DOCKET NO.: 2009-0359-MLM-E **TCEQ ID:** RN102180411 **CASE NO.:** 37289

RESPONDENT NAME: H.H.J., INC.

ORDER TYPE:						
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING				
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER				
_AMENDED ORDEREMERGENCY ORDER						
CASE TYPE:						
<u>X</u> AIR	X MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE				
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION				
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL				
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION				
Cripple Creek Drive, approximately 0.8 mile miles southeast of the intersection of Farm-to Montgomery County TYPE OF OPERATION: Wastewater trea	RED: Decker Oaks, located on the northeast side of a north of the intersection of State Highway 249 and o-Market Roads 149 and 1774, and approximately 4 tment facility associated with a collection system _ No	Stagecoach Road, and approximately 2.7				
OTHER SIGNIFICANT MATTERS: A confective of the confection of the c	omplaint was received on February 2, 2009, alleging flowing manhole and associated discharge. There is	g nuisance odors and a complaint was also no record of additional pending enforcement				
INTERESTED PARTIES: Complaints wer Agenda.	re received, but the complainants have not expressed	l a desire to protest this action or to speak at				
COMMENTS RECEIVED: The Texas Reg	gister comment period expired on November 16, 200	9. No comments were received.				
CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Evette Alvarado, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2573; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Robert R. Weedn, President, H.H.J., INC., 617 West Main, Tomball, Texas 77375 Respondent's Attorney: Mr. David Smith, Barrett & Smith PLLC, 206 East 9 th Street, Suite 1750, Austin, Texas 78701						

g. Within 45 days after the effective date

RESPONDENT NAME: H.H.J., INC. DOCKET NO.: 2009-0359-MLM-E

VIOLATION SUMMARY CHART: **CORRECTIVE ACTIONS** PENALTY CONSIDERATIONS VIOLATION INFORMATION TAKEN/REQUIRED Corrective Actions Taken: Type of Investigation: Total Assessed: \$11,510 X Complaint The Executive Director recognizes that the X Routine Total Deferred: \$2,302 Respondent has implemented the Enforcement Follow-up X Expedited Settlement following corrective measures at the Plant: ___ Records Review __Financial Inability to Pay Date(s) of Complaints Relating to this a. By March 10, 2009, repaired a float switch on a lift station and cleaned and Case: February 2 and March 9, 2009 SEP Conditional Offset: \$0 disinfected the area affected by the discharge; and Date of Investigation Relating to this Total Paid (Due) to General Revenue: \$2,208 Case: December 30, 2008, February 2, (remaining \$7,000 due in 5 monthly payments b. By May 27, 2009, submitted evidence 2009, and March 10, 2009 of \$1,400 each) of legal restrictions prohibiting residential structures within that portion of the buffer Date of NOV/NOE Relating to this Case: Site Compliance History Classification zone not owned by the Respondent. February 23 and April 20, 2009 (NOE) __ High _X Average __ Poor Background Facts: These were complaint Person Compliance History Classification **Ordering Provisions:** and routine investigations. ___ High _X_Average ___ Poor The Order will require the Respondent to: Major Source: __ Yes X No AIR/WATER a. Immediately upon the effective date of this Agreed Order, cease all construction 1) Failure to submit sufficient evidence of Applicable Penalty Policy: September 2002 legal restrictions prohibiting residential activities related to the industrial treatment structures within that part of the 150 foot Plant until authorization to discharge is buffer zone not owned by the Respondent granted by the TCEQ; [30 Tex. Admin. Code § 309.13(e)(3) and Texas Pollutant Discharge Elimination b. Within 15 days after the effective date System ("TPDBS") Permit No. of this Agreed Order, submit written WQ0013863001, Other Requirements No. certification of compliance with Ordering Provision a; 2) Failure to obtain authorization to c. Within 30 days after the effective date of discharge prior to beginning construction this Agreed Order, implement procedures of a treatment facility. Specifically, the and conduct training to ensure that Respondent had begun construction unauthorized discharges are reported to the activities for a pending industrial permit TCEQ either orally or by facsimile within before the permit was issued [Tex. WATER 24 hours of becoming aware of the CODE § 26.027(c)]. discharge; 3) Failure to prevent nuisance odor d. Within 30 days after the effective date conditions. Specifically, the investigator of this Agreed Order, submit, for review documented light to moderate odors of a and approval, a plan that describes highly offensive nature, for a period of procedures designed to mitigate odors about 30 minutes [30 TEX. ADMIN. CODE § from the Plant; 101.4 and Tex. Health & Safety Code § 382.085(a) and (b)]. e. Respond to requests for additional information within 30 days of such 4) Failure to prevent the discharge of requests; untreated wastewater from the Plant's collection system. Specifically, a f. Implement the procedures described in discharge of untreated wastewater occurred the odor mitigation plan within 30 days of from a manhole located in the 300 block of the plan's approval; and Morris Road from March 7 to March 8,

2009 [Tex. Water Code § 26.121(a)(1),

RESPONDENT NAME: H.H.J., INC. DOCKET NO.: 2009-0359-MLM-E

30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013863001, Permit Conditions No. 2.g]. 5) Failure to submit a noncompliance notification for an unauthorized discharge. Specifically, the unauthorized discharge that occurred from March 7 to 8, 2009, was not reported to the TCBQ either orally or by facsimile transmission within 24 hours of the Respondent becoming aware of the discharge [30 Tex. Admin. Code § 305.125(9) and TPDES Permit No. WQ0013863001, Monitoring and Reporting Requirements No. 7].		of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions c. through f.
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Additional ID No(s).: WQ0013863001, TX0115827

			·

	Penalty Calc	ulation Worksheet (P	CW)	
Policy Revision 2 (Se		•	•	October 30, 2008
TCEQ				
DATES Assigned			_	
PCV	7 31-Jul-2009 Screening 12-N	Mar-2009 EPA Due		THE RESIDENCE TO THE PARTY OF T
RESPONDENT/FACILITY				
	t H.H.J., INC.			-
Reg. Ent. Ref. No Facility/Site Region	12-Houston	Major/Minor Source	Minor	
racility/site Region	1 12-1 10031011	inajor/minior odurce	William	
CASE INFORMATION				1
Enf./Case ID No	The state of the s	No. of Violations		- :
	. 2009-0359-MLM-E	Order Type Government/Non-Profit		
media Program(s Multi-Media		Enf. Coordinator		 [
	7 111		Enforcement Team 1	
Admin. Penalty \$	Limit Minimum \$0 Maxis	mum \$10,000		
	Penalty C	Calculation Section		
TOTAL DACE DENA	· · · · · · · · · · · · · · · · · · ·		Cubindal d	\$4,000
TOTAL BASE PENA	LTY (Sum of violation base	penames)	Subtotal 1	φ4,000
ADJUSTMENTS (+/-	TO SUBTOTAL 1			
	ined by multiplying the Total Base Penaity (S		0 0 0 7	42.000
Compliance His	Cory Enhancement recommended for	77.0% Enhancement Subter one court order without denial, two	otals 2, 3, & 7	\$3,080
Notes		similar as those in the current action,		
110100		ted effluent violations.		
Culpability	No	0.0% Enhancement	Subtotal 4	\$0
]	
Notes	The Respondent does no	ot meet the culpability criteria.		
			<u></u>	
Good Faith Effo	rt to Comply Total Adjustments		Subtotal 5	\$0
•				
Economic Benef	Fit	0.0% Enhancement*	Subtotal 6	\$0
	Total EB Amounts \$116	*Capped at the Total EB \$ Amount		
Арргох	. Cost of Compliance \$3,100			
SUM OF SUBTOTAL	S 1-7		inal Subtotal	\$7,080
		<u></u>		
	S JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
Reduces or enhances the Final :	Subtotal by the indicated percentage,		1	
Notes	•			
Notes				
		Final Pe	nalty Amount	\$7,080
OTATUTODY LUMB	AD MOTHERY	Pt 4	and Danette	£7.000
STATUTORY LIMIT	ADJUSTMENT	Final Asse	essed Penalty	\$7,080
DEFERRAL		20.0% Reduction	Adjustment	-\$1,416
	nally by the indicted percentage. (Enter num		-	
1				
Notes	Deferral offered for	r expedited settlement.		
			<u>,</u>	
DAVABLE DENALT	,			\$5,664
PAYABLE PENALTY	<i>t</i>			\$0,004I

Screening Date 12-Mar-2009

Docket No. 2009-0359-MLM-E

PCW

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent H.H.J., INC.

Case ID No. 37289

Reg. Ent. Reference No. RN102180411

Media [Statute] Water Quality Enf. Coordinator Evette Alvarado

Compliance History Worksheet

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)	0	0%
	Other written NOVs	21	42%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denia 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	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%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final cour judgments or consent decrees without a denial of liability, of this state or the federa government	t 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)	s f 0	0%
Audits	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%
	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%

	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Ollici	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) 77%

•>	Repeat	Violator	(Subtotal 3))
----	--------	----------	--------------	---

No

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7)

.>> Compliance History Summary

Compliance History Notes

Enhancement recommended for one court order without denial, two NOVs with violations not same or similar as those in the current action, and 19 self-reported effluent violations.

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

Scre	ening Date	12-Mar-2009	Docket No. 2009-0359-MLM-E	PCW
F	Respondent	H.H.J., INC.	Policy Re	ovision 2 (September 2002)
	Case ID No.			Revision October 30, 2008
Reg. Ent. Re	terence No. lia [Statute]			í
1	Coordinator	-	ın eri	3 : :
	lation Number	1		
	Rule Cite(s)		n. Code § 309.13(e)(3) and Texas Pollutant Discharge Elimination System PDES") Permit No. WQ0013863001, Other Requirements No. 4	: !
Violatic	on Description		mit sufficient evidence of legal restrictions prohibiting residential structures t of the 150-foot buffer zone not owned by the Respondent, as documented during an investigation on February 2, 2009.	
			Base Penalty[\$10,000
>> Environmental,	Property an	d Human H		-
	Release	Major	Harm Moderate Minor .	:
OR	Actual			:
	Potential		Percent 0%	
>>Programmatic N	latrix			
ſř	Falsification	Major II	Moderate Minor Percent 10%	:
L Second		X	Toron 1070	:
Matrix Notes			100% of the rule requirement was not met.	
			Adjustment \$9,000	The second
		A The Addition	Adjustment 59,000	A. 000
			L	\$1,000
Violation Events	er a geral de la companie de la comp	HANNE		
	Number of Vio	olation Events	1 38 Number of violation days	
	merk only one with an x	daily weekly monthly quarterly semiannual annual single event	Violation Base Penalty[\$1,000
			One single event is recommended.	
Good Faith Efforts		Extraordinary Ordinary N/A	0.0% Reduction Before NOV to EDPRP/Settlement Offer X ((mark with x)	\$0
		Notes	The Respondent does not meet the good faith criteria for this violation.	
		e	Violation Subtotal [\$1,000
Économic Benefit	(EB) for this	violation	Statutory Limit Test	
	Estimated	d EB Amount[\$2 Violation Final Penalty Total	\$1,770
1 :		`	This violation Final Assessed Penalty (adjusted for limits)	\$1,770
	4 4 14.1			

Case ID No.							
Reg. Ent. Reference No.	RN102180411						
	: Water Quality					Percent Interest	Years of
Violation No.						Percent Interest	Depreciation
Violation No	• '					5.0	•
	14 04	Data Damiland	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amour
	Item Cost	Date Required	Final Date	115	interest daveu	Olletille Gosts	CD Allicai
Item Description							
Delayed Costs				1		\$0	ėα
Equipment				0.00	\$0	\$0	\$0 \$0
Buildings		0.5-1-0000	07 May 2000	0,00	\$0 \$0	\$2	\$2
Other (as needed)	\$100	2-Feb-2009	27-May-2009_	0.31	\$0	\$0	\$0
Engineering/construction Land			·	0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	s n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	i / v n/a	\$0
Permit Costs				0.00	\$0.	n/a	\$0
Other (as needed)				0.00	\$0	n/a	40
	Estimated cost	to submit sufficien	evidence of lega	l restricti	ons prohibiting res	sidential structures v	vithin the por
Notes for DELAYED costs	of the buffer zo	ine not owned by th	e Respondent. T date docume	l restricti he date i entation	ons prohibiting re- required is the invi was submitted.	sidential structures v estigation date. The	vithin the por final date is
Avoided Costs	of the buffer zo	ine not owned by th	e Respondent. T date docume	restricti he date entation	ons prohibiting re- required is the invi was submitted. Item (except for	sidential structures v estigation date. The one-time avoided o	vithin the por final date is costs)
Avoided Costs	of the buffer zo	ine not owned by th	e Respondent. T date docume	l restricti he date i entation	ons prohibiting re- required is the invi was submitted.	sidential structures v estigation date. The	vithin the poor in
Avoided Costs Disposal Personnol	of the buffer zo	ine not owned by th	e Respondent. T date docume	restrictine date entation	ons prohibiting re- required is the invi- was submitted. Item (except for	sidential structures vestigation date. The one-time avoided of \$0	vithin the position of the pos
Avoided Costs Disposal Personnol	of the buffer zo	ine not owned by th	e Respondent. T date docume	restriction entation en	ons prohibiting retrequired is the invited. Item (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided o	vithin the pool final date is sosts) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnol Inspection/Reporting/Sampling	of the buffer zo	ine not owned by th	e Respondent. T date docume	restriction de date entation de date entation de date entation de	ons prohibiting recrequired is the invivous submitted. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	vithin the pool final date is sosts) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnol Inspection/Reporting/Sampling SuppRes/equipment	of the buffer zo	ine not owned by th	e Respondent. T date docume	nestricti ne date entation entering 0.00 0.00 0.00 0.00 0.00	ons prohibiting retrequired is the invewas submitted. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	vithin the pool final date is \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnol Inspection/Reporting/Sampling SuppHes/equipment Financial Assurance [2]	of the buffer zo	ine not owned by th	e Respondent. T date docume	restriction de date entation de date entation de date entation de	ons prohibiting recrequired is the invivous submitted. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	vithin the po e final date is costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnol Inspection/Reporting/Sampling SuppRes/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	of the buffer zo	ine not owned by th	e Respondent. T date docume	nestricti ne date entation entering 0.00 0.00 0.00 0.00 0.00	ons prohibiting retrequired is the invewas submitted. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	vithin the po e final date is sosts) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnol Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	of the buffer zo	ine not owned by th	e Respondent. T date docume	nestricti ne date entation entering 0.00 0.00 0.00 0.00 0.00	ons prohibiting retrequired is the invewas submitted. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	vithin the poor of final date is sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Sci	reening Date	12-Mar-2009	emery energeness is commence emercinary man		Docket No.	2009-035	9-MLM-E	mamamanlaihantiinni rannis ainnelisessen	PCW
	Respondent							Policy Re	vision 2 (September 2002)
D F D.	Case ID No.							PCW	Revision October 30, 2000
;	eference No. dia [Statute]								
	Coordinator	_	ю						
į Vid	olation Number	2							
Para Para Para Para Para Para Para Para	Rule Cite(s)			Tex. Wate	er Code § 26.02	7(c)			
Violat	ion Description	facility, as d	ocumented o	n February 2	rge prior to begl , 2009. Specific Industrial permit	ally, the R	espondent ha	d begun	
							Ва	se Penalty	\$10,000
i North and the second of	o <u>ta</u> je sijanaga 1929.	Baltinas	0.14.1848.184.664	. gandaviji	ers, er i ers,	. In the state of			
>> Environmental	, Property an	d Human H	eaith Matr Harm	IX	Taking salah niga	No a Joseph M			
	Release	Major	Moderate	Minor					
OR	Actual Potential				_	Percent	0%		
e de la companya de l	Fotential	<u> </u>		<u>IL</u>		i ercent	0.10		
>>Programmatic									
	Falsification	Major x	Moderate	Minor II	7	Percent	10%		
to a state of the		<u> </u>		<u> </u>	ad 				
Matrix Notes			100% of the	e rule require	ment was not m	et.			
	en e		1845.00		orakija nagaja	djustmer	64	\$9,000]	
g Salah kutan dan beberapa Barangan Barangan	er er	Transfer Control Control		e of the family	· · · · · · · · · · · · · · · · · · ·		271		A. 000
									\$1,000
Violation Events			ting of the second of the seco					is the property	
	Number of Vi	olation Events	2		38	Number	of violation da	ys	
	merk only one with an x	daily weekly monthly quarterly semiannual annual single event	. ×				Violation Ba	se Penalty[\$2,000
	Two monthly o	events are reco		om the investi ate of March	gation date of F	ebruary 2,	2009, to the	screening	
Good Faith Effort	s to Comply	Extraordinary Ordinary N/A	Before NOV	(mark with x)	P/Settlement Offer	d faith crit	eria for this		\$0
A CONTRACTOR OF THE PROPERTY O		Notes	THO NOOPC	AND THE GOOD I	violation.	~ 10131 VIII	· · · · · · · · · · · · · · · · · · ·	_	
:							Violatio	n Subtotal[\$2,000
Economic Benefi			er grand gyMandana	78728.00. 7 (1) (2)			ny Limit To		**************************************
	Estimate	d EB Amount		\$6	<u>io</u>	viola	tion Final Pe	naity i otal[\$3,540
				This violat	ion Final Asses	sed Pena	alty (adjusted	for limits)	\$3,540

unione managant de l'est est concerne à comme act à mais et comme activation activat de l'All All All All All All All All All A	E	conomic l	Benefit W	orks	heet		
Respondent Case ID No. Reg. Ent. Reference No.	37289						
	Water Quality					Percent Interest	Years of Depreciation
110111111111111111111111111111111111111						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs				-	·		
Equipment				0:00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0,00	\$0	\$0	\$0
Engineering/construction			<u></u>	0.00	\$0	\$0	\$0 \$0
Land				0.00	\$0 \$0	n/a n/a	\$0 \$0
Record Keeping System				0.00	\$0		\$0
Training/Sampling				0.00	\$0	The Control of the Co	\$0 \$0
Remediation/Disposal	00.000	0 F-1- 0000	0.000		\$60	n/a .	\$60
Permit Costs Other (as needed)	\$2,000	2-Feb-2009	8-Sep-2009	0.60	\$0	n/a	\$0
Notes for DELAYED costs		note	ed. Final date is th	ne exped	cted date of compl		
Avoided Costs	ANN	UALIZE [1] avoide	ed costs before e		item (except for	one-time avoided o	osts)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance (2)				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	1	<u> </u>
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$2,000			TOTAL		\$60

Scr	eening Date	12-Mar-2009	Docket	No. 2009-0359-MLM-E	P¢w
1	Respondent				Policy Revision 2 (September 2002)
5	Case ID No.				PCW Revision October 30, 2008
	ference No.				•
	dia [Statute]				
	Coordinator Ilation Number	Evette Alvarado			:
· VIO	Rule Cite(s)	3			
ry.	reale Orieta)	30 Tex. Ad	nin. Code § 101.4 and Tex. Health	& Safety Code § 382.085(a) an	nd (b)
Violati	on Description		ent nuisance odor conditions, as do 008. Specifically, the investigator o highly offensive nature, for a perio	documented light to moderate o	
	<u>[c</u>			Base	Penalty \$10,000
>> Environmental,	Property and	d Human He	ith Matrix		
			Harm		
OR	Release Actual	Major I	Moderate Minor		
. OK	Potential	<u>-</u>	<u>X</u>	Percent 10%	
	r otomanji		<u>'</u>	1 110111	
>>Programmatic N	// datrix	الكاريق الأولا			2
	Falsification	Major	Moderate Minor		
				Percent 0%	and the same of th
Matrix Notes	Human	health or the en	rironment has been exposed to insi	ignificant amounts of pollutants	
	L				
	A APRIL DAY	생기 내 일		Adjustment	\$9,000
ė					\$1,000
				erona e govarore	
Violation Events		over places			
The state of the s	Number of Vic	lation Events	1 1	Number of violation days	•
		daily [
Ť		weekly			
:		monthly	******		
?	mark only one with an x	quarterly		Violation Base	Penalty \$1,000
	11.01.01.21	semiannual [
	•	annual			:
	J	single event	×		
,	One single ev	ent is recomme	ided based on documentation of th December 30, 2008.	e violation during the investigat	tion on
Good Faith Efforts	to Comply		0.0% Reduction		\$0
			Before NOV NOV to EDPRP/Settlement	Offer	:
		Extraordinary			
		Ordinary	V (remely with an		
American Ame		N/A [X j(mark with x)		10 E
A Comments		Notes	The Respondent does not meet the violation.		Minimum and sutting and suttin
ċ		L			1
:				Violation	Subtotal \$1,000
Economic Benefit	(EB) for this	violation		Statutory Limit Tes	
	Estimated	EB Amount	\$54	Violation Final Pena	alty Total \$1,770
			This violation Final A	Assessed Penalty (adjusted fo	or Ilmits) \$1,770

	E	conomic E	Benefit W	orks/	heet		
Respondent	H.H.J., INC.						
Case ID No.	37289						
Reg. Ent. Reference No.	RN102180411						
	Water Quality					Percent Interest	Years of
Violation No.	•					Percent interest	Depreciation
VIOIGEON NO.	•					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	•					
Delayed Costs							
Equipment				0,00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	30-Dec-2008	8-Oct-2009	0.77	\$3	\$52	\$54
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	≥ n/a ≥	\$0
Record Keeping System				0.00	\$0	n/a	<u>\$0</u>
Training/Sampling				0,00	\$0	⇒ ∽ n/a ⇒ ∴	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)				0,00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs	Estimated cos Da	t of implementing p te required is the da	rocedures or mo ate of the Investig	dification jation. F	s to the Plant to minal date is the exp	iitigate off-property r pected compliance d	uisance odors. ate.
Avoided Costs	ANN	UALIZE [1] avoide	d costs before	entering		one-time avoided o	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0:00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0,00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compilance		\$1,000			TOTAL		\$54

Policy Revision 2 (Sep		ulation Worksheet (P	· ·	October 30, 2008
TCEQ				
DATES Assigned			_	
PCW	4-Aug-2009 Screening 24-A	pr-2009 EPA Due		
RESPONDENT/FACILITY	INFORMATION			
	H.H.J., INC.			\neg
Reg. Ent. Ref. No.				—
Facility/Site Region		Major/Minor Source	Minor	
CASE INFORMATION				
Enf./Case ID No.	27300	No. of Violations	. [2	
	2009-0359-MLM-E	Order Type		\dashv
		Government/Non-Profit		
Media Program(s)				
Multi-Media	·\	Enf. Coordinator	Enforcement Team 1	
Admin. Penalty \$	Limit Minimum \$0 Maxir		Emorcement ream	
- The Control of the		The second secon	6 Notes and Programmer of the contraction of the contraction and an extension of the contraction of the cont	
	Penalty C	alculation Section		
TOTAL BASE PENA	LTY (Sum of violation base լ	penalties)	Subtotal 1	\$2,000
AD HIGHMENTO (+/)	TO SUDTOTAL 4			
ADJUSTMENTS (+/-)	ined by multiplying the Total Base Penalty (Su	ubtotal 4) by the indicated paragraps		
			otals 2, 3, & 7	\$2,680
Compliance Hist		134.0% Enhancement Subt one court order without denial, two	1	Ψ2,000
Notes		similar as those in the current action,		
Notes		ed effluent violations.		
i j	alid 19 sell-reporte	ed emiderit violations.	1	
Culpability	No	0.0% Enhancement	Subtotal 4	\$0
	•		1	
Notes	The Respondent does not	t meet the culpability criteria.		
r · · ·				
Good Faith Effor	t to Comply Total Adjustments		Subtotal 5	\$250
		0.007 =	0-14-4-10	\$0
Economic Benef		0.0% Enhancement*	Subtotal 6	ψυ
Approx.	Total EB Amounts \$15 Cost of Compliance \$1,700	*Capped at the Total EB \$ Amount		:
	\$1,700			
SUM OF SUBTOTAL	S 1-7	· · · · · · · · · · · · · · · · · · ·	Final Subtotal	\$4,430
:				
OTHER FACTORS A	S JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
Reduces or enhances the Final S	Subtotal by the indicated percentage.	1 	- <u></u>	
	•			
Notes			,	
		Final Pe	naity Amount	\$4,430
STATUTORY LIMIT A	ADJUSTMENT	Final Asse	essed Penalty	\$4,430
DEFERRAL		20.0% Reduction	Adjustment	-\$886
	nalty by the indicted percentage. (Enter numb		_	
			1	
Notes	Deferral offered for	expedited settlement.		
				;
ΡΔΥΔΒΙ Ε ΡΕΝΔΙ ΤΥ	,			\$3,544

Screening Date 24-Apr-2009

Docket No. 2009-0359-MLM-E

PCW

Policy Revision 2 (September 2002) PCW Revision October 30; 2008

Respondent H.H.J., INC. Case ID No. 37289

Reg. Ent. Reference No. RN102180411

Media [Statute] Water Quality
Enf. Coordinator Evette Alvarado

Compliance History Worksheet

	/ Site Enhancement (Subtotal 2) 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)	19	95%
	Other written NOVs	2	4%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denia of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	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%
and Consent Decrees	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	t 1 1	35%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
·		_	

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

Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege

Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)

Chronic excessive emissions events (number of events)

audits for which notices were submitted)

>> Repeat Violator (Subtotal 3)

No

Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 3)

Adjustment Percentage (Subtotal 7)

Adjustment Percentage (Subtotal 7)

O%

>> Compliance History Summary

Emissions

Audits

Compliance History Notes

Enhancement recommended for one court order without denial, two NOVs with violations not same or similar as those in the current action, and 19 self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 134%

0

0%

0%

0%

Screening Date	24-Apr-2009	Docket No. 2009-0359-MLM-E	PCW
Respondent		Policy R	evision 2 (September 2002)
Case ID No.		PCW	Revision October 30, 2008
Reg. Ent. Reference No.			1 W 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Media [Statute]			
Enf. Coordinator Violation Number		0	
1	Tou Water C	ode 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant	
Rule Cite(s)		nination System ("TPDES") Permit No. WQ0013863001, Permit Conditions	
Total		No. 2.g	
Violation Description	collection syst	vent the unauthorized discharge of untreated wastewater from the Plant's em, as documented during an investigation conducted on March 10, 2009. discharge of untreated wastewater occurred from a manhole located in the 300 block of Morris Road from March 7 to March 8, 2009.	
		Base Penalty	\$10,000
>> Environmental, Property an	d Human H	a)th Matrix	
		Harm	ř
Release OR Actual	Major I	Moderate Minor	·
Potential		Percent 10%	
	<u> </u>		
>>Programmatic Matrix			;
Falsification	Major I I	Moderate Minor Percent 0%	
	<u> </u>	Talsant U/U	11.0
i jagi e			the state stream
Matrix Human health Notes	or the environm	ent has been exposed to insignificant levels of pollutants as a result of this violation.	
		,	
自分の物質的。 「アヤギ芸術」の対応、発音が発展していません。	2.25	Adjustment \$9,000	
tion gath in the light states which it is to be	Libraria de La	Adjustine to the street of Adjustine it	
79		1	\$1,000
Violation Events		entroperation of the property	i I
Aloistion Castie	e per la como	・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・	
Number of Vi	olation Events	1 3 Number of violation days	
		and the state of t	
:	daily weekly		
	monthly		
f mark only one with an x	quarterly	X Violation Base Penalty	\$1,000
	semiannual		
	annual		
(V) Samuru	single event		
One avertable	auant la rasan	mended from the date the discharge began (March 7, 2009) to the date of	
One quarterly	event is recomi	compliance (March 10, 2009).	İ
<u> </u>			İ
Good Faith Efforts to Comply		25.0% Reduction	\$250
		Before NOV NOV to EDPRP/Settlement Offer	
	Extraordinary		:
Ē	Ordinary N/A	(mark with x)	
	1,4,4,1		
T. Carlotte	Notes	The Respondent repaired a lift station switch, and cleaned and disinfected the affected area by March 10, 2009.	
î Ş	<u>[</u>		H I MARTILANI
		Violation Subtotal	\$750
。 	n derical contract to the		
Economic Benefit (EB) for this	violation	Statutory Limit Test	
Estimate	d EB Amount	\$1 Violation Final Penalty Total	\$2,090
		This violation Final Assessed Penalty (adjusted for limits)	\$2,090

ne , Antanano ne , al la fille (i i i i i i i i i i i i i i i i i i i	E	conomic E	3enefit W	orks	heet		
Respondent Case ID No. Reg. Ent. Reference No.	37289						
	Water Quality					Percent Interest	Years of Depreciation
***************************************						5.0	15;
	item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	·					
Delayed Costs						T	
Equipment				0.00	\$0	\$0	\$0
Bulldings		7.1	10 11 - 0000	0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)	\$800	7-Mar-2009	10-Mar-2009	0.01	\$0 \$0	\$0	\$0
Engineering/construction				0.00	\$0	n/a	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System			 .	0.00	\$0	n/a	\$0
Training/Sampling	\$400	7-Mar-2009	10-Mar-2009	0.00	\$0	n/a	\$0
Remediation/Disposal Permit Costs	<u> </u>	7-IVIAI-2008	10-Wal-2000	0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	required is the	e date the discharg	e began. Final da	ite is the	date by which rep	around the affected pairs and cleanup we one-time avoided o	ere completed:
Avoided Costs	ANIX	OALIZE [1] avoide	di costa perore e	0.00	\$0	\$0	\$0
Disposal				0.00	\$0	\$0	\$0
Personnel Inspection/Reporting/Sampling				0,00	\$0	\$0	\$0
Supplies/equipment				0,00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$1,200			TOTAL		\$1

Sc	reening Date	24-Apr-2009	Docket No. 2009-0359-MLM-E	PCW
	Respondent	H.H.J., INC.	Policy Rev	rision 2 (September 2002)
	Case ID No.		PCW F	Revision October 30, 2008
_	leference No.			
	edia [Statute]			:
4	Coordinator		0	
į vi	iolation Number Rule Cite(s)		in. Code § 305.125(9) and TPDES Permit No. WQ0013863001, Monitoring	
:	Kuis Cita(s)	30 Fex. Admi	and Reporting Requirements No. 7	
	•		submit a noncompliance notification for an unauthorized discharge, as during an investigation conducted on March 10, 2009. Specifically, the	
Violat	tion Description		i discharge that occurred from March 7 to 8, 2009, was not reported to the	
		TCEQ eith	er orally or by facsimile transmission within 24 hours of the Respondent	
			becoming aware of the discharge.	
	ľ	<u> </u>		
			Base Penalty_	\$10,000
>> Environmenta	l Property an	id Human He	ealth Matrix	1
Medical Comment	na umandara a ndar bibbo	isi . Isadi onisi	Harm	
	Release	Major	Moderate Minor	
OR	Actual	<u> </u>	Barrant COV	1
praktingsvi K	Potential	<u> </u>	Percent 0%	<u> </u>
>>Programmatic	Matrix	TOTAL STATE		
i iogiajiiningijo	Falsification	Major	Moderate Minor	
		х	Percent 10%	1
Matrix				•
Notes			100% of the rule requirement was not met,	
7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1				II .
	vanas en jegi		Adjustment \$9,000	He Hidde
			L	\$1,000
Violation Events		i garaja da	. 경기 (1987년) 1일 시간 (1987년) 1일 시간 (1987년) 1일 시간 (1987년) 1일 시간 (1987년) 1일 시간 (1987년) 1일 시간 (1987년) 1일 시간 (1987년 12 - 대한 전 1987년 (1987년) 1일 시간 (1987년) 1일 1일 시간 (1987년) 1일 시간 (1987년) 1일 1일 시간 (1987년) 1일 1일 1일 1일 1일 1일 1일 1일	
A in himani manina.	n dawing hin. :		en vilken in de fangen in eine en indrigen indrigen skriver werden en en in de en in de een een een een een ee	
· 3	Number of Vi	olation Events[1 60 Number of violation days	
,	:	ı F		in the second se
		daily		į
		weekly monthly		
÷	mark only one with an x	quarterly	Violation Base Penalty	\$1,000
•	FRIGI GIT X	semiannual [
		annual		i
*	:	single event	X .	
	ſ			:
* !			One single event is recommended.	i
		<u>.</u>		
er STOWN BLANTES AND VERY 11 TO 18 AND 1			THE STATE OF THE CONTROL OF THE STATE OF THE	4.5
Good Faith Effort	s to Comply	L	0.0% Reduction	\$0
		Extraordinary	Before NOV NOV to EDPRP/Settlement Offer	ļ
		Ordinary		
		N/A	x (mark with x)	
•		10/4		1
		Notes	The Respondent does not meet the good faith criteria for this	
			violation.	
		<u> </u>	38 1.3	£4 000
-			Violation Subtotal	\$1,000
Economic Benefi	t (EB) for this	violation	Statutory Limit Test	an Africa and Section 1
। सक्ता शास्त्रक स्टिशीय के शास्त्र व्यक्ति हैं १		_		
.	Estimated	d EB Amount	\$15 Violation Final Penalty Total	\$2,340
			This violation Final Assessed Penalty (adjusted for limits)	\$2,340
former of		And the second		
and the second s		The second secon	The state of the s	

	E	conomic E	3enefit W	orks	sheet		
Respondent	H.H.J., INC.						
Case ID No.	37289						
Reg. Ent. Reference No.	RN102180411						
	Water Quality					Danaant Interest	Years of
Violation No.						Percent Interest	Depreciation
Violation No.	2					5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	•					
Delayed Costs				-			
Equipment				0.00	\$0	\$0	<u>\$0</u>
Buildings				0.00	\$0	\$0	\$0
Other (as needed)		İ	 	0,00	\$0	\$0	\$0
Engineering/construction		ļ <u>.</u>		0.00	\$0 \$0	\$0	\$0 \$0
Land		<u> </u>		0.00	\$0	n/a n/a	\$0
Record Keeping System	<u> </u>	<u> </u>	-	0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	\$500	7-Mar-2009	8-Oct-2009	0.59	\$15	n/a	\$15
Notes for DELAYED costs	are properly	reported to the TC	EQ. Date require expec	ed is the cted com	date the discharge pliance.	nsure that unauthori e began. Firral date	is the date of
Avoided Costs	ANI	NUALIZE [1] avoide	d costs before	entering	item (except for	one-time avoided o	osts)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0,00	\$0	\$0	\$0 \$0
Financial Assurance [2]	l			0,00	\$0	\$0	5(1)
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
				0.00	\$0	\$0	
ONE-TIME avoided costs [3]							\$0

Compliance History Report

Customer/Respondent/Owner-Operator:

CN601179344

H.H.J., Inc.

Classification: AVERAGE

Rating: 13.87

Regulated Entity:

RN102180411

DECKER OAKS

Classification; AVERAGE

Site Rating; 23.75

ID Number(s):

WASTEWATER

PERMIT

WASTEWATER WASTEWATER PERMIT

TPDES0115827 TX0115827 WQ0004855000

Location:

Located on the NE side of SH 249 and on the E side of Cripple Creek Dr., app. 0.8 mi north of the intx of SH 249 and Stagecoach Rd, and app. 2.7 ml. SE of the Intx of FM 149 and 1774, app. 4.0 ml NW of City of Tomball, Montgomery

TCEQ Region:

REGION 12 - HOUSTON

Date Compliance History Prepared:

August 04, 2009

Agency Decision Requiring Compliance History:

Enforcement

Compliance Period:

August 04, 2004 to August 04, 2009

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

Evette Alvarado

Phone:

512 - 239 - 2573

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

2. Has there been a (known) change in ownership/operator of the site during the compliance period?

3. If Yes, who is the current owner/operator?

N/A

4. if Yes, who was/were the prior owner(s)/operator(s)? 5. When did the change(s) in owner or operator occur?

6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site:

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

Effective Date: 12/07/2005

COURTORDER

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(4)

TWC Chapter 26 26.121

Rqmt Prov: 13863-001 PERMIT

Description: Failure to comply with the permitted grab sample effluent limits for carbonaceous biochemical oxygen demand, total suspended solids, dissolved oxygen, and chlorine residual for grab samples collected

during compliance investigations on 09/03/03, 01/16/04, and 01/29/04.

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

30 TAC Chapter 305, SubChapter F 305.125(4)

TWC Chapter 26 26.121

Rgmt Prov: TPDES Permit No. 13863-001 PERMIT

Description: Failure to maintain compliance with the permitted effluent limits for carbonaceous blochemical oxygen demand, total suspended solids, and daily average flow as reported on the monthly discharge

monitoring reports.

Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305,125(9)

Ramt Prov: No. 13863-001 PERMIT

Description: Failure to provide noncompliance notification as required, for effluent violations which deviate

from the permitted effluent limitations by more than 40%.

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

30 TAC Chapter 319, SubChapter A 319.5(e)

Ramt Prov: 13863-001 PERMIT

Description: Failure to report the correct sampling frequency on the Discharge Monitoring Reports (DMRs).

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 319, SubChapter A 319.5(b)

Rgmt Prov: 13863-001 PERMIT

Description: Fallure to collect and analyze effluent samples for the week of 12/28/03 through 01/03/04, as

required.

Classification: Moderate

Citation: 30 TAC Chapter 306, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(4)

TWC Chapter 26 26,121

Rgmt Prov: 13863-001 PERMIT

Description: Fallure to to comply with the permitted effluent limits.

Classification: Moderate

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

Rgmt Prov: 13863-001 PERMIT

Description: Fallure to collect effluent samples after the final treatment unit, as required,

Classification: Moderate

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

Rgmt Prov: 13863-001 PERMIT

Description: Failure to provide prior notification of the plant expansion, as required.

Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(4)

Rqmt Prov: 13863-001 PERMIT

Description: Fallure to comply with the permitted effluent limits.

Classification: Moderate

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

Rgmt Prov: 13863-001 PERMIT

Description: Failure to measure the effluent flow and chlorine residual from the north and south plants, as

required.

Classification: Moderate

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

Rgmt Prov: 13863-001 PERMIT

Description: Failure to comply with the permitted effluent limits.

Classification: Moderate

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

Rgmt Prov: 13863-001 PERMIT

Description: Failure to comply with the permitted effluent limits.

Classification: Moderate

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

Rgmt Prov: 13863-001 PERMIT

Description: Failure to comply with the permitted effluent limits.

Classification: Moderate

30 TAC Chapter 305, SubChapter F 305,125(1) Citation:

Rgmt Prov: 13863-001 PERMIT

Description: Failure to provide noncompliance notification as required.

Classification: Moderate

30 TAC Chapter 319, SubChapter A 319.11(b)

Description: Failure to conduct the manganese oxide correction for the total chlorine residual analysis.

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

Chronic excessive emissions events. C.

15

N/A

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

1	09/01/2004	(292688)
2	09/16/2004	(292828)
3	09/20/2004	(491398)
4	09/28/2004	(491399)
5	09/29/2004	(334172)
6	11/03/2004	(491401)
7	12/20/2004	(491404)
8	01/13/2005	(491406)
9	02/21/2005	(491387)
10	03/02/2005	(336406)
11	03/22/2005	(491389)
12	03/24/2005	(374930)
13	04/18/2005	(491392)
14	05/19/2005	(491394)

(491395)

06/28/2005

```
17
                 10/10/2005
                                (491400)
            18
                 10/27/2005
                                (491402)
            19
                 11/14/2005
                                (491403)
            20
                 12/27/2005
                                (491405)
            21
                 02/06/2006
                                (491407)
            22
                 03/08/2006
                                (491388)
            23
                 04/28/2006
                                (456291)
            24
                05/26/2006
                                (505764)
            25
                05/26/2006
                                (505765)
                06/19/2006
            26
                                (505766)
            27
                09/12/2006
                                (528025)
                 10/31/2007
                                (599393)
            28
                11/01/2007
                                (630150)
            29
            30
                11/01/2007
                                (630152)
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                11/01/2007
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                11/01/2007
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                11/01/2007
                                (630157)
            36
                11/01/2007
                                (630158)
                11/01/2007
            37
                                (630159)
                11/01/2007
                                (630160)
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            39
                11/01/2007
                                (630161)
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                11/01/2007
                                (630162)
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                                (630163)
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                 11/01/2007
                                (630164)
            43
                 11/01/2007
                                (630165)
                                (630166)
            44
                11/01/2007
            45
                01/23/2008
                                (630151)
            46
                02/17/2008
                                (755772)
            47
                04/23/2008
                                (695545)
                                (732465)
            48
                08/04/2008
            49
                08/21/2008
                                (717083)
           50
                09/29/2008
                                (717084)
                09/30/2008
           51
                                (732466)
           52
                12/01/2008
                                (732467)
           53
                12/22/2008
                                (732468)
           54
                01/20/2009
                                (721460)
           55
                02/17/2009
                                (755769)
                02/17/2009
           56
                                (755770)
                02/17/2009
           57
                                (755771)
           58
                02/17/2009
                                (755773)
Written notices of violations (NOV), (CCEDS Inv. Track, No.)
                          Date: 01/31/2005 (491387)
                                                                CN601179344
                                                                             Classification: Moderate
                          Self
                                      30 TAC Chapter 305, SubChapter F 305.125(1)
                          Citation:
                            TWC Chapter 26 26.121(a)
         Description:
                            Failure to meet the limit for one or more permit parameter
         Date: 02/28/2005
                                                                CN601179344
                                                                             Classification: Moderate
          Self Report? YES
                            30 TAC Chapter 305, SubChapter F 305,125(1)
          Citation:
                            TWC Chapter 26 26.121(a)
          Description:
                            Failure to meet the limit for one or more permit parameter
         Date: 03/31/2005
                                (491392)
          Self Report? YES
                                                                             Classification: Moderate
          Citation:
                            30 TAC Chapter 305, SubChapter F 305.125(1)
                            TWC Chapter 26 26,121(a)
```

16

E.

Description:

Date: 04/30/2005

07/29/2005

(491397)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Fallure to meet the limit for one or more permit parameter

Failure to meet the limit for one or more permit parameter

Date: 05/31/2005 (491395) CN601179344

Self Report? YES Classification: Moderate

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

(491394)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

(491397)Date: 06/30/2005

Classification: Moderate Self Report? YES

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

TWC Chapter 26 26.121(a)

Failure to meet the limit for one or more permit parameter Description: Date: 08/31/2005 (491400) CN601179344

Classification: Moderate Self Report?

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

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter Date: 09/30/2005 (491402) CN601179344

Classification: Moderate Self Report? YES

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

TWC Chapter 26 26.121(a)

Failure to meet the limit for one or more permit parameter Description: Date: 10/31/2005 CN601179344

Classification: Moderate Self Report? YES

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

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

(456291) Date: 04/28/2006

Classification: Moderate Self Report? NO

Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)

Description: Failure to accurately measure the flow.

(630157)CN601179344 Date: 06/30/2006

Classification: Moderate Self Report? YE\$

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

(630165) Date: 11/30/2006

Classification: Moderate Self Report? YES

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Fallure to meet the limit for one or more permit parameter Description:

Date: 12/31/2006 (630166)

Classification: Moderate Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Fallure to meet the limit for one or more permit parameter Description: (630150)CN601179344 Date: 01/31/2007

Self Report? YES Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Fallure to meet the limit for one or more permit parameter (630153) CN601179344 Date: 02/28/2007

Classification: Moderate Self Report? YES

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305,125(1)

Fallure to meet the limit for one or more permit parameter Description: Date: 03/31/2007 (630154)CN601179344

Classification: Moderate Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305,125(1)

Fallure to meet the limit for one or more permit parameter Description: Date: 04/11/2007 (539576) CN601179344

Classification: Moderate Self Report? NO

30 TAC Chapter 317 317.7(e) Citation:

Fallure to install an intruder resistant fence around the wastewater treatment plant Description:

(WWTP).

Date: 05/31/2007 (630156) CN601179344

Classification: Moderate Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Fallure to meet the limit for one or more permit parameter CN601179344 Date: 03/31/2008 (695545)

Self Report? Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 08/31/2008

Citation:

(717084)

CN601179344

Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter (732466)

Date: 09/01/2008

CN601179344

Classification: Moderate

Classification: Moderate

Self Report? YES Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more parmit parameter

Environmental audits.

N/A

Type of environmental management systems (EMSs).

Voluntary on-site compliance assessment dates.

Participation in a voluntary pollution reduction program.

N/A

Early compliance.

N/A

Sites Outside of Texas

N/A

	0		

Texas Commission on Environmental Quality



IN THE MATTER OF AN	8	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
H.H.J., INC.	§	
RN102180411	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2009-0359-MLM-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding H.H.J., INC. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26, and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by David Smith of the law firm of Barrett & Smith PLLC, appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a wastewater treatment facility associated with a collection system located on the northeast side of State Highway 249 and on the east side of Cripple Creek Drive, approximately 0.8 mile north of the intersection of State Highway 249 and Stagecoach Road, and approximately 2.7 miles southeast of the intersection of Farm-to-Market Roads 149 and 1774, and approximately 4.0 miles northwest of the City of Tomball in Montgomery County, Texas (the "Plant").
- 2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
- 3. The Plant consists of one or more sources as defined in Tex. Health & Safety Code § 382,003(12).
- 4. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 5. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about February 28, 2009, and April 25, 2009.

- 6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 7. An administrative penalty in the amount of Eleven Thousand Five Hundred Ten Dollars (\$11,510) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Two Hundred Eight Dollars (\$2,208) of the administrative penalty and Two Thousand Three Hundred Two Dollars (\$2,302) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Seven Thousand Dollars (\$7,000) of the administrative penalty shall be payable in five monthly payments of One Thousand Four Hundred Dollars (\$1,400) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's 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 the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 8. 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.
- 9. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 10. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. By March 10, 2009, repaired a float switch on a lift station and cleaned and disinfected the area affected by the discharge; and
 - b. By May 27, 2009, submitted evidence of legal restrictions prohibiting residential structures within that portion of the buffer zone not owned by the Respondent.
- 11. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 12. 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.

13. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

- 1. Failed to submit sufficient evidence of legal restrictions prohibiting residential structures within that part of the 150 foot buffer zone not owned by the Respondent, in violation of 30 TEX. ADMIN. CODE § 309.13(e)(3) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013863001, Other Requirements No. 4, as documented during an investigation on February 2, 2009.
- 2. Failed to obtain authorization to discharge prior to beginning construction of a treatment facility, in violaton of TEX. WATER CODE § 26.027(c), as documented during an investigation on February 2, 2009. Specifically, the Respondent had begun construction activities for a pending industrial permit before the permit was issued.
- 3. Failed to prevent nuisance odor conditions, in violation of 30 Tex. ADMIN. CODE § 101.4 and Tex. Health & Safety Code § 382.085(a) and (b), as documented during an investigation on December 30, 2008. Specifically, the investigator documented light to moderate odors of a highly offensive nature, for a period of about 30 minutes.
- 4. Failed to prevent the discharge of untreated wastewater from the Plant's collection system, in violation of Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013863001, Permit Conditions No. 2.g, as documented during an investigation conducted on March 10, 2009. Specifically, a discharge of untreated wastewater occurred from a manhole located in the 300 block of Morris Road from March 7 to March 8, 2009.
- 5. Failed to submit a noncompliance notification for an unauthorized discharge, in violation of 30 Tex. Admin. Code § 305.125(9) and TPDES Permit No. WQ0013863001, Monitoring and Reporting Requirements No. 7, as documented during an investigation conducted on March 10, 2009. Specifically, the unauthorized discharge that occurred from March 7 to 8, 2009, was not reported to the TCEQ either orally or by facsimile transmission within 24 hours of the Respondent becoming aware of the discharge.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 7 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: H.H.J., INC., Docket No. 2009-0359-MLM-E" to:

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

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, cease all construction activities related to the industrial treatment Plant until authorization to discharge is granted by the TCEQ;
 - b. Within 15 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.g. below;
 - c. Within 30 days after the effective date of this Agreed Order, implement procedures and conduct training to ensure that unauthorized discharges are reported to the TCEQ either orally or by facsimile within 24 hours of becoming aware of the discharge;
 - d. Within 30 days after the effective date of this Agreed Order, submit, for review and approval, a plan that describes procedures designed to mitigate odors from the Plant. The plan shall be submitted to the following address:

Water Quality Division
Water Quality Assessment Section, MC 150
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

With a copy to:

Water Section Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Street, Suite H Houston, Texas 77023-1452 H.H.J., INC. DOCKET NO. 2009-0359-MLM-E Page 5

- e. Respond to requests for additional information within 30 days of such requests;
- f. Implement the procedures described in the odor mitigation plan within 30 days of the plan's approval; and
- g. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c. through 2.f. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
- 8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Robert R. WEEDN, PRES.

Name (Printed or typed)
Authorized Representative of

H.H.J., INC.

For the Commission	,
For the Executive Director	
attached Agreed Order on behalf of the entity	the attached Agreed Order. I am authorized to agree to the y indicated below my signature, and I do agree to the terms acknowledge that the TCEQ, in accepting payment for the representation.
 timely pay the penalty amount, may result in: A negative impact on compliance hist Greater scrutiny of any permit applica Referral of this case to the Attorney penalties, and/or attorney fees, or to a Increased penalties in any future enformation. Automatic referral to the Attorney General to the Attorney General Seeking other relief as authorized. 	tions submitted; General's Office for contempt, injunctive relief, additional collection agency; cement actions; neral's Office of any future enforcement actions; and
Sobert & wash, Enes. Signature	$\frac{9/3/09}{\text{Date}}$

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

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