/2002	(233870)
10	06/25/2002	(233852)
11	11/12/2002	(233856)
12	11/12/2002	(233859)
13	11/12/2002	(233862)
14	12/06/2002	(16730)
15	01/21/2003	(21379)
16	01/07/2004	(259233)
17	02/04/2004	(327209)
18	02/04/2004	(327210)
19	02/04/2004	(327211)
20	02/04/2004	(327212)
21	02/23/2004	(327205)
22	03/22/2004	(327206)
23	04/12/2004	(327207)
24	04/23/2004	(265713)
25	05/14/2004	(366922)
26	06/14/2004	(366923)
27	06/16/2004	(327208)
28	07/15/2004	(366924)
29	08/16/2004	(366925)
30	09/10/2004	(274422)
31	09/17/2004	(366926)
32	10/18/2004	(366927)
33	11/15/2004	(389993)
34	12/20/2004	(389994)
35	01/15/2005	(389995)
36	03/14/2005	(389992)
37	04/18/2005	(427499)
38	05/13/2005	(427500)
39	06/17/2005	(427501)
40	07/15/2005	(447533)
41	08/22/2005	(447534)
42	09/19/2005	(447535)
43	10/24/2005	(492476)
44	11/18/2005	(492477)
45	12/19/2005	(492478)
46	01/19/2006	(492479)
47	02/21/2006	(492474)
48	03/20/2006	(492475)
49	04/24/2006	(506276)
50	05/23/2006	(506277)
51	06/19/2006	(506278)
52	07/25/2006	(528510)
53	08/22/2006	(528511)
54	09/22/2006	(528512)

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

Date: 12/06/2002 (16730)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to make records available

Date: 02/11/2003 (24192)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(g)[G]
 Description: Failure to maintain treatment unit

Date: 04/23/2004 (265713)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: OP WQ0013868-001
 Description: Failure to prevent the discharge of wastewater into waters of the State at any location not permitted as an outfall.

Date: 04/23/2004 (265713)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.4(a)(8)
 30 TAC Chapter 317 317.7(i)
 Description: Failure to install an atmospheric vacuum breaker on the hose bib within the perimeter of the treatment plant.

Date: 04/23/2004 (265713)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to retain completed copies of sludge disposal manifests and have them available at the investigation.

Date: 04/23/2004 (265713)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(b)(1)
 Description: Failure to install a working bar screen to remove solids prior to entering the aeration basin.

Date: 04/23/2004 (265713)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.7(e)
 Description: Failure to install hazard warning signs on the fencing surrounding the wastewater treatment facility.

Date: 04/23/2004 (265713)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.127(5)[G]
 Description: Failure to maintain the physical integrity of the wastewater treatment plant. The overall condition of the plant structure is corroded and deteriorating, see attached photograph of buldging aeration basin wall.

Date: 04/23/2004 (265713)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to maintain the total residual chlorine within the permit effluent limit of less than 4.0 mg/L. During the investigation, the field measured TRC was greater than 5.0 mg/L.

Date: 04/23/2004 (265713)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to install a staff gauge with the primary flow device.

Date: 04/23/2004 (265713)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to produce effluent quality within permit parameters. During the period of review, November 2002 through January 2004, the facility has experienced three BOD monthly average, two TSS monthly average, and two DO minimum excursions.

Date: 04/23/2004 (265713)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to have all records available during the investigation. When attempting to verify loading calculations for August 2003, the operator did not have flow data available.

Date: 04/23/2004 (265713)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
 Description: Failure to maintain complete chain of custody records. The chains of custody presented did not have signatures in the "relinquished by" area.

Date: 04/23/2004 (265713)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
 Description: Failure to document the time total residual chlorine samples are collected and analyzed to insure that the 15 minute holding time is observed.

Date: 05/31/2004 (366923)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: TWC Chapter 26 26.121(a)[G]
 Failure to meet the limit for one or more permit parameter
 Date: 06/30/2004 (366924)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date: 08/31/2004 (366926)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2005 (427501)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2005 (447534)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2005 (492476)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date: 10/31/2005 (492477)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2006 (506276)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date: 04/30/2006 (506277)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date: 06/30/2006 (528510)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2006 (528511)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date: 12/04/2006 (509230)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to prevent unauthorized discharge of wastewater from the collection system.
 Date: 12/04/2006 (509230)
 Self Report? NO Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121[G]

Description: Failure to provide non-compliance notification as required by permit.
 Date: 12/04/2006 (509230)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)[G]
 Rqmt Prov: PERMIT Monitoring & Reporting Reqs. No. 7

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
CREEK PARK CORPORATION;
RN102915691

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-0410-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Creek Park Corporation ("Creek Park") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Creek Park, presented this agreement to the Commission.

Creek Park 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, Creek Park agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement 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 Creek Park.

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

FINDINGS OF FACT

1. Creek Park owns and operates a wastewater treatment plant and wastewater collection system approximately one mile east of County Road 600 and approximately 1.5 miles south of the intersection of County Road 600 and Farm-to-Market Road 917 in Johnson County, Texas (the "Facility").

- e. Failed to timely submit annual sludge reports for the monitoring periods ending July 31, 2004, July 31, 2005, and July 31, 2006 by September 1 of the corresponding years.
4. During an investigation conducted on January 3, 2007, a TCEQ DFW Regional Office investigator documented that Creek Park:
 - a. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the influent bar screen was missing, the clarifier was almost completely covered in a 2 to 3 inch thick layer of floating solids and leaves, the wall separating the sludge holding tank from the aeration chamber was significantly corroded, the V-notch weir was significantly corroded, the chlorine contact basin contained excessive solids and sludge deposits, and the chlorine dispenser was empty.
 - b. Failed to provide auxiliary power facilities for the wastewater treatment facility.
 5. During an investigation conducted on December 4, 2006 and a follow-up comprehensive compliance investigation conducted on January 3, 2007, a TCEQ DFW Regional Office investigator documented that Creek Park:
 - a. Failed to report any noncompliance which may endanger human health or safety or the environment orally within 24 of becoming aware of the noncompliance. Specifically, TCEQ was not orally notified within 24 hours of the December 4, 2006 unauthorized discharges which occurred at four locations at the Facility.
 - b. Failed to prevent unauthorized discharges of wastewater from the collection system which resulted due to a line blockage below the manhole. Specifically, due to poor maintenance of the collection line and manhole, unauthorized discharges occurred at four different locations as follows: 1) through cracks in the manhole behind unit no. 26, 2) through the damaged collection line 20 to 30 feet uphill from the manhole, 3) through seepage from a buried portion of the collection line, and 4) through a hole approximately two inches in diameter in the collection line, about 20 feet uphill of the seepage area.
 6. Creek Park received notice of the violations on or about February 27, 2007.

7. The Executive Director recognizes that Creek Park has undertaken the following corrective measures in response to this enforcement action:
 - a. By January 5, 2007, Creek Park completed repairs on the collection line and manhole, and cleaned the line below the manhole to address and prevent further unauthorized discharges.
 - b. In February 2007, Creek Park began complying with permitted effluent limitations by increasing the dissolved oxygen levels and the mixing of suspended solids through the addition of an air line and also added chlorine tablets to the chlorine dispenser to increase chlorine residual levels.
 - c. On March 8, 2007, Creek Park began calculating and reporting flows based on a 30 degree V-notch weir which was representative of the actual flows.
 - d. On March 14, 2007, Creek Park submitted the Discharge Monitoring Report for the monitoring period ending January 31, 2005.
 - e. On March 8, 2007, Creek Park demonstrated it installed a lock on the main gate of the Facility.
 - f. On March 27, 2007, Creek Park submitted the annual sludge reports for the monitoring periods ending July 31, 2004, July 31, 2005, and July 31, 2006.
 - g. On March 16, 2007, Creek Park demonstrated that it removed excess sludge and solids from the digester, clarifier, and chlorine contact chamber, reinstalled a bar screen, reinforced the sludge digester wall plate, and replaced the rusty V-notch weir.
 - h. Creek Park demonstrated that it has an alternative power supply as described in 30 TEX. ADMIN. CODE § 217.36, which was approved by the Commission on November 1, 2007.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Creek Park 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 Finding of Fact No. 3.a., Creek Park failed to comply with permit effluent limits, in violation of 30 TEX. ADMIN. CODE § 305.125(1); TPDES Permit No.

WQ0013868001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6; and TEX. WATER CODE § 26.121(a).

3. As evidenced by Finding of Fact No. 3.b., Creek Park failed to measure flow in a manner that was representative of actual flow, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (11)(A) and TPDES Permit No. WQ0013868001, Monitoring and Reporting Requirements No. 3.a.
4. As evidenced by Finding of Fact No. 3.c., Creek Park failed to timely submit the Discharge Monitoring Report for the monitoring period ending January 31, 2005, in violation of 30 TEX. ADMIN. CODE § 319.7(d) and TPDES Permit No. WQ0013868001, Monitoring and Reporting Requirements No. 1.
5. As evidenced by Finding of Fact No. 3.d., Creek Park failed to provide a lock for the gate at the entry point to the Facility, in violation of 30 TEX. ADMIN. CODE § 317.7(e)¹.
6. As evidenced by Finding of Fact No. 3.e., Creek Park failed to timely submit annual sludge reports for the monitoring periods ending July 31, 2004, July 31, 2005, and July 31, 2006 by September 1 of the corresponding years, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0013868001, Sludge Provisions.
7. As evidenced by Finding of Fact No. 4.a., Creek Park failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0013868001, Operational Requirements No. 1.
8. As evidenced by Finding of Fact No. 4.b., Creek Park failed to provide auxiliary power facilities for the wastewater treatment facility, in violation of 30 TEX. ADMIN. CODE § 317.4(a)(5)².
9. As evidenced by Finding of Fact No. 5.a., Creek Park failed to report any noncompliance which may endanger human health or safety of the environment orally within 24 hours and in writing within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(9) and TPDES Permit No. WQ0013868001, Monitoring and

¹ 30 TEX. ADMIN. CODE § 317.7(e) was recodified in 30 TEX. ADMIN. CODE § 217.328(a) effective August 28, 2008, by 33 Tex. Reg. 6843.

² 30 TEX. ADMIN. CODE § 317.4(a)(5) was recodified in 30 TEX. ADMIN. CODE § 217.36 effective August 28, 2008, by 33 Tex. Reg. 6843.

Reporting Requirements No. 7.a.

10. As evidenced by Finding of Fact No. 5.b., Creek Park failed to prevent unauthorized discharges of wastewater from the collection system which resulted due to a line blockage below the manhole, in violation of 30 TEX. ADMIN. CODE § 305.125(4) and (5); TEX. WATER CODE § 26.121(a); and TPDES Permit No. WQ0013868001, Permit Conditions No. 2.g. and Operational Requirements No. 1.
11. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Creek Park 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.
12. An administrative penalty in the amount of sixteen thousand three hundred eighty dollars (\$16,380.00) 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. Creek Park has paid six hundred thirty dollars (\$630.00) of the administrative penalty. The remaining amount of fifteen thousand seven hundred fifty dollars (\$15,750.00) of the administrative penalty shall be payable in 35 monthly payments of four hundred fifty dollars (\$450.00) each, pursuant to 30 TEX. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be remitted not later than 30 days following the due date of the previous payment. If Creek Park fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Creek Park to meet the payment schedule of this Agreed Order constitutes the failure by Creek Park to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

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

1. Creek Park is assessed an administrative penalty in the amount of sixteen thousand three hundred eighty dollars (\$16,380.00) as set forth in Conclusion of Law No. 12 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Creek Park'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 "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Creek Park Corporation; Docket No. 2007-0410-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. Creek Park shall undertake the following technical requirements:
 - a. Within 60 days after the effective date of this Agreed Order, Creek Park shall update the Facility's operational guidance and conduct employee training to ensure that reporting requirements are properly accomplished, including the oral and written reports for unauthorized discharges, in accordance with TPDES Permit No. WQ0013868001, Monitoring and Reporting Requirements No. 7.
 - b. Within 75 days after the effective date of this Agreed Order, Creek Park shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a., above.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

Creek Park shall submit copies of documentation necessary to demonstrate compliance with these Ordering Provisions 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:

Sid Slocum, Water Section Manager
Texas Commission on Environmental Quality
Dallas/Fort Worth Regional Office
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon Creek Park. Creek Park is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Creek Park 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, Creek Park's failure to comply is not a violation of this Agreed Order. Creek Park has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Creek Park shall notify the Executive Director within seven days after Creek Park 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 Creek Park shall be made in writing to the Executive Director. Extensions are not effective until Creek Park receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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 Creek Park if

the Executive Director determines that Creek Park has not complied with one or more of the terms or conditions in this Agreed Order.

7. 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.
8. This Agreed Order, issued by the Commission, shall not be admissible against Creek Park 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Agreed Order to Creek Park, or three days after the date on which the Commission mails notice of this Agreed Order to Creek Park, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Handwritten Signature]

For the Executive Director

8/10/2009

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Creek Park Corporation. I represent that I am authorized to agree to the attached Agreed Order on behalf of Creek Park Corporation, 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 also understand that failure to comply with the Ordering Provisions in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on Creek Park's compliance history;
- Greater scrutiny of any permit applications submitted by Creek Park;
- 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 against Creek Park;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

C.T. Chien

Signature

8/14/09

Date

C. T. Chien

Name (printed or typed)

President

Title

Authorized Representative
Creek Park Corporation