

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-2011-MWD-E TCEQ ID: RN103729943 CASE NO.: 35112**  
**RESPONDENT NAME: CARRIZO WASTE, INC.**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Near the intersection of State Highway 21 and Carrizo Creek, approximately 1,000 feet south of State Highway 21, and approximately 3,800 feet west of Carrizo Creek, Nacogdoches County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment plant</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired June 1, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney:</b> Ms. Kari L. Gilbreth, Litigation Division, MC 175, (512) 239-1320  Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019  <b>TCEQ Enforcement Coordinator:</b> Mr. Tom Jecha, Air Enforcement Section, MC 128, (512) 239-2576  <b>TCEQ Regional Contact:</b> Mr. Ronald Hebert, Beaumont Regional Office, MC R-10, (409) 898-3838  <b>Respondent:</b> Mr. Alan Wade, President, Carrizo Waste, Inc., 3001 Ted Trout Drive, Lufkin, Texas 75904  <b>Respondent's Attorney:</b> Mr. Timothy J. Karczewski, Attorney at Law, Law Offices of John D. Stover, P.O. Box 154540, Lufkin, Texas 75915</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> September 19, 2007</p> <p><b>Date of NOE Relating to this Case:</b> November 14, 2007</p> <p><b>Background Facts:</b> The EDPRP was filed April 22, 2008. The Respondent filed an Answer and the case was referred to SOAH. The preliminary hearing was waived and the parties engaged in discovery while the TCEQ Financial Administration Division ("FAD") performed an ability-to-pay analysis. On February 26, 2009, the FAD determined that the Respondent was eligible for a Financial Inability to Pay deferral. A signed Agreed Order was signed on March 12, 2009.</p> <p><b>Current Compliance Status:</b> Not yet in compliance.</p> <p><b>MWD:</b></p> <ol style="list-style-type: none"> <li>Failed to comply with permitted effluent limitations [30 TEX. ADMIN. CODE §§ 305.125(1) and 309.3(g)(2) and TPDES Permit No. WQ00145100001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].</li> <li>Failed to submit the annual sludge reports for the monitoring periods ending July 31<sup>st</sup> for the years 2005, 2006, 2007 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ00145100001, Sludge Provisions].</li> <li>Failed to provide a licensed operator to operate the Facility at least five days per week [30 TEX. ADMIN. CODE § 30.350(j) and TPDES Permit No. WQ00145100001, Other Requirements No. 1].</li> <li>Failed to collect samples and measure for each parameter at the minimum frequency specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b), and TPDES Permit No. WQ00145100001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].</li> </ol>	<p><b>Initial Calculated Penalty:</b> \$45, 800</p> <p><b>Total Assessed:</b> \$1,200</p> <p><b>Total Deferred:</b> \$44,600</p> <p><input type="checkbox"/> Expedited Order  <input checked="" type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid to General Revenue:</b> \$1,200</p> <p>The Respondent paid \$1,200 of the undeferred administrative penalty. The deferred amount will be waived upon compliance with the terms of the Agreed Order.</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>Immediately cease all discharges from the Facility.</li> <li>Within 30 days:             <ol style="list-style-type: none"> <li>Prepare and submit a closure plan for the Facility; and</li> <li>Develop and implement a plan for removal of sludge and accumulated debris discharged from the Facility into the receiving stream and any adjacent properties. The disposal of sludge shall be carried out in accordance with all applicable TCEQ rules and in a manner that prevents contamination of surface or groundwater.</li> </ol> </li> <li>Within 15 days after receiving approval of the closure plan for the Facility:             <ol style="list-style-type: none"> <li>Submit a copy of the closure plan for the Facility and a copy of the schedule for implementation; and</li> <li>Implement the closure of the Facility according to the approved closure plan.</li> </ol> </li> <li>Within 120 days, submit written certification and include supporting documentation to demonstrate compliance with Ordering Provisions above.</li> </ol>

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>5. Failed to properly install and maintain flow measurement equipment [30 TEX. ADMIN. CODE § 319.11(d) and TPDES Permit No. WQ00145100001, Operational Requirements No. 5].</p>		
<p>6. Failed to maintain monitoring and reporting records at the Facility [30 TEX. ADMIN. CODE § 305.125(11)(B) and TPDES Permit No. WQ00145100001, Monitoring and Reporting Requirements No. 3.b.].</p>		
<p>7. Failed to prevent the discharge and accumulation of excessive and floating solids into the receiving stream [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ00145100001, Effluent Limitations and Monitoring Requirements No. 4].</p>		
<p>8. Failed to prevent the discharge of partially treated sewage into the receiving stream [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ00145100001, Permit Conditions No. 2.d.].</p>		
<p>9. Failed to report to the TCEQ any noncompliance which may endanger human health or safety or the environment [30 TEX. ADMIN. CODE § 305.125(9) and TPDES Permit No. WQ00145100001, Monitoring and Reporting Requirements No. 7.a.].</p>		
<p>10. Failed to install an air gap or backflow prevention device between the connection of a public water supply system and a wastewater treatment facility [30 TEX. ADMIN. CODE § 317.4(a)(8)].</p>		
<p>11. Failed to ensure that the Facility and all of its treatment systems are properly operated and maintained [30 TEX. ADMIN. CODE §§ 305.125(1), 317.4(g)(4)(B)(iii), and 317.7(a), and TPDES Permit No. WQ00145100001, Operational Requirements No. 1].</p>		
<p>12. Failed to ensure that the Facility and all its treatment systems are properly operated and maintained [30 TEX. ADMIN. CODE §§ 305.125(1) and 317.4(d)(2) and TPDES Permit No. WQ00145100001, Operational Requirements No. 1].</p>		



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

**TCEQ**

<b>DATES</b>	Assigned	19-Nov-2007	Screening	14-Dec-2007	EPA Due	
	PCW	3-Mar-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Carrizo Waste, Inc.
Reg. Ent. Ref. No.	RN103729943
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	35112	No. of Violations	12
Docket No.	2007-2011-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	J. Craig Fleming
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* **\$29,000**

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

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

**Compliance History** 55% Enhancement *Subtotals 2, 3, & 7* **\$15,950**

Notes: The penalty is enhanced due to two NOV's with violations same or similar to those cited in this action, one Court Order, and poor performer classification.

**Culpability** No 0% Enhancement *Subtotal 4* **\$0**

Notes: The Respondent does not meet the culpability criteria.

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

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

Notes: The Respondent does not meet the good faith criteria.

**Total EB Amounts** \$3,545 **0% Enhancement\*** *Subtotal 6* **\$0**  
**Approx. Cost of Compliance** \$39,950 *\*Capped at the Total EB \$ Amount*

**SUM OF SUBTOTALS 1-7** *Final Subtotal* **\$44,950**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 2% *Adjustment* **\$850**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommend an enhancement to capture avoided costs associated with the violations.

*Final Penalty Amount* **\$45,800**

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty* **\$45,800**

**DEFERRAL** *Reduction Adjustment* **\$0**

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

Notes: Deferral not offered for non-expedited settlement.

**PAYABLE PENALTY** **\$45,800**

Screening Date 14-Dec-2007

Docket No. 2007-2011-MWD-E

PCW

Respondent Carrizo Waste, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35112

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN103729943

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

### 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)	2	10%
	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	1	35%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 45%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Poor Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance History Notes

The penalty is enhanced due to two NOVs with violations same or similar to those cited in this action, one Court Order, and poor performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 55%

**Screening Date** 14-Dec-2007 **Docket No.** 2007-2011-MWD-E **PCW**  
**Respondent** Carrizo Waste, Inc. *Policy Revision 2 (September 2002)*  
**Case ID No.** 35112 *PCW Revision November 6, 2007*  
**Reg. Ent. Reference No.** RN103729943  
**Media [Statute]** Water Quality  
**Enf. Coordinator** J. Craig Fleming  
**Violation Number**   
**Rule Cite(s)** 30 Tex. Admin. Code §§ 305.125(1) and 309.3(g)(2) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014510001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2  
**Violation Description** Failed to comply with the permitted effluent limitations. Specifically, the operator over-applied powdered chlorine to the chlorine contact chamber prior to commencement of the investigation. A grab sample from the effluent revealed a total chlorine residual of greater than 10.0 milligrams per liter ("mg/L") (permitted maximum = 4.0 mg/L). In addition, the total suspended solids ("TSS") concentration was measured to be 132 mg/L (permitted maximum single grab = 65 mg/L).  
**Base Penalty**

>> Environmental, Property and Human Health Matrix

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

>> 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 has been exposed to significant amounts of pollutants which do not exceed protective levels as a result of the 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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

One single event is recommended based on documentation of the violation during the September 19, 2007 investigation.

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** Carrizo Waste, Inc.  
**Case ID No.** 35112  
**Reg. Ent. Reference No.** RN103729943  
**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
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$250	19-Sep-2007	30-Sep-2008	1.0	\$1	\$17	\$18
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 associated with additional operator monitoring and adjustments to ensure that proper doses of chlorine are administered at the Facility. Date required is the investigation 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 TOTAL

\$250	\$18
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<b>Screening Date</b> 14-Dec-2007	<b>Docket No.</b> 2007-2011-MWD-E	<b>PCW</b>			
<b>Respondent</b> Carrizo Waste, Inc.	<i>Policy Revision 2 (September 2002)</i>				
<b>Case ID No.</b> 35112	<i>PCW Revision November 6, 2007</i>				
<b>Reg. Ent. Reference No.</b> RN103729943					
<b>Media [Statute]</b> Water Quality					
<b>Enf. Coordinator</b> J. Craig Fleming					
<b>Violation Number</b> <input type="text" value="2"/>					
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0014510001, Sludge Provisions				
<b>Violation Description</b>	Failed to submit the annual sludge reports for the monitoring periods ending July 31 for 2005, 2006, and 2007.				
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
		<b>Percent</b>	<input type="text" value="0%"/>		
<b>&gt;&gt; Programmatic Matrix</b>					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="10%"/>		
<b>Matrix Notes</b>	100% of the permit requirement was not met.				
		<b>Adjustment</b>	<input type="text" value="\$9,000"/>		
		<input type="text" value="\$1,000"/>			
<b>Violation Events</b>					
<b>Number of Violation Events</b>		<input type="text" value="3"/>	<b>Number of violation days</b>		
		<input type="text" value="834"/>			
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$3,000"/>		
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input checked="" type="text" value="x"/>			
Three single events (one for each report) is recommended.					
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		<input type="text" value="\$98"/>	<b>Violation Final Penalty Total</b>		<input type="text" value="\$4,738"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					<input type="text" value="\$4,738"/>

## Economic Benefit Worksheet

**Respondent** Carrizo Waste, Inc.  
**Case ID No.** 35112  
**Reg. Ent. Reference No.** RN103729943  
**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
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No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$300	1-Sep-2005	31-Jul-2008	2.9	\$3	\$58	\$61
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-2005	31-Jul-2008	2.9	\$36	n/a	\$36
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 prepare and submit the annual sludge reports and to update operational guidance and conduct employee training to ensure that annual sludge reports are submitted in accordance with the permit. Date required is the date the first 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

\$550

TOTAL

\$98

<p><b>Screening Date</b> 14-Dec-2007</p> <p><b>Respondent</b> Carrizo Waste, Inc.</p> <p><b>Case ID No.</b> 35112</p> <p><b>Reg. Ent. Reference No.</b> RN103729943</p> <p><b>Media [Statute]</b> Water Quality</p> <p><b>Enf. Coordinator</b> J. Craig Fleming</p> <p><b>Violation Number</b> <input type="text" value="3"/></p> <p><b>Rule Cite(s)</b> 30 Tex. Admin. Code § 30.350(j) and TPDES Permit No. WQ0014510001, Other Requirements No. 1</p> <p><b>Violation Description</b> Failed to provide a licensed operator to operate the Facility at least five days per week. Specifically, during the investigation, the operator stated that he operates the Facility at irregular hours only two or three days each week.</p>	<p style="text-align: right;"><b>Docket No.</b> 2007-2011-MWD-E</p> <p style="text-align: right;"><b>PCW</b></p> <p style="text-align: right; font-size: small;">Policy Revision 2 (September 2002) PCW Revision November 6, 2007</p>																			
<b>Base Penalty</b> <input type="text" value="\$10,000"/>																				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
<p><b>OR</b></p>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th colspan="3" style="text-align: center;">Harm</th> <td></td> </tr> <tr> <td style="text-align: center;"><b>Release</b></td> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="vertical-align: middle;"><b>Percent</b> <input type="text" value="10%"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td><input type="text"/></td> </tr> </table>		Harm				<b>Release</b>	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>	Potential	<input type="text"/>	x	<input type="text"/>
	Harm																			
<b>Release</b>	Major	Moderate	Minor																	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>																
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<b>&gt;&gt; Programmatic Matrix</b>																				
<p><b>Matrix Notes</b></p>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> <td></td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="vertical-align: middle;"><b>Percent</b> <input type="text" value="0%"/></td> </tr> </table> <p style="text-align: center; border: 1px solid black; padding: 5px;">Failure to ensure that a licensed operator is available at the minimum required frequency could expose human health or the environment to significant amounts of pollutants which would not exceed protective levels.</p>		Major	Moderate	Minor		Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>									
	Major	Moderate	Minor																	
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>																
<b>Adjustment</b> <input type="text" value="\$9,000"/>																				
<input type="text" value="\$1,000"/>																				
<b>Violation Events</b>																				
<p>Number of Violation Events <input type="text" value="1"/>      <input type="text" value="86"/> Number of violation days</p>																				
<p><i>mark only one with an x</i></p>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td style="text-align: center;">daily</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;">x</td></tr> <tr><td style="text-align: center;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	x	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>							
daily	<input type="text"/>																			
monthly	<input type="text"/>																			
quarterly	x																			
semiannual	<input type="text"/>																			
annual	<input type="text"/>																			
single event	<input type="text"/>																			
<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>																				
One quarterly event is recommended from the investigation date (September 19, 2007) through the screening date (December 14, 2007).																				
<b>Economic Benefit (EB) for this violation</b>																				
<b>Statutory Limit Test</b>																				
<b>Estimated EB Amount</b> <input type="text" value="\$1,137"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$1,579"/>																			
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,579"/>																				

## Economic Benefit Worksheet

**Respondent:** Carrizo Waste, Inc.  
**Case ID No.** 35112  
**Reg. Ent. Reference No.** RN103729943  
**Media:** Water Quality  
**Violation No.** 3

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

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

No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$20,800	19-Sep-2007	30-Jun-2008	0.8	\$54	\$1,083	\$1,137
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 hire a full-time operator to maintain the Facility at least five days per week. Date required is the investigation 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	\$20,800	TOTAL	\$1,137
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<b>Screening Date</b> 14-Dec-2007	<b>Docket No.</b> 2007-2011-MWD-E	<b>PCW</b>
<b>Respondent</b> Carrizo Waste, Inc.		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 35112		<small>PCW Revision November 6, 2007</small>
<b>Reg. Ent. Reference No.</b> RN103729943		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> J. Craig Fleming		
<b>Violation Number</b> <input type="text" value="4"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0014510001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2	
<b>Violation Description</b>	Failed to collect samples and measure for each parameter at the minimum frequency specified in the permit. Specifically, effluent samples were not collected for analysis of biochemical oxygen demand ("BOD5") and TSS during the weeks of April 10, 2006 and May 15, 2006. Additionally, measurements for daily flow and total chlorine residual are not taken at least five times per week.	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>

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

OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="5%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

**>> Programmatic Matrix**

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

**Matrix Notes**

Failure to analyze effluent samples at the minimum frequencies may result in unknown effluent excursions and a release of insignificant amounts of pollutants which would not exceed protective levels.

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

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

**Violation Base Penalty**

One single event is recommended based on documentation of the violation during the September 19, 2007 investigation.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$1,224"/>	Violation Final Penalty Total <input type="text" value="\$790"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$790"/>	

## Economic Benefit Worksheet

**Respondent** Carrizo Waste, Inc.  
**Case ID No.** 35112  
**Reg. Ent. Reference No.** RN103729943  
**Media** Water Quality  
**Violation No.** 4

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

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

No commas or \$

**Delayed Costs**

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	19-Sep-2007	31-Jul-2008	0.9	\$11	n/a	\$11
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 operational guidance and conduct employee training to ensure that all parameters are measured at the minimum frequencies specified by the permit. Date required is the investigation 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	\$800	10-Apr-2006	19-Sep-2007	1.4	\$58	\$1,155	\$1,213
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**  
 Avoided cost (estimated at \$25 per week for BOD5 and TSS and \$10 per week for flow and total chlorine residual) for failure to collect and measure for all parameters at the minimum frequencies specified in the permit. Date required is the initial documentation of the violation. Final date is the investigation date.

Approx. Cost of Compliance \$1,050

TOTAL \$1,224

Screening Date 14-Dec-2007

Docket No. 2007-2011-MWD-E

PCW

Respondent Carrizo Waste, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35112

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN103729943

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 319.11(d) and TPDES Permit No. WQ0014510001, Operational Requirements No. 5

Violation Description Failed to properly install and maintain flow measurement equipment. Specifically, during the investigation it was observed that the staff gauge was illegible and was improperly mounted on the faceplate of the 30-degree V-Notch weir.

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 Failure to properly position and maintain the staff gauge for flow measurements could expose human health or the environment to significant amounts of pollutants which may not exceed protective levels.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

86 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 from the investigation date (September 19, 2007) to the screening date (December 14, 2007).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$1,579

This violation Final Assessed Penalty (adjusted for limits) \$1,579

## Economic Benefit Worksheet

**Respondent** Carrizo Waste, Inc.  
**Case ID No.** 35112  
**Reg. Ent. Reference No.** RN103729943  
**Media** Water Quality  
**Violation No.** 5

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

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

No commas or \$

**Delayed Costs**

Equipment	\$100	19-Sep-2007	31-Jul-2008	0.9	\$0	\$6	\$6
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 properly install a new staff gauge. Date required is the investigation 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      \$100

TOTAL      \$6

Screening Date 14-Dec-2007

Docket No. 2007-2011-MWD-E

PCW

Respondent Carrizo Waste, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35112

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN103729943

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 305.125(11)(B) and TPDES Permit No. WQ0014510001, Monitoring and Reporting Requirements No. 3.b.

Violation Description Failed to maintain monitoring and reporting records at the Facility. Specifically, the only record available at the Facility was an incomplete operational log for September 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

OR

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes

At least 70% of the permit requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 86

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

Violation Base Penalty \$1,000

One single event is recommended based on documentation of the violation during the September 19, 2007 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$97

Violation Final Penalty Total \$1,579

This violation Final Assessed Penalty (adjusted for limits) \$1,579

## Economic Benefit Worksheet

**Respondent** Carrizo Waste, Inc.  
**Case ID No.** 35112  
**Reg. Ent. Reference No.** RN103729943  
**Media** Water Quality  
**Violation No.** 6

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

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

Item Description No commas or \$

**Delayed Costs**

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	\$500	19-Sep-2004	31-Jul-2008	3.9	\$97	n/a	\$97
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 establish a record keeping system and conduct employee training to ensure that records are maintained at the Facility. Date required is the starting date for which records were required to be maintained on site. 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 \$500

TOTAL \$97

Screening Date 14-Dec-2007

Docket No. 2007-2011-MWD-E

PCW

Respondent Carrizo Waste, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35112

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN103729943

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014510001, Effluent Limitations and Monitoring Requirements No. 4

Violation Description

Failed to prevent the discharge and accumulation of excessive and floating solids into the receiving stream. Specifically, the investigator observed an excessive volume of solids, including grease balls, discharging from the outfall. There were significant accumulations of grease balls and drifts of sludge between the outfall and the confluence with Crossland Branch.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>
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 significant amounts of pollutants as a result of the discharge.

Adjustment

Violation Events

Number of violation days

mark only one with an x

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

Violation Base Penalty

Three monthly events are recommended from the investigation date (September 19, 2007) to the screening date (December 14, 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** Carrizo Waste, Inc.  
**Case ID No.** 35112  
**Reg. Ent. Reference No.** RN103729943  
**Media** Water Quality  
**Violation No.** 7

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

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

No commas or \$

**Delayed Costs**

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	19-Sep-2007	31-Jul-2008	0.9	\$43	n/a	\$43
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs** Estimated cost to remove and properly dispose of the accumulated solids and grease from the receiving stream.  
 Date required is the investigation 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 \$1,000

TOTAL \$43

Screening Date 14-Dec-2007

Docket No. 2007-2011-MWD-E

PCW

Respondent Carrizo Waste, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35112

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN103729943

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number 8

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014510001, Permit Conditions No. 2.d.

Violation Description

Failed to prevent the discharge of partially treated sewage into the receiving stream. Specifically, the investigator observed structural leaks originating between the aeration basin and the clarifier and in the piping between the clarifier and the chlorine contact chamber. A trail of partially treated sewage was observed flowing from the Facility to the receiving stream.

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

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

Adjustment \$9,000

\$1,000

Violation Events

	1	86	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 from the investigation date (September 19, 2007) to the screening date (December 14, 2007).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$113

Violation Final Penalty Total \$1,579

This violation Final Assessed Penalty (adjusted for limits) \$1,579

## Economic Benefit Worksheet

**Respondent** Carrizo Waste, Inc.  
**Case ID No.** 35112  
**Reg. Ent. Reference No.** RN103729943  
**Media** Water Quality  
**Violation No.** 8

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,500	19-Sep-2007	31-Jul-2008	0.9	\$4	\$87	\$91
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	19-Sep-2007	31-Jul-2008	0.9	\$22	n/a	\$22
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs** Estimated cost to repair the structural leaks and to remove and properly dispose of the affected soil from the unauthorized discharge. Date required is the investigation date. Final dates are the expected dates 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 TOTAL

\$2,000

\$113

Screening Date 14-Dec-2007

Docket No. 2007-2011-MWD-E

PCW

Respondent Carrizo Waste, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35112

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN103729943

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(9) and TPDES Permit No. WQ0014510001, Monitoring and Reporting Requirements No. 7.a.

Violation Description

Failed to report to the TCEQ any noncompliance which may endanger human health or safety or the environment. Specifically, the Respondent failed to notify the TCEQ of the unauthorized discharges of excessive solids from the outfall and partially treated sewage from the treatment unit into the receiving stream.

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="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="10%"/>

Matrix Notes

100% of the permit requirement was not met.

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

Two single events (one event per unauthorized discharge) 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 Carrizo Waste, Inc.  
 Case ID No. 35112  
 Reg. Ent. Reference No. RN103729943  
 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
<b>Delayed Costs</b>							
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	19-Sep-2007	31-Jul-2008	0.9	\$11	n/a	\$11
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 operational guidance and conduct employee training to ensure that reporting requirements are properly accomplished. Date required is the investigation date. Final date is the expected date of compliance.

<b>Avoided Costs</b>							
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	\$50	19-Sep-2007	23-Sep-2007	0.0	\$0	\$1	\$1
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: Avoided cost (estimated at \$25 per report) for failure to notify the TCEQ of the noncompliances. Date required is the date of the unauthorized discharges. Final date is the date by which oral and written notifications were due to TCEQ.

Approx. Cost of Compliance \$300 TOTAL \$11

Screening Date 14-Dec-2007

Docket No. 2007-2011-MWD-E

PCW

Respondent Carrizo Waste, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35112

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN103729943

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code § 317.4(a)(8)

Violation Description Failed to install an air gap or backflow prevention device between the connection of a public water supply system and a wastewater treatment facility. Specifically, the potable water supply for the washdown hose was not equipped with an atmospheric vacuum breaker.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
						Percent 0%

Matrix Notes Failure to install a backflow prevention device to a potable water supply could expose human health or the environment to pollutants which may exceed protective levels.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3 86 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 investigation date (September 19, 2007) to the screening date (December 14, 2007).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$11,845

This violation Final Assessed Penalty (adjusted for limits) \$11,845

## Economic Benefit Worksheet

Respondent Carrizo Waste, Inc.  
 Case ID No. 35112  
 Reg. Ent. Reference No. RN103729943  
 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	\$150	19-Sep-2007	31-Jul-2008	0.9	\$0	\$9	\$9
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 install a backflow prevention device. Date required is the investigation 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 \$150

TOTAL \$9

<b>Screening Date</b> 14-Dec-2007	<b>Docket No.</b> 2007-2011-MWD-E	<b>PCW</b>
<b>Respondent</b> Carrizo Waste, Inc.		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 35112		<small>PCW Revision November 6, 2007</small>
<b>Reg. Ent. Reference No.</b> RN103729943		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> J. Craig Fleming		
<b>Violation Number</b> <input type="text" value="11"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 305.125(1), 317.4(g)(4)(B)(iii), and 317.7(a) and TPDES Permit No. WQ0014510001, Operational Requirements No. 1	
<b>Violation Description</b>	Failed to ensure that the Facility and all of its systems of treatment are properly operated and maintained. Specifically, the investigator observed that the Facility was poorly maintained and in general disrepair. Only one of the two blowers was operational and the walkway grating over the deck openings was unsteady and rusted.	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	<input type="text"/>	x	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>	

>> Programmatic Matrix

	Falsification			
	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Failure to maintain an adequate number of operational blowers at the Facility could decrease treatment efficiency and inadequate grating support could expose human health or the environment to significant amounts of pollutants which would not exceed protective levels.			
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>		

Violation Events

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One quarterly event is recommended from the investigation date (September 19, 2007) to the screening date (December 14, 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** Carrizo Waste, Inc.  
**Case ID No.** 35112  
**Reg. Ent. Reference No.** RN103729943  
**Media** Water Quality  
**Violation No.** 11

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

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

No commas or \$

**Delayed Costs**

Equipment	\$7,500	19-Sep-2007	31-Jul-2008	0.9	\$22	\$433	\$455
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 install a new blower and structurally sound walkway gratings at the Facility. Date required is the investigation 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

\$7,500

TOTAL

\$455

Screening Date 14-Dec-2007

Docket No. 2007-2011-MWD-E

PCW

Respondent Carrizo Waste, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35112

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN103729943

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

V12 12

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 317.4(d)(2) and TPDES Permit No. WQ0014510001, Operational Requirements No. 1

Violation Description

Failed to ensure that the Facility and all of its systems of treatment are properly operated and maintained. Specifically, a significant accumulation of grease and solids was observed throughout the Facility. The mixed liquor in the aeration basin was black in color, the clarifier was not equipped with a skimmer and held an estimated 50% coverage of grease balls, the sludge eductors appeared to be partially clogged, the return activated sludge was thin and jet black in color, and the surface of the chlorine contact chamber was covered with grease.

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

Failure to maintain equipment and control solids at the Facility could expose human health or the environment to significant pollutants which would not exceed protective levels.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 86 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 from the investigation date (September 19, 2007) to the screening date (December 14, 2007).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$335

Violation Final Penalty Total \$1,579

This violation Final Assessed Penalty (adjusted for limits) \$1,579

## Economic Benefit Worksheet

**Respondent** Carrizo Waste, Inc.  
**Case ID No.** 35112  
**Reg. Ent. Reference No.** RN103729943  
**Media** Water Quality  
**Violation No.** 12

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

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

No commas or \$

**Delayed Costs**

Equipment	\$5,000	19-Sep-2007	31-Jul-2008	0.9	\$14	\$289	\$303
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	19-Sep-2007	31-Jul-2008	0.9	\$11	n/a	\$11
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$500	19-Sep-2007	31-Jul-2008	0.9	\$22	n/a	\$22
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost to remove and dispose of excess solids and grease from the treatment units, to install a skimmer on the clarifier, to repair or replace the sludge eductors, and to develop and implement a solids management plan to ensure that solids are properly controlled at the Facility. Date required is the investigation date. Final date is the expected dates 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 \$5,750

TOTAL \$335

# Compliance History

Customer/Respondent/Owner-Operator: CN602566473 Carrizo Waste, Inc. Classification: POOR Rating: 290.20  
Regulated Entity: RN103729943 CARRIZO CREEK MHP WWTP Classification: POOR Site Rating: 290.20  
ID Number(s): WASTE WATER GENERAL PERMIT ID NUMBER R10WW0001  
WASTEWATER PERMIT WQ0014510001  
WASTEWATER EPA ID TX0126519  
WASTEWATER PERMIT TX0126519  
Location: LOCATED APPRX 3,600 FT SW OF THE INTX OF SH21 & CARRIZO CK, APPRX 1,000 FT S OF SH 21 & APPRX 3,800 FT W OF CARRIZO CK, NACOGDOCHES CO, TX Rating Date: September 01 07  
Repeat Violator: NO  
TCEQ Region: REGION 10 - BEAUMONT  
Date Compliance History Prepared: December 03, 2007  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: December 03, 2002 to December 03, 2007  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Lynley Doyen Phone: 512-239-1364

## 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? Yes
3. If Yes, who is the current owner? Carrizo Waste, Inc.
4. If Yes, who was/were the prior owner(s)? Tommy E. Wells, Jr.  
Cheryl L. Wells  
Nacogdoche Village Incorporated
5. When did the change(s) in ownership occur? 1/27/2004

## 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: 01/16/2003

COURTORDER

Classification: Major

Citation: TWC Chapter 26 26.121(a)

Description: Discharge without authorization from a Facility [original Tex. Water Code § 26.121(a)]

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to abate a nuisance condition and to properly operate and maintain a private domestic wastewater treatment plant - [originally Texas Water Code Chapter 26.121(a)(3), with possible future consideration of TH&SC ch. 341 nuisance cites]

Classification: Major

Citation: 2B TWC Chapter 13, SubChapter A 13.242(a)

Description: Failure to obtain a CCN and approved sewer rate tariff - [originally Texas Water Code Chapter 13.242(a)]

Classification: Major

Citation: TWC Chapter 26 26.121(a)

Description: unauthorized wastewater discharge - [originally Tex. Water Code § 26.121(a)]

Classification: Moderate

Citation: 30 TAC Chapter 325, SubChapter A 325.2

Description: Failure to provide a certified wastewater operator oversight - [originally 30 Tex. Admin. Code § 325.2]

Classification: Major

Citation: 5A THC Chapter 341, SubChapter A 341.011(5)

5A THC Chapter 341, SubChapter A 341.092(a)

Description: Allowed sewage, human excreta, and wastewater to be deposited in a potentially disease-transmitting manner

Classification: Major

Citation: 5A THC Chapter 341, SubChapter A 341.013(a)

5A THC Chapter 341, SubChapter A 341.092(a)

Description: Allowed premises occupied or used as residences to be kept in an unsanitary condition

Classification: Major

Citation: 5A THC Chapter 341, SubChapter A 341.013(b)  
5A THC Chapter 341, SubChapter A 341.092(a)

Description: Allowed sewage to accumulate in, discharge into, or flow into a public place, gutter, street, or highway

Classification: Major

Citation: 5A THC Chapter 341, SubChapter A 341.013(c)  
5A THC Chapter 341, SubChapter A 341.092(a)

Description: Allowed polluting material or other wastes to be disposed of in a manner that may cause the pollution of the surrounding land and water regarding breeding insects and other vectors

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 07/26/2003 (143662)  
2 08/14/2006 (490335)  
3 12/14/2006 (533795)  
4 02/16/2007 (553749)  
5 11/14/2007 (600291)

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

Date: 08/14/2006 (490335)

Self Report? NO Classification: Moderate  
Rqmt Prov: PERMIT M&RR 1  
Description: Failure by Carrizo Waste, Inc. to submit self-reported effluent results.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 309, SubChapter A 309.3(g)(2)  
Rqmt Prov: PERMIT EL&MR 2  
Description: Failure by Carrizo Waste, Inc. to discharge effluent in compliance with the total chlorine residual limitation.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)  
Rqmt Prov: PERMIT OT 9  
Description: Failure by Carrizo Waste, Inc. to submit annual sludge disposal reports by September 1 of each calendar year.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)  
Rqmt Prov: PERMIT EL&MR 1  
Description: Failure by Carrizo Waste, Inc. to collect effluent samples for biochemical oxygen demand and total suspended solids analysis at the frequency specified by the permit.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
Rqmt Prov: PERMIT OpR 1  
Description: Failure by Carrizo Waste, Inc. to properly operate and maintain units of treatment.

Self Report? NO Classification: Moderate  
Rqmt Prov: PERMIT OpR 1  
Description: Failure by Carrizo Waste, Inc. to properly maintain the facility site. On 07/06/2006, the wooden fence surrounding the wastewater treatment plant was not intruder-resistant. The fence had been partially torn down on the northwest corner and on the east side. The site was overgrown with weeds and woody shrubs.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)  
Rqmt Prov: PERMIT M&RR2  
Description: Failure by Carrizo Waste, Inc. to properly maintain the effluent staff gauge in conformance with standards prescribed by "The Water Measurement Manual" and 30 Texas Administrative Code §319.11(d).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)  
Rqmt Prov: PERMIT M&RR 3b  
Description: Failure by Carrizo Waste, Inc. to maintain records of operation. On 07/06/2006, Mr. Wade had no operational records or flow records in his possession.

Date: 02/16/2007 (553749)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

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  
CARRIZO WASTE, INC.;  
RN103729943**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-2011-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Carrizo Waste, Inc. ("Carrizo") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Carrizo, represented by Timothy J. Karczewski of the Law Offices of John D. Stover, appear before the Commission and together stipulate that:

1. Carrizo owns and operated a wastewater treatment plant ("WWTP") located near the intersection of State Highway 21 and Carrizo Creek, approximately 1,000 feet south of State Highway 21, and approximately 3,800 feet west of Carrizo Creek, in Nacogdoches County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.
3. The Commission and Carrizo agree that the Commission has jurisdiction to enter this Agreed Order, and that Carrizo is subject to the Commission's jurisdiction.
4. Carrizo received notice of the violations alleged in Section II ("Allegations") on or about November 19, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Carrizo of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of forty-five thousand eight hundred dollars (\$45,800.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Financial Assurance Section of the Commission's Financial Administration Division reviewed the financial documentation submitted by Carrizo and determined that Carrizo is unable to pay part of the administrative penalty. Therefore, forty-four thousand six hundred dollars (\$44,600.00) of the penalty is deferred contingent upon Carrizo's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Carrizo fails to timely and satisfactorily comply with all requirements of Agreed Order, including the payment schedule, the Executive Director may require Carrizo to pay all or part of the deferred penalty.

Carrizo paid one thousand two hundred dollars (\$1,200.00) of the undeferred administrative 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 Carrizo agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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 Carrizo has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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

1. During an investigation conducted on September 19, 2007, a TCEQ Beaumont Regional Office investigator documented that Carrizo Waste violated the following requirements:

- a. 30 TEX. ADMIN. CODE §§ 305.125(1) and 309.3(g)(2) and TPDES Permit No. WQ00145100001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, by failing to comply with permitted effluent limitations. Specifically, a grab sample from the effluent revealed a total chlorine residual of greater than 10.0 milligrams per liter (“mg/L”) (the permitted maximum is 4.0 mg/L) and a total suspended solids (“TSS”) concentration of 132 mg/L (the permitted maximum is 65 mg/L).
- b. 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ00145100001, Sludge Provisions, by failing to submit the annual sludge reports for the monitoring periods ending July 31<sup>st</sup> for the years 2005, 2006, and 2007.
- c. 30 TEX. ADMIN. CODE § 30.350(j) and TPDES Permit No. WQ00145100001, Other Requirements No. 1, by failing to provide a licensed operator to operate the Facility at least five days per week. Specifically, during the investigation, the operator stated that he operates the Facility at irregular hours only two or three days each week.
- d. 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b), and TPDES Permit No. WQ00145100001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, by failing to collect samples and measure for each parameter at the minimum frequency specified in the permit. Specifically, effluent samples were not collected for analysis of biochemical oxygen demand (“BOD<sub>5</sub>”) and TSS during the weeks of April 10, 2006, and May 15, 2006. Additionally, measurements for daily flow and total chlorine residual were not collected at least five times per week.
- e. 30 TEX. ADMIN. CODE § 319.11(d) and TPDES Permit No. WQ00145100001, Operational Requirements No. 5, by failing to properly install and maintain flow measurement equipment. Specifically, the staff gauge was illegible and was improperly mounted on the faceplate of the 30-degree V-Notch weir.
- f. 30 TEX. ADMIN. CODE § 305.125(11)(B) and TPDES Permit No. WQ00145100001, Monitoring and Reporting Requirements No. 3.b., by failing to maintain monitoring and reporting records at the Facility. Specifically, the only record available at the Facility was an incomplete operational log for September 2007.
- g. 30 TEX. ADMIN. CODE § 305.125(1); TEX. WATER CODE § 26.121(a); and TPDES Permit No. WQ00145100001, Effluent Limitations and Monitoring Requirements No. 4, by failing to prevent the discharge and accumulation of excessive and floating solids into the receiving stream. Specifically, the investigator observed an excessive volume of solids, including grease balls, discharging from the outfall, and significant accumulations of grease balls and drifts of sludge between the outfall and the confluence with Crossland Branch.

- h. 30 TEX. ADMIN. CODE § 305.125(1); TEX. WATER CODE § 26.121(a); and TPDES Permit No. WQ00145100001, Permit Conditions No. 2.d., by failing to prevent the discharge of partially treated sewage into the receiving stream. Specifically, the investigator observed structural leaks originating between the aeration basin and the clarifier, and in the piping between the clarifier and the chlorine contact chamber. A trail of partially treated sewage was observed flowing from the Facility to the receiving stream.
- i. 30 TEX. ADMIN. CODE § 305.125(9) and TPDES Permit No. WQ00145100001, Monitoring and Reporting Requirements No. 7.a., by failing to report to the TCEQ any noncompliance which may endanger human health or safety or the environment. Specifically, the Respondent failed to notify the TCEQ of the unauthorized discharges of excessive solids from the outfall and of partially treated sewage from the treatment unit into the receiving stream.
- j. 30 TEX. ADMIN. CODE § 317.4(a)(8), by failing to install an air gap or backflow prevention device between the connection of a public water supply system and a wastewater treatment facility. Specifically, the potable water supply for the washdown hose was not equipped with an atmospheric vacuum breaker.
- k. 30 TEX. ADMIN. CODE §§ 305.125(1); 317.4(g)(4)(B)(iii); and 317.7(a); and TPDES Permit No. WQ00145100001, Operational Requirements No. 1, by failing to ensure that the Facility and all of its treatment systems are properly operated and maintained. Specifically, the Facility was poorly maintained and was in general disrepair. Only one of the two blowers was operational and the walkway grating over the deck openings was unstable and rusted.
- l. 30 TEX. ADMIN. CODE §§ 305.125(1) and 317.4(d)(2) and TPDES Permit No. WQ00145100001, Operational Requirements No. 1, by failing to ensure that the Facility and all of its treatment systems are properly operated and maintained. Specifically, a significant accumulation of grease and solids was observed throughout the Facility. The mixed liquor in the aeration basin was black in color, the clarifier was not equipped with a skimmer and held an estimated 50% coverage of grease balls, the sludge eductors appeared to be partially clogged, the return activated sludge was thin and jet black in color, and the surface of the chlorine contact chamber was covered with grease.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Carrizo pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Carrizo'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 considering or requiring corrective action or penalties for violations which 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: Carrizo Waste, Inc., Docket No. 2007-2011-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. Carrizo shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, Carrizo shall cease all discharges from the Facility.
  - b. Within 30 days after the effective date of this Agreed Order, Carrizo shall:
    - i. Prepare and submit a closure plan for the Facility to:

Municipal Permits Team  
Water Quality Division, MC-148  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

and a copy to:

Ronald Hebert, Water Section Manager  
Beaumont Region Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1830

- ii. Develop and implement a plan for removal of sludge and accumulated debris discharged from the Facility into the receiving stream and any adjacent properties. The disposal of sludge shall be carried out in accordance with all applicable rules of the TCEQ and in a manner that prevents contamination of surface or groundwater.
- c. Within 15 days after receiving approval of the closure plan for the Facility, Carrizo shall:
- i. Submit a copy of the closure plan for the Facility and a copy of the schedule for implementation described in 2.b. above to:

Ronald Hebert, Water Section Manager  
Beaumont Region Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1830

and a copy to:

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

- ii. Implement the closure of the Facility according to the approved closure plan.
- d. Within 120 days after receiving approval of the closure plan for the Facility, Carrizo shall submit certification of compliance with Ordering Provision Nos. 2.a. through 2.c. The written certification required shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the Ordering Provisions in this section. 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Ronald Hebert, Water Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon Carrizo. Carrizo 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 Carrizo 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, Carrizo's failure to comply is not a violation of this Agreed Order. Carrizo shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Carrizo shall notify the Executive Director within seven days after Carrizo 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

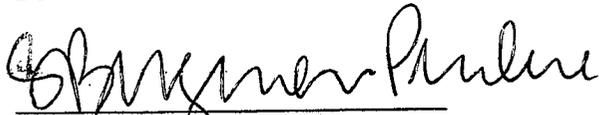
substantiated showing of good cause. All requests for extensions by Carrizo shall be made in writing to the Executive Director. Extensions are not effective until Carrizo receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

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

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission



\_\_\_\_\_  
For the Executive Director

7/31/2009

\_\_\_\_\_  
Date

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

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

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

  
\_\_\_\_\_  
Signature

March 12, 2009  
\_\_\_\_\_  
Date

Alan Wade  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized representative of  
Carrizo Waste, Inc.

President  
\_\_\_\_\_  
Title