

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-0817-MWD-E **TCEQ ID:** RN102095536 **CASE NO.:** 39720

RESPONDENT NAME: Grant Road Public Utility District

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

SITE WHERE VIOLATION(S) OCCURRED: Quail Forest Wastewater Treatment Plant No. 1, 11837 Meadow Sweet Drive, approximately 0.5 mile south of Grant Road near the Kluge Road crossing of Little Cypress Creek, in the community of Cypress, approximately 30 miles northwest of downtown Houston, Harris County

TYPE OF OPERATION: Wastewater treatment facility

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on September 20, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Martha Hott, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2587; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

Respondent: Mr. Robert Krzeszkiewicz, President, Grant Road Public Utility District, Post Office Box 9, Spring, Texas 77383

Mr. John W. Oneacre, President Pro Tempore, Grant Road Public Utility District, Post Office Box 9, Spring, Texas 77383

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

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 7, 2010</p> <p>Date of NOV/NOE Relating to this Case: April 29, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>WATER</p> <p>Failed to comply with permitted effluent limitations for carbonaceous biochemical oxygen demand, ammonia nitrogen, and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0011887001 Final Effluent Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$1,050</p> <p>Total Deferred: \$210 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$840</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 the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. During December 2009, repaired the Facility's air drops, cleaned debris from the air drops, and replaced the bearings on Blower Nos. 1 and 2;</p> <p>b. During January 2010, cleared the transfer line in the aeration basin and cleared the stoppage in the clarifier return;</p> <p>c. During February 2010, cleaned the lift station, replaced the Facility's waste and return valves, readjusted the air after checking the dissolved oxygen level, repaired the blowers, performed maintenance to the air drops, repaired the lift station controls, and repaired transfer pipe; and</p> <p>d. By February 28, 2010, returned to compliance with the permitted effluent limitations of TPDES Permit No. WQ0011887001.</p>

Additional ID No(s): WQ0011887001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	4-May-2010			
	PCW	18-May-2010	Screening	18-May-2010	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	Grant Road Public Utility District				
Reg. Ent. Ref. No.	RN102095536				
Facility/Site Region	12-Houston	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	39720	No. of Violations	1		
Docket No.	2010-0817-MWD-E	Order Type	1660		
Media Program(s)	Water Quality	Government/Non-Profit	Yes		
Multi-Media		Enf. Coordinator	Marty Hott		
		EC's Team	Enforcement Team 1		
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000		

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	30.0% Enhancement	Subtotals 2, 3, & 7	\$300
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Notes An enhancement is recommended for six self-reported effluent violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$250
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$90
 Approx. Cost of Compliance \$11,179
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,050
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$1,050
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,050
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DEFERRAL	20.0% Reduction	Adjustment	-\$210
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY	\$840
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Screening Date 18-May-2010

Docket No. 2010-0817-MWD-E

PCW

Respondent Grant Road Public Utility District

Policy Revision 2 (September 2002)

Case ID No. 39720

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095536

Media [Statute] Water Quality

Enf. Coordinator Marty Hott

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)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments 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) 30%

>> 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 for six self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 30%

Screening Date 18-May-2010

Docket No. 2010-0817-MWD-E

PCW

Respondent Grant Road Public Utility District

Policy Revision 2 (September 2002)

Case ID No. 39720

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095536

Media [Statute] Water Quality

Enf. Coordinator Marty Hott

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011887001 Final Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as documented during a record review conducted on April 7, 2010 and shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen and carbonaceous biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids were also evaluated. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 62

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,000

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$250

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

Notes The Respondent returned to compliance by February 28, 2010.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$90

Violation Final Penalty Total \$1,050

This violation Final Assessed Penalty (adjusted for limits) \$1,050

Economic Benefit Worksheet

Respondent: Grant Road Public Utility District
Case ID No.: 39720
Reg. Ent. Reference No.: RN102095536
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				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)	\$11,179	31-Dec-2009	28-Feb-2010	0.16	\$90	n/a	\$90

Notes for DELAYED costs
 Cost to repair air drops, clean debris from air drops, replace bearings on two blowers, clear transfer line in aeration basin, clear clarifier return, clean lift station, replace waste and return valves in Facility, readjust air after checking dissolved oxygen level, repair blower, perform maintenance to air drops, repair lift station controls, and repair transfer pipe. Date required is the first month of noncompliance. Final date is the date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$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	\$11,179	TOTAL	\$90
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Grant Road Public Utility District
 TPDES Permit No. WQ0011887001
 Docket No. 2010-0817-MWD-E
 Case No. 39720

EFFLUENT VIOLATION TABLE							
Months	CBOD Daily Ave. Conc.	CBOD Single Grab	CBOD Daily Ave. Loading	Ammonia Nitrogen Daily Ave. Conc.	Ammonia Nitrogen Single Grab	Ammonia Nitrogen Daily Ave. Loading	TSS Daily Ave. Conc.
	Limit = 10 mg/L	Limit = 35 mg/L	Limit = 26 lbs/day	Limit = 2 mg/L	Limit = 15 mg/L	Limit = 5.2 lbs/day	Limit = 15 mg/L
12/31/2009	c	c	c	11.41	30.40	16.48	c
01/31/2010	21.00	74.00	30.33	9.55	37.90	14.48	15.75

ave. = average conc. = concentration lbs/day = pounds per day TSS = total suspended solids
 c = compliant mg/L = milligrams per Liter CBOD = carbonaceous biochemical oxygen demand

Compliance History Report

Customer/Respondent/Owner-Operator: CN600747877 Grant Road Public Utility District Classification: AVERAGE Rating: 0.30
Regulated Entity: RN102095536 QUAIL FOREST WWTP 1 Classification: AVERAGE Site Rating: 0.30
ID Number(s): WASTEWATER PERMIT WQ0011887001
WASTEWATER PERMIT TX0073393
WASTEWATER LICENSING LICENSE WQ0011887001
Location: 11837 MEADOW SWEET DRIVE, APPROXIMATELY 0.5 MILE SOUTH OF GRANT ROAD NEAR THE KLUGE ROAD CROSSING OF LITTLE CYPRESS CREEK, IN THE COMMUNITY OF CYPRESS, APPROXIMATELY 30 MILES NORTHWEST OF DOWNTOWN HOUSTON, HARRIS COUNTY, TEXAS
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: May 18, 2010
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: May 18, 2005 to May 18, 2010

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

Name: Marty Hott Phone: 512 - 239 - 2587

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: 9/1/2009 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.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations: (CCEDS Inv. Track. No.)

1	05/23/2005	(423800)
2	07/27/2005	(423801)
3	08/19/2005	(444599)
4	09/28/2005	(444600)
5	10/21/2005	(475324)
6	11/21/2005	(475325)
7	12/15/2005	(475326)
8	01/26/2006	(475327)
9	02/27/2006	(475323)
10	04/03/2006	(502821)
11	04/19/2006	(502822)
12	04/24/2006	(458386)
13	06/01/2006	(502823)
14	07/03/2006	(525158)
15	08/02/2006	(525159)
16	09/13/2006	(525160)
17	10/12/2006	(584571)
18	10/24/2006	(584572)
19	12/04/2006	(584573)
20	01/03/2007	(584574)

21	01/17/2007	(584575)
22	02/28/2007	(584565)
23	03/22/2007	(584566)
24	04/23/2007	(584567)
25	05/30/2007	(584568)
26	06/27/2007	(584569)
27	07/27/2007	(584570)
28	09/12/2007	(604294)
29	09/19/2007	(604295)
30	10/18/2007	(604296)
31	11/20/2007	(623285)
32	12/20/2007	(623286)
33	01/18/2008	(623287)
34	02/21/2008	(674641)
35	03/24/2008	(674642)
36	04/16/2008	(674643)
37	06/03/2008	(692970)
38	06/19/2008	(692971)
39	07/22/2008	(692972)
40	08/29/2008	(714161)
41	09/11/2008	(702142)
42	10/01/2008	(714162)
43	11/05/2008	(714163)
44	11/14/2008	(730175)
45	12/16/2008	(753386)
46	01/15/2009	(730176)
47	02/13/2009	(753383)
48	03/31/2009	(753384)
49	04/22/2009	(753385)
50	05/22/2009	(770895)
51	06/08/2009	(770896)
52	04/29/2010	(798456)

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

Date:	06/30/2005	(423801)	CN600747877
Self	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:	06/30/2006	(525159)	CN600747877
Self	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:	07/31/2006	(525160)	CN600747877
Self	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:	10/31/2006	(584573)	CN600747877
Self	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:	12/31/2009		CN600747877
Self	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:	01/31/2010		CN600747877
Self	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		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GRANT ROAD PUBLIC UTILITY
DISTRICT
RN102095536

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-0817-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 Grant Road Public Utility District ("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 wastewater treatment facility located at 11837 Meadow Sweet Drive, approximately 0.5 mile south of Grant Road near the Kluge Road crossing of Little Cypress Creek, in the community of Cypress, approximately 30 miles northwest of downtown Houston in Harris County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
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 19, 2010.
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 One Thousand Fifty Dollars (\$1,050) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Hundred Forty Dollars (\$840) of the administrative penalty and Two Hundred Ten Dollars (\$210) 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.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. During December 2009, repaired the Facility's air drops, cleaned debris from the air drops, and replaced the bearings on Blower Nos. 1 and 2;
 - b. During January 2010, cleared the transfer line in the aeration basin and cleared the stoppage in the clarifier return;
 - c. During February 2010, cleaned the lift station, replaced the Facility's waste and return valves, readjusted the air after checking the dissolved oxygen level, repaired the blowers, performed maintenance to the air drops, repaired the lift station controls, and repaired transfer pipe; and
 - d. By February 28, 2010, returned to compliance with the permitted effluent limitations of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011887001.
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 failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011887001 Final Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on April 7, 2010 and shown in the following table:

EFFLUENT VIOLATION TABLE							
Months	CBOD Daily Ave Conc	CBOD Single Grab	CBOD Daily Ave Loading	Ammonia Nitrogen Daily Ave Conc	Ammonia Nitrogen Single Grab	Ammonia Nitrogen Daily Ave Loading	TSS Daily Ave Conc
	Limit = 10 mg/L	Limit = 35 mg/L	Limit = 26 lbs/day	Limit = 2 mg/l	Limit = 15 mg/l	Limit = 5.2 lbs/day	Limit = 15 mg/l
12/31/2009	c	c	c	11.41	30.40	16.48	c
01/31/2010	21.00	74.00	30.33	9.55	37.90	14.48	15.75

ave. = average

conc. = concentration

lbs/day = pounds per day

TSS = total suspended solids

c = compliant

mg/L = milligrams per Liter

CBOD = carbonaceous biochemical oxygen demand

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: Grant Road Public Utility District, Docket No. 2010-0817-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. 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.

3. 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.
4. 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.
5. 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

John S. Zeller
For the Executive Director

8/23/2010
Date

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

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

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

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

John W. Oneacre
Signature

7-13-2010
Date

John W. Oneacre
Name (Printed or typed)
Authorized Representative of
Grant Road Public Utility District

President Pro Tempore
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.

