

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2009-0850-MWD-E **TCEQ ID:** RN102097789 **CASE NO.:** 37741
RESPONDENT NAME: Syed N. Hyder

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Riverside WWTP, located 2.5 miles southwest of the intersection of Farm-to-Market Road 2818 and Farm-to-Market Road 1688 (Leonard Road), 2,000 feet southwest of the intersection of Leonard Road and Jones Road, and five miles southwest of Bryan, Brazos County</p> <p>TYPE OF OPERATION: Domestic wastewater treatment facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 7, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Harvey Wilson, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-0321; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Syed N. Hyder, Owner, P.O. Box 10021, College Station, Texas 77842 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 18, 2009</p> <p>Date of NOV/NOE Relating to this Case: May 15, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to maintain monitoring and reporting records for a period of three years. Specifically, the Respondent did not have copies of the Quality Assurance/Quality Control ("QA/QC") reports, the operator logs, the chain-of-custody ("COC") reports, the laboratory sample analysis results ("LSAR") report, or copies of the monthly discharge monitoring reports ("DMRs") for the previous three years [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(c), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011778001 Monitoring and Reporting Requirements 3(b)].</p> <p>2) Failure to make readily available records of monitoring information related to sewage sludge use and disposal activities for five years. Specifically, the Respondent did not have copies of the sludge transporter manifests for February 2004 through July 2006 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(c), and TPDES Permit No. WQ0011778001 Sludge Provisions].</p> <p>3) Failure to comply with the test procedures for the analysis of pollutants specified in 30 TEX. ADMIN. CODE § 319.11. Specifically, the Respondent did not use approved test procedures for the analysis of pH and the monitoring of</p>	<p>Total Assessed: \$42,840</p> <p>Total Deferred: \$8,568 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$1,904 (remaining \$32,368 due in 17 monthly payments of \$1,904 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on June 3, 2009, the Respondent removed the sludge from the receiving stream.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Install fine screens on the bar screen to prevent solids from entering the chlorine contact chamber;</p> <p>ii. Obtain an approved pH meter and develop and implement a standard operating procedure ("SOP") for pH analysis;</p> <p>iii. Develop and implement record keeping procedures to ensure the QA/QC reports, the operator logs, the COC reports, the LSAR reports, and the DMRs are retained and available for review for a period of three years;</p> <p>iv. Develop and implement record keeping procedures to ensure that sludge records are retained and available for review for a period of five years; and</p> <p>v. Develop and implement a SOP for analyzing the chlorine residual using an approved method.</p> <p>b. Within 60 days after the effective date of this Agreed Order, develop and implement a solids management plan ("SMP"). The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solids balance within the system. The SMP shall be prepared by a Texas registered professional engineer or a person holding a valid Texas Class "A" Level Certificate of Competency. The engineer or person holding a valid Texas Class "A" Level Certificate of Competency shall review the SMP in the field with the Respondent's wastewater treatment facility operator(s); and</p>

<p>chlorine residual [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(a), and TPDES Permit No. WQ0011778001 Monitoring and Reporting Requirements 2(b) and 3(b)].</p> <p>4) Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, floating solids were noted on the surface of the chlorine contact chamber ("CCC") during the investigation [30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0011778001 Operational Requirements 1].</p> <p>5) Failure to dispose of sludge in accordance with the permitted methods. Specifically, the Respondent was disposing of sludge by transporting it to the City of Bryan Still Creek Wastewater Treatment Plant. The Respondent is authorized to dispose sludge only at a TCEQ registered or permitted land application site, a commercial land application site, or co-disposal landfills [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0011778001 Sludge Provisions].</p> <p>6) Failure to prevent and mitigate the unauthorized discharge and accumulation of sludge in the receiving stream. Specifically, an accumulation of sludge was noted in the receiving stream for approximately 30 yards downstream and the samples taken five yards downstream from outfall 001 had elevated levels of ammonia nitrogen (65.8 milligrams per liter ("mg/L")), orthophosphate (25.5 mg/L), total phosphorus (24.5 mg/L), and total nitrogen (61.1 mg/L) [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), (4), and (5), and TPDES Permit No. WQ0011778001 Permit Condition 2(d)].</p>		<p>c. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions a. and b.</p>
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Additional ID No(s): WQ0011778001



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

DATES	Assigned	26-May-2009	Screening	3-Jun-2009	EPA Due	
	PCW	9-Jun-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Syed N. Hyder
Reg. Ent. Ref. No.	RN102097789
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37741	No. of Violations	6
Docket No.	2009-0850-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Harvey Wilson
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **\$12,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 257.0% Enhancement *Subtotals 2, 3, & 7* **\$30,840**

Notes
An enhancement is recommended because the Respondent has three 1660 Agreed Orders with denial, one Findings Order without denial, 32 self reported effluent violations, two NOV's for the same or similar violations, and one NOV for a violation not similar.

Culpability No 0.0% Enhancement *Subtotal 4* **\$0**

Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments *Subtotal 5* **\$0**

Economic Benefit 0.0% Enhancement* *Subtotal 6* **\$0**

Total EB Amounts \$148
Approx. Cost of Compliance \$4,500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$42,840**

OTHER FACTORS AS JUSTICE MAY REQUIRE *Adjustment*

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$42,840**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$42,840**

DEFERRAL 20.0% Reduction *Adjustment* **-\$8,568**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$34,272**

Screening Date 3-Jun-2009

Docket No. 2009-0850-MWD-E

PCW

Respondent Syed N. Hyder

Policy Revision 2 (September 2002)

Case ID No. 37741

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102097789

Media [Statute] Water Quality

Enf. Coordinator Harvey Wilson

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)	34	170%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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) 257%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

An enhancement is recommended because the Respondent has three 1660 Agreed Orders with denial, one Findings Order without denial, 32 self reported effluent violations, two NOVs for the same or similar violations, and one NOV for a violation not similar.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 257%

Screening Date	3-Jun-2009	Docket No.	2009-0850-MWD-E	PCW
Respondent	Syed N. Hyder	Policy Revision 2 (September 2002)		
Case ID No.	37741	PCW Revision October 30, 2008		
Reg. Ent. Reference No.	RN102097789			
Media [Statute]	Water Quality			
Enf. Coordinator	Harvey Wilson			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 319.7(c), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011778001 Monitoring and Reporting Requirements 3(b)			
Violation Description	Failed to maintain monitoring and reporting records for a period of three years. Specifically, the Respondent did not have copies of the Quality Assurance/Quality Control reports, the operator logs, the chain-of-custody reports, the laboratory sample analysis results report, or copies of the monthly discharge monitoring reports ("DMRs") for the previous three years.			
Base Penalty	\$10,000			

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual				
	Potential				0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			10%

Matrix Notes

Less than 30% of the requirements were met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events	1	Number of violation days	1218	Violation Base Penalty	\$1,000
mark only one with an x	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event		x		
One single event is recommended.					

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)
Notes	The Respondent does not meet good faith criteria for this violation.	
Violation Subtotal	\$1,000	

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

Estimated EB Amount \$48 Violation Final Penalty Total \$3,570

This violation Final Assessed Penalty (adjusted for limits) \$3,570

Economic Benefit Worksheet

Respondent: Syed N. Hyder
Case ID No.: 37741
Reg. Ent. Reference No.: RN102097789
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
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	1-Feb-2008	31-Dec-2009	1.92	\$48	n/a	\$48
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to develop and implement record-keeping procedures and to conduct training to ensure required records are maintained on site. Date Required is the beginning of the three year period. Final Date is the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$48

Screening Date 3-Jun-2009	Docket No. 2009-0850-MWD-E	PCW	
Respondent Syed N. Hyder	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 37741	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN102097789			
Media [Statute] Water Quality			
Enf. Coordinator Harvey Wilson			
Violation Number 2			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 319.7(c), and TPDES Permit No. WQ0011778001 Sludge Provisions		
Violation Description	Failed to make readily available records of monitoring information related to sewage sludge use and disposal activities for five years. Specifically, the Respondent did not have copies of the sludge transporter manifests for February 2004 through July 2006.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Release	Actual	Potential	Percent 0%
>> Programmatic Matrix			
Falsification			
Major Moderate Minor			
			Percent 5%
Matrix Notes	60% of the rule requirement was met.		
Adjustment			\$9,500
			\$500
Violation Events			
Number of Violation Events		1	Number of violation days 1,095
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty \$500
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input checked="" type="checkbox"/>	
One single event is recommended.			
Good Faith Efforts to Comply		0.0% Reduction	\$0
		Before NOV NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			\$500
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount \$0		Violation Final Penalty Total \$1,785	
This violation Final Assessed Penalty (adjusted for limits)			\$1,785

Economic Benefit Worksheet

Respondent Syed N. Hyder
Case ID No. 37741
Reg. Ent. Reference No. RN102097789
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

See Economic Benefit for Violation #1.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal	0.00				\$0	\$0	\$0
Personnel	0.00				\$0	\$0	\$0
Inspection/Reporting/Sampling	0.00				\$0	\$0	\$0
Supplies/equipment	0.00				\$0	\$0	\$0
Financial Assurance [2]	0.00				\$0	\$0	\$0
ONE-TIME avoided costs [3]	0.00				\$0	\$0	\$0
Other (as needed)	0.00				\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date: 3-Jun-2009	Docket No.: 2009-0850-MWD-E	PCW		
Respondent: Syed N. Hyder	<i>Policy Revision 2 (September 2002)</i>			
Case ID No.: 37741	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No.: RN102097789				
Media [Statute]: Water Quality				
Enf. Coordinator: Harvey Wilson				
Violation Number: 3				
Rule Cite(s):	30 Tex. Admin. Code §§ 305.125(1) and 319.11(a), and TPDES Permit No. WQ0011778001 Monitoring and Reporting Requirements 2(b) and 3(b)			
Violation Description:	Failed to comply with the test procedures for the analysis of pollutants as specified in 30 Tex. Admin. Code § 319.11. Specifically, the Respondent did not use approved test procedures for the analysis of pH and the monitoring of chlorine residual.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential		x	
				Percent 10%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0%
Matrix Notes	Human health or the environment could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.			
Adjustment				\$8,000
				\$1,000
Violation Events				
Number of Violation Events		1	Number of violation days 77	
<i>mark only one with an x</i>	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
				Violation Base Penalty \$1,000
One quarterly event is recommended from March 18, 2009, investigation date until the June 3, 2009, screening date.				
Good Faith Efforts to Comply		0.0% Reduction	\$0	
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary				
Ordinary				
N/A	x	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$1,000
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		\$20	Violation Final Penalty Total \$3,570	
This violation Final Assessed Penalty (adjusted for limits)				\$3,570

Economic Benefit Worksheet

Respondent: Syed N. Hyder
Case ID No.: 37741
Reg. Ent. Reference No.: RN102097789
Media: Water Quality
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	18-Mar-2009	31-Dec-2009	0.79	\$20	n/a	\$20
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated costs of using approved test procedures to analyze pH and residual chlorine. Date Required is the date the violation was documented. Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$20

Screening Date: 3-Jun-2009	Docket No.: 2009-0850-MWD-E	PCW		
Respondent: Syed N. Hyder	<i>Policy Revision 2 (September 2002)</i>			
Case ID No.: 37741	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No.: RN102097789				
Media [Statute]: Water Quality				
Enf. Coordinator: Harvey Wilson				
Violation Number: 4				
Rule Cite(s):	30 Tex. Admin. Code § 305.125(f) and (5), and TPDES Permit No. WQ0011778001 Operational Requirements 1			
Violation Description:	Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, floating solids were noted on the surface of the chlorine contact chamber during the investigation.			
Base Penalty:		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	X	<input type="checkbox"/>	Percent: 10%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent: 0%
Matrix Notes:	Human health or the environment could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.			
Adjustment:		\$9,000		
				\$1,000
Violation Events				
Number of Violation Events:		1	Number of violation days: 77	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	X		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
				Violation Base Penalty: \$1,000
One quarterly event is recommended from the March 18, 2009, investigation date until June 3, 2009, the screening date.				
Good Faith Efforts to Comply		0.0% Reduction		\$0
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
N/A	X	(mark with x)		
Notes:	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal:				\$1,000
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount:	\$20	Violation Final Penalty Total:	\$3,570	
		This violation Final Assessed Penalty (adjusted for limits):		\$3,570

Economic Benefit Worksheet

Respondent: Syed N. Hyder
Case ID No.: 37741
Reg. Ent. Reference No.: RN102097789
Media: Water Quality
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	18-Mar-2009	31-Dec-2009	0.79	\$20	n/a	\$20

Notes for DELAYED costs

The estimated cost of installing fine screens on the bar screen to prevent solids from entering the chlorine contact chamber. Date Required is the date the violation was documented. Final Date is the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500		TOTAL		\$20
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Screening Date: 3-Jun-2009	Docket No.: 2009-0850-MWD-E	PCW			
Respondent: Syed N. Hyder	<i>Policy Revision 2 (September 2002)</i>				
Case ID No.: 37741	<i>PCW Revision October 30, 2008</i>				
Reg. Ent. Reference No.: RN102097789					
Media [Statute]: Water Quality					
Enf. Coordinator: Harvey Wilson					
Violation Number: 5					
Rule Cite(s):	30 Tex. Admin. Code § 306.125(1) and TPDES Permit No. WQ0011778001 Sludge Provisions				
Violation Description:	Failed to dispose of sludge in accordance with the permitted methods. Specifically, the Respondent was disposing sludge by transporting it to the City of Bryan Still Creek Wastewater Treatment Plant. The Respondent is authorized to dispose sludge only at a TCEQ registered or permitted land application site, commercial land application site, or co-disposal landfills.				
Base Penalty:		\$10,000			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent: 0%	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	x	<input type="text"/>	<input type="text"/>
				Percent: 10%	
Matrix Notes	100% of the rule requirement was not met.				
Adjustment:				\$9,000	
				\$1,000	
Violation Events					
Number of Violation Events		1	Number of violation days		
		77			
<i>mark only one with an x</i>	daily	<input type="text"/>			
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
single event	x				
				Violation Base Penalty: \$1,000	
One single event is recommended based on the documentation date of the violation (March 18, 2009).					
Good Faith Efforts to Comply					
		0.0% Reduction		\$0	
		Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	<input type="text"/>			
N/A	x	(mark with x)			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal:				\$1,000	
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount:		\$20	Violation Final Penalty Total: \$3,570		
This violation Final Assessed Penalty (adjusted for limits):				\$3,570	

Economic Benefit Worksheet

Respondent Syed N. Hyder
Case ID No. 37741
Reg. Ent. Reference No. RN102097789
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$500	18-Mar-2009	31-Dec-2009	0.79	\$20	n/a

Notes for DELAYED costs
 The estimated cost of increased training and supervision to ensure compliance with permitted requirements. Date Required is the date the violation was documented. Final Date is the estimated date of compliance.

Avoided Costs

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

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$600	TOTAL	\$20
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Screening Date: 3-Jun-2009	Docket No.: 2009-0850-MWD-E	PCW														
Respondent: Syed N. Hyder		<small>Policy Revision 2 (September 2002)</small>														
Case ID No.: 37741		<small>PCW Revision October 30, 2008</small>														
Reg. Ent. Reference No.: RN102097789																
Media [Statute]: Water Quality																
Enf. Coordinator: Harvey Wilson																
Violation Number: 6																
Rule Cite(s):	Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), (4), and (5), and TPDES Permit No. WQ0011778001-Permit Conditions 2(d)															
Violation Description:	Failed to prevent and mitigate the unauthorized discharge and accumulation of sludge in the receiving stream. Specifically, an accumulation of sludge was noted in the receiving stream for approximately 30 yards downstream and the samples taken five yards downstream from outfall 001 had elevated levels of ammonia nitrogen (65.8 milligrams per liter ("mg/L"), orthophosphate (25.5 mg/L), total phosphorus (24.5 mg/L), and total nitrogen (61.1 mg/L).															
	Base Penalty:	\$10,000														
>> Environmental, Property and Human Health Matrix																
OR	Harm															
	Release	Major Moderate Minor														
	Actual	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>														
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														
	Percent	25%														
>> Programmatic Matrix																
	Falsification	Major Moderate Minor														
	Actual	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														
	Percent	0%														
Matrix Notes:	Human health or the environment has been exposed to significant amounts of pollutants as a result of this violation.															
	Adjustment:	\$7,500														
		\$2,500														
Violation Events																
	Number of Violation Events: 3	Number of violation days: 77														
<small>mark only one with an x</small>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="checkbox"/></td></tr> <tr><td>weekly</td><td><input type="checkbox"/></td></tr> <tr><td>monthly</td><td><input checked="" type="checkbox"/></td></tr> <tr><td>quarterly</td><td><input type="checkbox"/></td></tr> <tr><td>semiannual</td><td><input type="checkbox"/></td></tr> <tr><td>annual</td><td><input type="checkbox"/></td></tr> <tr><td>single event</td><td><input type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	weekly	<input type="checkbox"/>	monthly	<input checked="" type="checkbox"/>	quarterly	<input type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input type="checkbox"/>	Violation Base Penalty: \$7,500
daily	<input type="checkbox"/>															
weekly	<input type="checkbox"/>															
monthly	<input checked="" type="checkbox"/>															
quarterly	<input type="checkbox"/>															
semiannual	<input type="checkbox"/>															
annual	<input type="checkbox"/>															
single event	<input type="checkbox"/>															
	Three monthly events are recommended from investigation on March 18, 2009, until screening on June 3, 2009.															
Good Faith Efforts to Comply																
	0.0% Reduction	\$0														
	Before NOV NOV to EDRP/Settlement Offer															
Extraordinary	<input type="checkbox"/> <input type="checkbox"/>															
Ordinary	<input type="checkbox"/> <input type="checkbox"/>															
N/A	<input checked="" type="checkbox"/> (mark with x)															
Notes:	The Respondent does not meet the good faith criteria for this violation.															
	Violation Subtotal:	\$7,500														
Economic Benefit (EB) for this violation																
	Estimated EB Amount: \$41	Statutory Limit Test														
		Violation Final Penalty Total: \$26,775														
	This violation Final Assessed Penalty (adjusted for limits): \$26,775															

Economic Benefit Worksheet

Respondent Syed N. Hyder
Case ID No. 37741
Reg. Ent. Reference No. RN102097789
Media Water Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	18-Mar-2009	31-Dec-2009	0.79	\$20	n/a	\$20
Remediation/Disposal	\$2,000	18-Mar-2009	3-Jun-2009	0.21	\$21	n/a	\$21
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The cost of removing and disposing of the sludge from the receiving stream; estimated cost of developing and implementing a solids management plan ("SMP") with increased training and supervision to ensure compliance with permitted requirements. Date Required is the date the violation was documented. Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$41

Compliance History Report

Customer/Respondent/Owner-Operator:	CN601130842 HYDER, SYED N	Classification: AVERAGE	Rating: 5.69
Regulated Entity:	RN102097789 RIVERSIDE WWTP	Classification: AVERAGE	Site Rating: 5.69
ID Number(s):	WASTEWATER PERMIT		WQ0011778001
	WASTEWATER PERMIT		TPDES0071145
	WASTEWATER PERMIT		TX0071145
	WASTEWATER EPA ID		TX0071145
	WATER QUALITY NON PERMITTED ID NUMBER		090100726
	WASTEWATER LICENSING LICENSE		WQ0011778001
Location:	2.5 miles S W of the intersection of FM 2818 and FM1688 (Leonard Rd), 2000 feet S W of the intersection of Leonard Rd and Jones Rd, five miles S W of Bryan, TX		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	June 02, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	June 02, 2004 to June 02, 2009		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Harvey Wilson	Phone:	239 - 0321

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 11/24/2005 ADMINORDER 2005-0648-MWD-E
 Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT
 Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
 Rqmt Prov: Self-reporting Requirements PERMIT
 Description: Failure to submit monitoring results at the intervals specified in the permit as documented by a TCEQ record review.

Effective Date: 06/26/2006 ADMINORDER 2005-1895-MWD-E
 Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.039(b)
 30 TAC Chapter 305, SubChapter F 305.125(9)(A)

Rqmt Prov: Monitoring and Reporting Requirements PERMIT

Description: Failure to provide an adequate description of an unauthorized discharge in a noncompliance notification report submitted to the TCEQ.

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Operational Requirements, No. 1, Pg. 9 PERMIT

Description: Failure by the permittee to properly operate the wastewater treatment system and the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.

Classification: Major

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

30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(d)
30 TAC Chapter 317 317.4(g)

Rqmt Prov: Operational Requirements No. 1, Pg. 9 PERMIT

Description: Failure by the permittee to properly operate the wastewater treatment system and prevent the discharge and accumulation of sludge at the permitted outfall into or adjacent to waters in the state.

Effective Date: 03/08/2008

ADMINORDER 2007-1408-MWD-E

Classification: Major

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

Rqmt Prov: Permit Conditions No. 2.g. PERMIT

Description: Unauthorized discharge and accumulation of sewage sludge and grease into water in the state. Specifically, an accumulation of sewage sludge and grease were documented at the outfall and 35 yards downstream of the outfall. In addition, bloodworms were noted in the downstream samples

Effective Date: 02/08/2009

ADMINORDER 2008-1141-MWD-E

Classification: Moderate

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

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.5(b)

Rqmt Prov: Sampling & Analysis Requirements PERMIT

Description: Failure to collect and analyze samples for required parameter(s) at the minimum frequency specified in the permit.

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	07/26/2004	(358881)
2	08/26/2004	(358882)
3	09/17/2004	(358883)
4	10/21/2004	(385595)
5	11/29/2004	(385597)
6	12/13/2004	(385600)
7	01/24/2005	(385603)
8	01/31/2005	(385575)
9	01/31/2005	(385576)
10	01/31/2005	(385579)
11	01/31/2005	(385580)
12	01/31/2005	(385582)
13	01/31/2005	(385583)
14	01/31/2005	(385584)
15	01/31/2005	(385585)
16	01/31/2005	(385586)
17	01/31/2005	(385588)
18	01/31/2005	(385589)
19	01/31/2005	(385591)
20	02/01/2005	(385577)
21	02/01/2005	(385596)
22	02/01/2005	(385599)
23	02/01/2005	(385602)
24	02/02/2005	(385587)
25	02/02/2005	(385590)
26	02/02/2005	(385592)
27	02/02/2005	(385593)
28	02/02/2005	(385594)
29	02/02/2005	(385598)
30	02/02/2005	(385601)
31	02/15/2005	(385578)
32	02/16/2005	(348715)
33	03/15/2005	(385581)
34	04/18/2005	(423600)
35	05/16/2005	(423601)
36	06/13/2005	(423602)
37	07/18/2005	(444402)
38	09/07/2005	(444403)
39	09/20/2005	(474980)
40	10/24/2005	(474981)
41	11/10/2005	(474982)
42	12/15/2005	(474983)
43	01/11/2006	(474984)
44	02/24/2006	(474978)
45	03/13/2006	(474979)
46	04/10/2006	(502597)
47	04/28/2006	(456250)
48	05/12/2006	(502598)
49	06/26/2006	(502599)
50	07/17/2006	(524919)
51	08/30/2006	(508769)
52	03/27/2007	(535893)
53	04/12/2007	(556548)
54	07/27/2007	(566550)

55	10/25/2007	(608436)
56	01/11/2008	(623083)
57	01/11/2008	(623084)
58	01/11/2008	(623085)
59	01/11/2008	(623086)
60	01/11/2008	(623087)
61	01/11/2008	(623088)
62	01/11/2008	(623089)
63	01/11/2008	(623091)
64	01/11/2008	(623092)
65	01/11/2008	(623093)
66	01/11/2008	(623094)
67	01/11/2008	(623095)
68	01/11/2008	(623096)
69	01/11/2008	(623098)
70	01/21/2008	(623090)
71	01/21/2008	(623097)
72	01/21/2008	(623099)
73	02/27/2008	(674500)
74	03/26/2008	(674501)
75	04/24/2008	(674502)
76	05/20/2008	(692834)
77	06/12/2008	(671354)
78	06/26/2008	(692835)
79	07/29/2008	(713996)
80	09/02/2008	(713997)
81	09/24/2008	(713998)
82	10/22/2008	(713999)
83	11/20/2008	(730035)
84	01/23/2009	(730036)
85	01/23/2009	(730037)
86	03/31/2009	(740456)
87	05/19/2009	(739615)

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

Date:	06/30/2004 (358881)	CN601130842
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	07/31/2004 (358882)	CN601130842
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	08/31/2004 (358883)	CN601130842
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	10/31/2004 (385597)	CN601130842
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	11/30/2004 (385600)	CN601130842
Self Report?	YES	Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/31/2004 (385603) CN601130842
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2005 (385578) CN601130842
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/30/2005 (444402) CN601130842
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2005 (444403) CN601130842
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/04/2006 (456250) CN601130842
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.4(a)(8)
 30 TAC Chapter 317 317.7(i)
 Description: Failure by the permittee to conduct the required testing of the backflow prevention device upon installation.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
 30 TAC Chapter 305, SubChapter F 305.125(11)(C)
 Sludge Provisions, Section II. F Pg.22 PERMIT
 Description: Failure to submit a complete Annual Sludge Report to the TCEQ by September 1 of each year.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(b)(1)
 Operational Requirements, No. 1 Pg. 9 PERMIT
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)
 Monitoring & Rpting Reqs., N.2 P.4 PERMIT
 Description: Failure by the regulated entity to comply with procedures in 30 TAC 319.11.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Operational Requirements, No. 1 Pg. 9 PERMIT
 Description: The permittee failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 312, SubChapter G 312.145(a)
 Description: Failure by the permittee to comply with all provisions of 30 TAC 312.145 concerning sewage sludge use and disposal.
 Date: 07/31/2006 (623089) CN601130842
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006 (623091) CN601130842
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2006 (623092) CN601130842
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/31/2006 (623094) CN601130842
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2006 (623096) CN601130842
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/31/2006 (623098) CN601130842
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2007 (623083) CN601130842
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2007 (623084) CN601130842
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2007 (623085) CN601130842
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/03/2007 (556548) CN601130842
 Self Report? NO Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(4)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Operational Requirements, No. 1, Pg. 9 PERMIT
 Description: Failure by the permittee to properly operate the wastewater treatment system and prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.
 Self Report? NO Classification: Major
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(4)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(d)
 30 TAC Chapter 317 317.4(g)
 Operational Requirements No. 1, Pg. 9 PERMIT
 Description: Failure by the permittee to properly operate the wastewater treatment system and prevent the discharge and accumulation of sludge at the permitted outfall into or

Description: Failure to meet the limit for one or more permit parameter
 Date: 06/30/2008 (713998) CN601130842
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 08/31/2008 (713998) CN601130842
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2008 (713999) CN601130842
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 03/27/2009 (740456) CN601130842
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Operational Requirements, No. 4, Pg. 9 PERMIT

Description: Failure to install and subsequently maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

adjacent to waters in the state.

Self Report?	NO	Classification:	Major
Citation:	2A TWC Chapter 7, SubChapter A 7.101 Ordering Provisions 2.b. and 3.c. ORDER		
Description:	Failure to Comply with Commission Order Docket No. 2005-1895-MWD-E.		
Date:	04/30/2007 (623086)	CN601130842	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2007 (623087)	CN601130842	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2007 (623088)	CN601130842	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/31/2007 (623090)	CN601130842	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	09/30/2007 (623093)	CN601130842	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	10/31/2007 (623095)	CN601130842	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	11/30/2007 (623097)	CN601130842	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	12/31/2007 (623099)	CN601130842	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2008 (674500)	CN601130842	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/30/2008 (692834)	CN601130842	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2008 (692835)	CN601130842	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SYED N. HYDER
RN102097789**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2009-0850-MWD-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Syed N. Hyder ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a domestic wastewater treatment facility located 2.5 miles southwest of the intersection of Farm-to-Market Road 2818 and Farm-to-Market Road 1688 (Leonard Road), 2,000 feet southwest of the intersection of Leonard Road and Jones Road, and five miles southwest of Bryan in Brazos County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 20, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Forty-Two Thousand Eight Hundred Forty Dollars (\$42,840) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Nine Hundred Four Dollars (\$1,904) of the administrative penalty and Eight Thousand Five Hundred Sixty-Eight Dollars (\$8,568) is deferred contingent upon the Respondent'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 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 Thirty-Two Thousand Three Hundred Sixty-Eight Dollars (\$32,368) of the administrative penalty shall be payable in seventeen (17) monthly payments of One Thousand Nine Hundred Four Dollars (\$1,904) 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 even 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.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on June 3, 2009, the Respondent removed the sludge from the receiving stream.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to maintain monitoring and reporting records for a period of three years, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(c), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011778001 Monitoring and Reporting Requirements 3(b), as documented during an investigation conducted on March 18, 2009. Specifically, the Respondent did not have copies of the Quality Assurance/Quality Control ("QA/QC") reports, the operator logs, the chain-of-custody ("COC") reports, the laboratory sample analysis results ("LSAR") report, or copies of the monthly discharge monitoring reports ("DMRs") for the previous three years.

2. Failed to make readily available records of monitoring information related to sewage sludge use and disposal activities for five years, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(c), and TPDES Permit No. WQ0011778001 Sludge Provisions, as documented during an investigation conducted on March 18, 2009. Specifically, the Respondent did not have copies of the sludge transporter manifests for February 2004 through July 2006.
3. Failed to comply with the test procedures for the analysis of pollutants specified in 30 TEX. ADMIN. CODE § 319.11, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(a), and TPDES Permit No. WQ0011778001 Monitoring and Reporting Requirements 2(b) and 3(b), as documented during an investigation conducted on March 18, 2009. Specifically, the Respondent did not use approved test procedures for the analysis of pH and the monitoring of chlorine residual.
4. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0011778001 Operational Requirements 1, as documented during an investigation conducted on March 18, 2009. Specifically, floating solids were noted on the surface of the chlorine contact chamber ("CCC") during the investigation.
5. Failed to dispose of sludge in accordance with the permitted methods, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0011778001 Sludge Provisions, as documented during an investigation conducted on March 18, 2009. Specifically, the Respondent was disposing of sludge by transporting it to the City of Bryan Still Creek Wastewater Treatment Plant. The Respondent is authorized to disposed sludge only at a TCEQ registered or permitted land application site, a commercial land application site, or co-disposal landfills.
6. Failed to prevent and mitigate the unauthorized discharge and accumulation of sludge in the receiving stream, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), (4), and (5), and TPDES Permit No. WQ0011778001 Permit Condition 2(d), as documented during an investigation conducted on March 18, 2009. Specifically, an accumulation of sludge was noted in the receiving stream for approximately 30 yards downstream and the samples taken five yards downstream from outfall 001 had elevated levels of ammonia nitrogen (65.8 milligrams per liter ("mg/L")), orthophosphate (25.5 mg/L), total phosphorus (24.5 mg/L), and total nitrogen (61.1 mg/L).

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Syed N. Hyder, Docket No. 2009-0850-MWD-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Agreed Order:
 - i. Install fine screens on the bar screen to prevent solids from entering the chlorine contact chamber;
 - ii. Obtain an approved pH meter and develop and implement a standard operating procedure ("SOP") for pH analysis;
 - iii. Develop and implement record keeping procedures to ensure the QA/QC reports, the operator logs, the COC reports, the LSAR reports, and the DMRs are retained and available for review for a period of three years;
 - iv. Develop and implement record keeping procedures to ensure that sludge records are retained and available for review for a period of five years; and
 - v. Develop and implement a SOP for analyzing the chlorine residual using an approved method.
 - b. Within 60 days after the effective date of this Agreed Order, develop and implement a solids management plan ("SMP"). The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solids balance within the system. The SMP shall be prepared by a Texas registered professional engineer or a person holding a valid Texas Class "A" Level Certificate of Competency. The engineer or person holding a valid Texas Class "A" Level Certificate of Competency shall review the SMP in the field with the Respondent's wastewater treatment facility operator(s).
 - c. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a. and 2.b. above. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

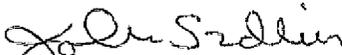
Water Section, Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This 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

For the Commission



For the Executive Director

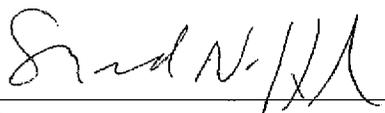
Date 12/8/2009

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

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

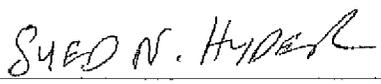
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement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

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



Signature

Date 10/2/09



Name (Printed or typed)
Authorized Representative of
Syed N. Hyder

Title

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