

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0772-MWD-E **TCEQ ID:** RN102340486 **CASE NO.:** 37687

RESPONDENT NAME: Preston Club Utility Corporation

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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: Preston Club Wastewater Treatment Plant, located approximately four miles west of the intersection of United States ("U.S.") Highway 82 and Farm-to-Market Road 1417 and 1/2 mile south of U.S. Highway 82, Grayson County</p> <p>TYPE OF OPERATION: 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 April 26, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Merrilee Hupp, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4490; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Robert Tate, President, Preston Club Utility Corporation, 4520 Texoma Parkway, Suite J, Sherman, Texas 75090 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: January 30, 2009</p> <p>Date of NOE Relating to this Case: April 14, 2009</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to properly operate and maintain systems of collection, treatment, and disposal [30 TEX. ADMIN. CODE § 305.125(5), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013309001, Operational Requirements No. 1, and TCEQ Agreed Order, Docket No. 2006-0594-MWD-E, Ordering Provisions No. 3.d.].</p> <p>2) Failure to prevent the unauthorized discharge of wastewater and sludge [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013309001, Permit Conditions 2.g.].</p> <p>3) Failed to comply with the permitted effluent limits for biochemical oxygen demand and flow [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), TPDES Permit No. WQ0013309001, Effluent Limitations and Monitoring Requirement No. 1, and TCEQ Agreed Order Docket No. 2006-0594-MWD-E, Ordering Provision No. 3.c.].</p> <p>4) Failure to maintain complete records of monitoring activities [30 TEX. ADMIN. CODE 30 §§ 305.125(1) and 319.7(a), and TPDES Permit No. WQ0013309001, Monitoring and Reporting Requirements No. 3.c.].</p> <p>5) Failure to analyze effluent samples</p>	<p>Total Assessed: \$59,080</p> <p>Total Deferred: \$24,844 <input checked="" type="checkbox"/> Expedited Settlement <input checked="" type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$100 (remaining \$34,136 due in 11 monthly payments of \$100 each for the first 11 months, and then \$1,376 for the months 12 through 34 and \$1,388 for month 35)</p> <p>The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay part of the administrative penalty.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification:</p> <p>This case involves a violation of a prior Agreed Order. When the Respondent failed to comply with the prior Agreed Order, the Respondent demonstrated an indifference to legal duty.</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. By May 15, 2009, began performing the manganese correction required during the analysis of total chlorine residual; and</p> <p>b. By June 30, 2009, adjusted aeration in digester, cleaned up the unauthorized discharge of wastewater and sludge from the digester wall, and applied lime to ground adjacent to digester wall where spattering had occurred.</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, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of monthly DMRs and annual sludge reports; and that all reporting procedures are properly accomplished, including the submittal of written reports for effluent violations which deviate by more than 40% from the permitted limit and oral and written reports for unauthorized discharges;</p> <p>b. Within 30 days after the effective date of this Agreed Order, begin maintaining records of monitoring activities;</p> <p>c. Within 30 days after the effective date of this Agreed Order, submit the annual sludge reports for the monitoring periods ending July 31 of 2005, 2006, 2007, and 2008.</p> <p>d. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. a through c.</p>

<p>according to test methods specified in 40 CODE OF FEDERAL REGULATIONS Part 136 or more recent editions of Standard Methods for the Examination of Water and Wastewater [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c), and TPDES Permit No. WQ0013309001, Monitoring and Reporting Requirements No. 2.].</p> <p>6) Failure to submit the annual sludge reports for the monitoring periods ending July 31, 2005, 2006, 2007 and 2008 by September 1 of each of the corresponding years [30 TEX. ADMIN. CODE § 305.125(17), TPDES Permit No. WQ0013309001, Sludge Provisions, and TCEQ Agreed Order, Docket No. 2006-0594-MWD-E, Ordering Provisions No. 3.c.].</p> <p>7) Failure to timely submit DMRs for June 2007 through October 2008 [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d), TPDES Permit No. WQ0013309001, Monitoring and Reporting Requirements No. 1, and TCEQ Agreed Order, Docket No. 2006-0594-MWD-E, Ordering Provisions No. 3.b.].</p> <p>8) Failure to report in writing within five working days of becoming aware of any effluent violation that exceeded the permitted limit by more than 40 percent [30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0013309001, Monitoring and Reporting Requirements No. 7.c, and TCEQ Agreed Order, Docket No. 2006-0594-MWD-E, Ordering Provisions No. 3.a.].</p> <p>9) Failure to report orally within 24 hours and in writing within five working days of becoming aware of an unauthorized discharge [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0013309001, Monitoring and Reporting Requirements Nos. 7.a and b.].</p>		<p>e. Within 60 days after the effective date of this Agreed Order, ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, including removing excessive solids from the barscreen and clarifier, taking excess solids to an authorized site for disposal, and repairing or replacing the rusted components of the clarifier and digester which are necessary to ensure their proper operation, such as the sludge return structure in the clarifier and the walls of the digester where seep holes have formed;</p> <p>f. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.e, in accordance with the certification language in Ordering Provision d, above; and</p> <p>g. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013309001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public, include the certification language, and be mailed to the address described in Ordering Provision d, above.</p>
---	--	--

Additional ID No(s): WQ0013309001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	20-Apr-2009		
	PCW	31-Aug-2009	Screening	18-May-2009
	EPA Due			

RESPONDENT/FACILITY INFORMATION			
Respondent	Preston Club Utility Corporation		
Reg. Ent. Ref. No.	RN102340486		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37687	No. of Violations	9
Docket No.	2009-0772-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Merrilee Hupp
		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	\$34,800
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	275.0% Enhancement	Subtotals 2, 3, & 7	\$95,700
Notes	The Respondent self-reported 45 effluent violations, received two NOVs for same or similar violations, and was issued two Agreed Orders containing a denial of liability.		
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	\$50
Economic Benefit	0.0% Enhancement	Subtotal 6	\$0
Total EB Amounts	\$1,320	<small>*Capped at the Total EB \$ Amount</small>	
Approx. Cost of Compliance	\$9,840		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$130,450
OTHER FACTORS AS JUSTICE MAY REQUIRE	-54.7%	Adjustment	-\$71,370
Notes	Recommend reduction in the penalty so that monthly self-reported violations and reporting violations do not overly impact the penalty amount.		
		Final Penalty Amount	\$59,080
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$59,080
DEFERRAL	0.0% Reduction	Adjustment	\$0
Notes	No deferral is recommended for Findings Orders.		
PAYABLE PENALTY			\$59,080

Screening Date 18-May-2009

Docket No. 2009-0772-MWD-E

PCW

Respondent Preston Club Utility Corporation

Policy Revision 2 (September 2002)

Case ID No. 37887

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102340486

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	47	235%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 275%

>> 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

The Respondent self-reported 45 effluent violations, received two NOVs for same or similar violations, and was issued two Agreed Orders containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 275%

Screening Date 18-May-2009		Docket No. 2009-0772-MWD-E		PCW	
Respondent Preston Club Utility Corporation			<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37687			<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN102340486					
Media [Statute] Water Quality					
Enf. Coordinator Merrilee Hupp					
Violation Number		<input type="text" value="1"/>			
Rule Cite(s)		30 Tex. Admin. Code § 305.125(5), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013309001, Operational Requirements No. 1, and TCEQ Agreed Order, Docket No. 2008-0594-MWD-E, Ordering Provisions No. 3.d			
Violation Description		Failed to properly operate and maintain systems of collection, treatment, and disposal, as documented during the TCEQ investigation on January 30, 2009. Specifically, screenings had not been removed from barscreen, solids and scum were in the clarifier, and the clarifier and digester were corroded at various points, including the return line of the clarifier and the digester walls where seep holes had formed.			
Base Penalty				<input type="text" value="\$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"/>	x	<input type="text"/>	
				Percent <input type="text" value="5%"/>	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>	
Matrix Notes		Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
Adjustment				<input type="text" value="\$9,500"/>	
				<input type="text" value="\$500"/>	
Violation Events					
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="766"/>	Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>	<input type="text"/>	Violation Base Penalty <input type="text" value="\$500"/>	
	weekly	<input type="text"/>	<input type="text"/>		
	monthly	<input type="text"/>	<input type="text"/>		
	quarterly	<input type="text"/>	<input type="text"/>		
	semiannual	<input type="text"/>	<input type="text"/>		
	annual	<input type="text"/>	<input type="text"/>		
single event	<input type="text"/>	x	<input type="text"/>		
One single event is recommended based upon the investigation date when the violation was documented.					
Good Faith Efforts to Comply		<input type="text" value="0.0%"/> Reduction		<input type="text" value="\$0"/>	
		<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>		
Extraordinary		<input type="text"/>	<input type="text"/>		
Ordinary		<input type="text"/>	<input type="text"/>		
N/A		x	<small>(mark with x)</small>		
Notes		The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				<input type="text" value="\$500"/>	
Economic Benefit (EB) for this violation					Statutory Limit Test
Estimated EB Amount		<input type="text" value="\$252"/>	Violation Final Penalty Total		<input type="text" value="\$849"/>
This violation Final Assessed Penalty (adjusted for limits)					<input type="text" value="\$849"/>

Economic Benefit Worksheet

Respondent Preston Club Utility Corporation
Case ID No. 37687
Reg. Ent. Reference No. RN102340486
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

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)	\$1,800	13-Apr-2007	31-Jan-2010	2.81	\$252	n/a	\$252

Notes for DELAYED costs

Estimated cost of more frequent removal of solids from bar screen and clarifier and repair or replacement of rusted components of the clarifier and digester. Date required is the effective date of the Agreed Order and the final date is the date compliance is expected to be achieved.

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

\$1,800

TOTAL

\$252

Screening Date 18-May-2009	Docket No. 2009-0772-MWD-E	PCW		
Respondent Preston Club Utility Corporation	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37687	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN102340486				
Media [Statute] Water Quality				
Enf. Coordinator Merrilee Hupp				
Violation Number 2				
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013309001, Permit Conditions 2.g.			
Violation Description	Failed to prevent the unauthorized discharge of wastewater and sludge onto the ground at the Facility. Specifically, wastewater and sludge were spattering over the top of the digester wall and onto the adjacent ground, as documented during the TCEQ investigation conducted on January 30, 2009.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<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 has been exposed to insignificant amounts of pollutants as a result of the violation.			
Adjustment			\$9,000	
			\$1,000	
Violation Events				
Number of Violation Events		2	Number of violation days	
		108		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
			Violation Base Penalty \$2,000	
Two quarterly events are recommended from the investigation date (1/30/09) to the screening date (5/18/09).				
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"/>	<input type="checkbox"/>	<small>(mark with x)</small>	
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal			\$2,000	
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		\$2	Violation Final Penalty Total \$3,397	
This violation Final Assessed Penalty (adjusted for limits)			\$3,397	

Economic Benefit Worksheet

Respondent Preston Club Utility Corporation
Case ID No. 37687
Reg. Ent. Reference No. RN102340486
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)	\$100	30-Jan-2009	30-Jun-2009	0.41	\$2	n/a	\$2

Notes for DELAYED costs
 Estimated cost to adjust and monitor aeration to prevent spattering over the top of the digester wall and onto adjacent ground, clean up wastewater and sludge from digester wall, and apply lime to the affected area on the ground next to the digester. Date required is the investigation date and the final date is the date compliance was achieved.

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	\$100	TOTAL	\$2
-----------------------------------	-------	--------------	-----

Screening Date 18-May-2009	Docket No. 2009-0772-MWD-E	PCW		
Respondent Preston Club Utility Corporation	<small>Policy Revision 2 (September 2007)</small>			
Case ID No. 37687	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN102340486				
Media [Statute] Water Quality				
Enf. Coordinator Merrilee Hupp				
Violation Number 3				
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), TPDES Permit No. WQ0013309001, Effluent Limitations and Monitoring Requirement No.1, and TCEQ Agreed Order Docket No. 2006-0594-MWD-E, Ordering Provisions No. 3.e			
Violation Description	Failed to comply with the permitted effluent limits as documented during a record review conducted on January 30, 2009. See attached effluent violation table.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<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	A simplified model was used to evaluate biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids, flow, and dissolved oxygen levels were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.			
Adjustment				\$9,000
				\$1,000
Violation Events				
Number of Violation Events		9	Number of violation days 766	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
				Violation Base Penalty \$9,000
Nine quarterly events are recommended from the effective date of the Agreed Order (4/13/07) to the screening date (5/18/09).				
Good Faith Efforts to Comply		0.0% Reduction		\$0
	Before NOV	NOV to EOPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>			
Ordinary	<input type="checkbox"/>			
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$9,000
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		\$899	Violation Final Penalty Total \$15,285	
This violation Final Assessed Penalty (adjusted for limits)				\$15,285

Economic Benefit Worksheet

Respondent Preston Club Utility Corporation
Case ID No. 37687
Reg. Ent. Reference No. RN102340486
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				0.00	\$0	n/a	\$0
Remediation/Disposal	\$2,000	13-Apr-2007	28-Feb-2010	2.88	\$288	n/a	\$288
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$4,240	13-Apr-2007	28-Feb-2010	2.88	\$611	n/a	\$611

Notes for DELAYED costs
 Estimated cost to hire a consultant at \$30 per hour as needed to determine the cause of effluent noncompliances and assist the operator at the Facility as well as more frequent solids monitoring and disposal to increase the effectiveness of the treatment units at the Facility. Date required is the effective date of the Agreed Order and final date is the date compliance is expected to be achieved.

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	\$6,240	TOTAL	\$899
-----------------------------------	---------	--------------	-------

Screening Date 18-May-2009	Docket No. 2009-0772-MWD-E	PCW		
Respondent Preston Club Utility Corporation	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 37687	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN102340486				
Media [Statute] Water Quality				
Enf. Coordinator Merrilee Hupp				
Violation Number <input type="text" value="4"/>				
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.7(a) and TPDES Permit No. WQ0013309001, Monitoring and Reporting Requirements No. 3.c				
Violation Description	Failed to maintain complete records of monitoring activities. Specifically, the Respondent failed to include the identity of the individual who analyzed the dissolved oxygen samples in the monitoring record, as documented during the TCEQ investigation conducted on January 30, 2009.			
Base Penalty		<input type="text" value="\$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	<input type="text" value="0%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	x
		Percent	<input type="text" value="1%"/>	
Matrix Notes	Over 70% of the requirement was met.			
		Adjustment	<input type="text" value="\$9,900"/>	
		<input type="text" value="\$100"/>		
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="108"/>
<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	<input type="text" value="\$100"/>	
One single event is recommended based upon the investigation date when the violation was documented.				
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>	Reduction	<input type="text" value="\$0"/>
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<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	<input type="text" value="\$100"/>	
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$2"/>	Violation Final Penalty Total	<input type="text" value="\$170"/>	
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$170"/>	

Economic Benefit Worksheet

Respondent Preston Club Utility Corporation
Case ID No. 37687
Reg. Ent. Reference No. RN102340486
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
------------------	-----------	---------------	------------	------	----------------	---------------	-----------

Item Description: No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$50	30-Jan-2009	31-Dec-2009	0.92	\$2	n/a	\$2
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

Estimated cost to include additional information in the monitoring log for dissolved oxygen. Date required is the investigation date and the final date is when compliance is expected to be achieved.

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

\$50

TOTAL

\$2

Screening Date 18-May-2009	Docket No. 2009-0772-MWD-E	PCW
Respondent Preston Club Utility Corporation		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 37687		<small>PCW Revision October 30, 2008</small>
Reg. Ent. Reference No. RN102340486		
Media [Statute] Water Quality		
Enf. Coordinator Merrilee Hupp		
Violation Number 5		
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0013309001, Monitoring and Reporting Requirements No. 2	
Violation Description	Failed to analyze effluent samples according to test methods specified in 40 Code of Federal Regulations Part 136 or more recent editions of Standard Methods for the Examination of Water and Wastewater. Specifically, the manganese correction was not being performed in the analysis of total chlorine residual, as documented during the TCEQ investigation conducted on January 30, 2009.	
	Base Penalty	\$10,000
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Release Major Moderate Minor	
Actual	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Percent	5%
>> 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 will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.	
	Adjustment	\$9,500
		\$500
Violation Events		
Number of Violation Events	1	105 Number of violation days
<small>mark only one with an x</small>	daily	<input type="checkbox"/>
	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"/>
	Violation Base Penalty	\$500
	One single event is recommended based upon the investigation date when the violation was documented.	
Good Faith Efforts to Comply		
	10.0% Reduction	\$50
	Before NOV NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input checked="" type="checkbox"/>
N/A	<input type="checkbox"/>	<small>(mark with x)</small>
Notes	The operator began performing the manganese correction by May 15, 2009 to achieve compliance.	
	Violation Subtotal	\$450
Economic Benefit (EB) for this violation		
	Statutory Limit Test	
Estimated EB Amount	\$1	Violation Final Penalty Total \$827
		This violation Final Assessed Penalty (adjusted for limits) \$827

Economic Benefit Worksheet

Respondent Preston Club Utility Corporation
Case ID No. 37687
Reg. Ent. Reference No. RN102340486
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

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)	\$50	30-Jan-2009	15-May-2009	0.29	\$1	n/a

Notes for DELAYED costs

Estimated cost for the addition of the chemical required for manganese correction during the analysis of total chlorine residual. Date required is the investigation date and final date is the date compliance was achieved.

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

\$50

TOTAL

\$1

Screening Date 18-May-2009	Docket No. 2009-0772-MWD-E	PCW		
Respondent Preston Club Utility Corporation	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37687	<small>PCW Revision October 30, 2009</small>			
Reg. Ent. Reference No. RN102340486				
Media [Statute] Water Quality				
Enf. Coordinator Merrilee Hupp				
Violation Number 6				
Rule Cite(s)	30 Tex. Admin. Code § 305.125(17), TPDES Permit No. WQ0013309001, Sludge Provisions, and TCEQ Agreed Order, Docket No. 2006-0594-MWD-E, Ordering Provisions No. 3.c			
Violation Description	Failed to submit the annual sludge reports for the monitoring periods ending July 31, 2005, 2006, 2007 and 2008, by September 1 of each of the corresponding years, as documented during the TCEQ investigation conducted on January 30, 2009.			
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 <input type="text" value="0%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="10%"/>
Matrix Notes	100% of the requirement was not met.			
Adjustment		<input type="text" value="\$9,000"/>		<input type="text" value="\$1,000"/>
Violation Events				
	Number of Violation Events	<input type="text" value="4"/>	<input type="text" value="766"/>	Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>	<input type="text"/>	<input type="text"/>
	weekly	<input type="text"/>	<input type="text"/>	<input type="text"/>
	monthly	<input type="text"/>	<input type="text"/>	<input type="text"/>
	quarterly	<input type="text"/>	<input type="text"/>	<input type="text"/>
	semiannual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	annual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	single event	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>
				Violation Base Penalty <input type="text" value="\$4,000"/>
Four single events are recommended (one event per annual sludge report).				
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>	Reduction	
		<input type="text" value="0.0%"/>	<input type="text" value="\$0"/>	
	Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
	N/A	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>
	Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal				<input type="text" value="\$4,000"/>
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$63"/>	Violation Final Penalty Total	<input type="text" value="\$6,793"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$6,793"/>	

Economic Benefit Worksheet

Respondent Preston Club Utility Corporation
Case ID No. 37687
Reg. Ent. Reference No. RN102340486
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

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	\$250	13-Apr-2009	31-Dec-2009	0.72	\$9	n/a	\$9
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$400	13-Apr-2007	31-Dec-2009	2.72	\$54	n/a	\$54

Notes for DELAYED costs

Estimated administrative costs associated with the submittal of the annual sludge reports and to update the Facility's operational guidance and conduct training to ensure correct reporting. Date required is the effective date of the Agreed Order and final date is when the reports are expected to be received by the TCEQ.

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

\$650

TOTAL

\$63

Screening Date 18-May-2009	Docket No. 2009-0772-MWD-E	PCW			
Respondent Preston Club Utility Corporation	<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 37687	<small>PCW Revision October 30, 2008</small>				
Reg. Ent. Reference No. RN102340486					
Media [Statute] Water Quality					
Enf. Coordinator Merrilee Hupp					
Violation Number 7					
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(17) and 319.7(d), TPDES Permit No. WQ0013309001, Monitoring and Reporting Requirements No. 1, and TCEQ Agreed Order, Docket No. 2006-0594-MWD-E, Ordering Provisions No. 3.b				
Violation Description	Failed to timely submit discharge monitoring reports ("DMRs") for June 2007 through October 2008, as documented during an investigation on January 30, 2009.				
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 <input type="text" value="0%"/>	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
				Percent <input type="text" value="1%"/>	
Matrix Notes	Over 70 percent of the permit requirement was met.				
Adjustment:				\$9,900	
				\$100	
Violation Events					
		<input type="text" value="17"/>	<input type="text" value="766"/>	Number of violation days	
<small>mark only one with an x</small>	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	<input checked="" type="checkbox"/>			
				Violation Base Penalty	\$1,700
Seventeen single events are recommended (one for each DMR).					
Good Faith Efforts to Comply		0.0%	Reduction		\$0
		Before NOV	NOV to EOPRP/Settlement Offer		
Extraordinary	<input type="text"/>				
Ordinary	<input type="text"/>				
N/A	<input checked="" type="checkbox"/>	(mark with x)			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal				\$1,700	
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$34"/>	Violation Final Penalty Total		\$2,887
This violation Final Assessed Penalty (adjusted for limits)					\$2,887

Economic Benefit Worksheet

Respondent Preston Club Utility Corporation
Case ID No. 37687
Reg. Ent. Reference No. RN102340486
Media Water Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

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	\$250	13-Apr-2007	31-Dec-2009	2.72	\$34	n/a	\$34
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: Estimated cost to update the Facility's operational guidance and conduct training to ensure proper submittal of DMRs. Date required is the effective date of the Agreed Order and final date is the date the DMRs were submitted (12/12/08) and the date training is expected to be completed (12/31/09).

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	\$250	TOTAL	\$34
----------------------------	-------	--------------	------

Screening Date 18-May-2009	Docket No. 2009-0772-MWD-E	PCW	
Respondent Preston Club Utility Corporation	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37687	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN102340486			
Media [Statute] Water Quality			
Enf. Coordinator Merrilee Hupp			
Violation Number 8			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), TPDES Permit No. WQ0013309001, Monitoring and Reporting Requirements No. 7.c, and TCEQ Agreed Order, Docket No. 2006-0594-MWD-E, Ordering Provisions No. 3.a		
Violation Description	Failed to report in writing within five working days any effluent violation that exceeded the permitted limit by more than 40 percent. Specifically, the Respondent failed to submit a noncompliance notification for the months of June, July, September, and December 2007 and January through December 2008 which were over 40 percent of the permitted effluent limit.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual	<input type="text"/>	Percent <input type="text" value="0%"/>
	Potential	<input type="text"/>	
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
	<input type="text"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Percent <input type="text" value="10%"/>
Matrix Notes	100% of the requirement was not met.		
Adjustment		\$9,000	
		\$1,000	
Violation Events			
	<input type="text" value="16"/>	<input type="text" value="766"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$16,000"/>
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input checked="" type="checkbox"/>	
Sixteen single events are recommended (one for each report not submitted).			
Good Faith Efforts to Comply		0.0% Reduction	\$0
		<small>Before NOV NOV to EDPRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>	
Notes:	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		\$16,000	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$59"/>	Violation Final Penalty Total	<input type="text" value="\$27,174"/>
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$27,174"/>

Economic Benefit Worksheet

Respondent Preston Club Utility Corporation
Case ID No. 37687
Reg. Ent. Reference No. RN102340486
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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	\$250	13-Apr-2007	31-Dec-2009	2.72	\$34	n/a	\$34
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$300	11-Jun-2007	30-Jan-2009	1.64	\$25	n/a	\$25

Notes for DELAYED costs

Estimated cost to update the Facility's operational guidance and conduct training to ensure noncompliance notices are properly submitted. Date required is the effective date of the Agreed Order (4/13/07) and the due date of the first noncompliance report (6/11/07) and the final date is when the noncompliance reports had been received by both the Regional Office and Enforcement Division of TCEQ (1/9/09) and when compliance with the reporting requirement is expected to be achieved (12/31/09).

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

\$550

TOTAL

\$59

Screening Date 18-May-2009		Docket No. 2009-0772-MWD-E		PCW
Respondent Preston Club Utility Corporation				<small>Policy Revision 2 (September 2002)</small>
Case ID No. 37687				<small>PCW Revision October 30, 2009</small>
Reg. Ent. Reference No. RN102340486				
Media [Statute] Water Quality				
Enf. Coordinator Merrilee Hupp				
Violation Number	<input type="text" value="9"/>			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0013309001, Monitoring and Reporting Requirements Nos. 7.a and b			
Violation Description	Failed to report orally within 24 hours and in writing within five working days of becoming aware of an unauthorized discharge. Specifically, wastewater and sludge were spattering over the digester wall onto the ground, as documented during the January 30, 2009 investigation, but had not been reported to the TCEQ.			
			Base Penalty	<input type="text" value="\$10,000"/>
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
Release				
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
>> Programmatic Matrix				
	Major	Moderate	Minor	
Falsification	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
Matrix Notes	<input type="text" value="100% of the requirement was not met."/>			
			Adjustment	<input type="text" value="\$9,000"/>
				<input type="text" value="\$1,000"/>
Violation Events				
Number of Violation Events	<input type="text" value="1"/>		Number of violation days	<input type="text" value="108"/>
<small>mark only one with an x</small>	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	<input type="text" value="x"/>			Violation Base Penalty <input type="text" value="\$1,000"/>
<input type="text" value="One single event is recommended"/>				
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>	Reduction	<input type="text" value="\$0"/>
		<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input type="text" value="x"/>	<input type="text" value="(mark with x)"/>		
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
			Violation Subtotal	<input type="text" value="\$1,000"/>
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$7"/>		Violation Final Penalty Total	<input type="text" value="\$1,698"/>
			This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$1,698"/>

Economic Benefit Worksheet

Respondent Preston Club Utility Corporation
Case ID No. 37687
Reg. Ent. Reference No. RN102340486
Media Water Quality
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

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	\$100	30-Jan-2009	31-Dec-2009	0.92	\$5	n/a	\$5
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	30-Jan-2009	31-Dec-2009	0.92	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost associated with the completion and submittal of a noncompliance reporting form for an unauthorized discharge and to update the Facility's operational guidance and conduct training to ensure noncompliance notices are properly submitted. Date required is the investigation date and the final date is the date compliance is expected to be achieved.

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

\$150

TOTAL

\$7

Respondent: Preston Club Utility Corporation
 TPDES Permit No. WQ0013309001
 Docket No. 2009-0772-MWD-E
 Corresponds to Violation No. 3

Effluent Violation Table

	DAILY AVG. BOD CONC. (mg/L) LIMIT=10	SINGLE GRAB BOD CONC. (mg/L) LIMIT = 35	DAILY AVG. TSS LOADING (lbs/day) LIMIT= 7.5	DAILY AVG. TSS CONC. (mg/L) LIMIT= 15	SINGLE GRAB TSS CONC. (mg/L) LIMIT= 60
06/30/07	51.2	67	c	93.8	145
07/31/07	24.8	55	c	26.8	c
08/31/07	c	c	c	20	c
09/30/07	32	104	17.25	17.25	c
11/30/07	c	c	c	18.5	c
12/31/07	31.4	80	c	26.6	c
01/31/08	64	81	c	70.5	109
02/29/08	97.25	161	c	142.75	180
03/31/08	106.25	148	c	138	205
04/30/08	116	167	8.81	231	480
05/31/08	54.5	72	c	87.75	189
06/30/08	37	71	c	40.5	78
07/30/08	17	46	c	23.85	40
08/31/08	21.75	43	c	44.75	83
09/30/08	15.4	c	c	36	90
10/31/08	15.66	c	c	17.25	c
11/30/08	39.5	61	c	28.75	c
12/31/08	41.40	75	c	49.80	85
01/30/09*	N/A	N/A	N/A	N/A	72

BOD: biochemical oxygen demand mg/L: milligrams per liter TSS: total suspended solids
 lbs/day: pounds per day conc: concentration c: compliant N/A: not analyzed
 AVG: average *grab sample collected during TCEQ investigation

Compliance History Report

Customer/Respondent/Owner-Operator: CN600657563 Preston Club Utility Corporation Classification: AVERAGE Rating: 19.21
Regulated Entity: RN102340486 PRESTON CLUB WASTEWATER Classification: AVERAGE Site Rating: 19.21
TREATMENT PLANT
ID Number(s): WASTEWATER PERMIT WQ0013309001
WASTEWATER PERMIT TPDES0102164
WASTEWATER PERMIT TX0102164
Location: APPROXIMATELY 4 MI W OF THE INTERSEC. OF US HWY 82
& FM RD 1417 & ½ MI S OF US HWY 82 IN GRAYSON CO., TX.
TCEQ Region: REGION 04 - DFW METROPLEX
Date Compliance History Prepared: May 13, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: May 13, 2004 to May 13, 2009
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Merrilee Hupp Phone: 512-239 - 4490

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/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

Components (Multimedia) for the Site :

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

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

Effective Date: 03/06/2006 ADMINORDER 2003-0406-MWD-E

Classification: Minor

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

30 TAC Chapter 317 317.4(a)(8)

30 TAC Chapter 317 317.7(l)

Rqmt Prov: Final Limits PERMIT

Description: Failure to install an RPZ backflow prevention device on the main potable water line to the plant.

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Not Available PERMIT

Description: Failure to comply with the permit limit for Biochemical Oxygen Demand (mg/l), Total Suspended Solids (mg/l), and Dissolved Oxygen (mg/l) at Outfall 001A. These violations meet referral criteria.

Classification: Moderate

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

30 TAC Chapter 305, SubChapter O 305.535(c)(1)

Rqmt Prov: M&RR No. 7a PERMIT

Permit Cond 2g PERMIT

Description: Failure to prevent an authorized discharge from the wastewater treatment plant and to submit noncompliance notification as required.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.4(b)(1)

30 TAC Chapter 317 317.4(b)(3)

Rqmt Prov: Permit PERMIT

Description: Failure to remove solids from the bar screen to prevent an unauthorized discharge.

Classification: Moderate

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

30 TAC Chapter 317 317.4(b)(4)

Rqmt Prov: Operation Requirements Nos 1 and 11(a) PERMIT

Description: Failure to properly dispose of screenings.

Classification: Moderate

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

30 TAC Chapter 317 317.4(g)(4)(B)

Rqmt Prov: Operation Requirements No. 1 PERMIT

Description: Failure to maintain the diffusers in the aeration basin. One of the diffusers was not functioning properly and caused wastewater to be sprayed into the air.

Classification: Moderate

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

30 TAC Chapter 319, SubChapter A 319.11(b)

Rqmt Prov: Operation Requirements No. 2 PERMIT

Description: Failure to analyze field samples within the required holding times.

Classification: Moderate

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

30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: Operating Requirement No. 1 PERMIT

Description: Failure to maintain sample records, chain of custody/tags, operations and maintenance records, process control records, chlorine residual analysis records, and sample analysis records.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125

Rqmt Prov: Not Available PERMIT

Description: Failure to submit noncompliance notifications as required by the permit.

Classification: Moderate

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

30 TAC Chapter 319, SubChapter A 319.6

30 TAC Chapter 319, SubChapter A 319.7(a)

30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: Oper Req 1 PERMIT

Description: Failure to maintain pH, Chlorine, and DO meter calibration records.

Classification: Moderate

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

30 TAC Chapter 317 317.6(b)(1)

Rqmt Prov: Oper Req 1 PERMIT

Description: Failed to maintain the chlorination system so as to provide adequate disinfection prior to discharge.

Classification: Moderate

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

Rqmt Prov: Mon and Rep No. 5 PERMIT

Description: Failure to calibrate the secondary flow measuring device.

Classification: Moderate

Citation: 30 TAC Chapter 317 317.6(b)(1)(E)

Rqmt Prov: O R 1 PERMIT

Description: Failure to provide forced mechanical ventilation in the chlorination room.

Effective Date: 04/13/2007 ADMINORDER 2006-0594-MWD-E

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: Sludge Provisions PERMIT

Description: Failure to submit annual sludge report for FY 2005, as required by the permit.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Operational Requirements No. 1 PERMIT

Description: Failure to prevent excessive solids from floating in the clarifier.

Classification: Major

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

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Interim I Effl Limitations & Monitoring PERMIT

Description: Failure to comply with the self-monitored effluent limitations.

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

30 TAC Chapter 319, SubChapter A 319.7(d)

Rqmt Prov: Monitoring & Reporting Req. No. 1 PERMIT

Description: Failure to submit discharge monitoring reports for to TCEQ Central Office.

Classification: Moderate

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

Rqmt Prov: Monitoring and Reporting Req 7c PERMIT

Description: Failure to provide noncompliance notification as required.

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 05/21/2004 (363725)

2 10/01/2004 (363726)

3 10/06/2004 (336096)

4 04/15/2005 (372488)

5 04/28/2006 (454966)

6 03/12/2007 (628133)

7 03/12/2007 (628134)

8 03/12/2007 (628135)

9 03/12/2007 (628137)

10 03/12/2007 (628138)

11 03/12/2007 (628139)

12 03/12/2007 (628140)

13 03/12/2007 (628141)

14 03/12/2007 (628142)

15 03/12/2007 (628143)

16 03/12/2007 (628144)

17 03/12/2007 (628145)

18 03/12/2007 (628146)

19 03/12/2007 (628147)

20 03/12/2007 (628148)

21 03/12/2007 (628149)

22 03/12/2007 (628150)

23 03/12/2007 (628151)

24 03/12/2007 (628152)

25 03/12/2007 (628153)

26 03/12/2007 (628154)

27 03/12/2007 (628155)

28 03/12/2007 (628156)

29 03/12/2007 (628157)

30 03/12/2007 (628158)

31 03/12/2007 (628159)

32 03/12/2007 (628160)

33 03/12/2007 (628161)

34 03/12/2007 (628162)
35 03/12/2007 (628163)
36 04/26/2007 (628136)
37 03/05/2008 (638044)
38 08/14/2008 (720865)
39 12/12/2008 (731727)
40 12/12/2008 (731728)
41 12/12/2008 (731729)
42 12/12/2008 (731730)
43 12/12/2008 (731731)
44 12/12/2008 (731732)
45 12/12/2008 (731733)
46 12/12/2008 (731734)
47 12/12/2008 (731735)
48 12/12/2008 (731736)
49 12/12/2008 (731737)
50 12/12/2008 (731738)
51 12/12/2008 (731739)
52 12/12/2008 (731740)
53 12/12/2008 (731741)
54 12/12/2008 (731742)
55 12/12/2008 (731743)
56 12/12/2008 (731744)
57 04/16/2009 (728463)

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

Date: 05/31/2004 (628141) CN600657563

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: 06/30/2004 (628144) CN600657563

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: 07/31/2004 (628147) CN600657563

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: 11/30/2004 (628158) CN600657563

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: 12/31/2004 (628161) CN600657563
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: 01/31/2005 (628134) CN600657563
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: 03/31/2005 (628137) CN600657563
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: 04/12/2005 (372488) CN600657563
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.4(a)(8)
30 TAC Chapter 317 317.7(i)
Description: Failure to have the backflow prevention device tested annually by a certified technician and submit a copy of the test certification.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)
Description: Failure to submit the annual sludge reports, as required by the permit.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to have the flow measuring device tested annually by a certified technician and submit a copy of the test certification.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to submit noncompliance notifications as required by the permit.

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with the self-monitored effluent limitations.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to complete discharge monitoring reports accurately.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with the not less than 1.0 mg/L and not greater than 4.0 mg/L total chlorine residual (TCR) permit limitations.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.6(b)(1)(D)
Description: Failure to provide a self-contained breathing apparatus for use by plant personnel.

Date: 04/30/2005 (628139) CN600657563

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: 05/31/2005 (628142) CN600657563

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: 06/30/2005 (628145) CN600657563

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: 07/31/2005 (628148) CN600657563

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: 08/31/2005 (628150) CN600657563

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: 09/30/2005 (628153) CN600657563

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: 10/31/2005 (628156) CN600657563

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: 11/30/2005 (628159) CN600657563

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: 12/31/2005 (628162) CN600657563
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: 01/31/2006 (628135) CN600657563
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: 02/28/2006 (628136) CN600657563
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: 03/31/2006 (628138) CN600657563
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: 04/30/2006 (628140) CN600657563
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: 05/31/2006 (628143) CN600657563
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: 07/31/2006 (628149) CN600657563
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 (628151) CN600657563
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 (628154) CN600657563

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 (628157) CN600657563

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 (628160) CN600657563

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 (628163) CN600657563

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 (731732) CN600657563

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 (731734) CN600657563

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: 08/31/2007 (731736) CN600657563

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 (731738) CN600657563

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 (731742) CN600657563
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 (731744) CN600657563
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 (731727) CN600657563
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: 02/29/2008 (731728) CN600657563
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: 03/31/2008 (731729) CN600657563
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 (731730) CN600657563
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 (731731) CN600657563
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: 06/30/2008 (731733) CN600657563
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: 07/31/2008 (731735) CN600657563

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: 08/14/2008 (720665) CN600657563

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/31/2008 (731737) CN600657563

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 (731739) CN600657563
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: 10/31/2008 (731741) CN600657563
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: 11/30/2008 (731743) CN600657563
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: 12/31/2008 CN600657563
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

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
PRESTON CLUB UTILITY
CORPORATION
RN102340486**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-0772-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Preston Club Utility Corporation ("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 presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located approximately four miles west of the intersection of United States ("U.S.") Highway 82 and Farm-to-Market Road 1417 and 1/2 mile south of U.S. Highway 82 in Grayson 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. During an investigation on January 30, 2009, TCEQ staff documented that screening material had accumulated in the barscreen and excessive solids and scum were floating in the clarifier. In addition, the clarifier and digester were corroded at various points, including the return line of the clarifier and the digester walls, where seep holes had formed.
4. During an investigation on January 30, 2009, TCEQ staff documented an unauthorized discharge of wastewater and sludge on the ground next to the digester, which had spattered over the digester wall at the Facility.
5. During an investigation on January 30, 2009, TCEQ staff documented the following effluent violations from a review of the Respondent's self-reported monthly discharge monitoring reports ("DMR"):

Effluent Violation Table

	DAILY AVG. BOD CONC. (mg/L)	SINGLE GRAB BOD CONC. (mg/L)	DAILY AVG. TSS LOADING (lbs/day)	DAILY AVG. TSS CONC. (mg/L)	SINGLE GRAB TSS CONC. (mg/L)
	LIMIT=10	LIMIT = 35	LIMIT= 7.5	LIMIT= 15	LIMIT= 60
06/30/07	51.2	67	c	93.8	145
07/31/07	24.8	55	c	26.8	c
08/31/07	c	c	c	20	c
09/30/07	32	104	17.25	17.25	c
11/30/07	c	c	c	18.5	c
12/31/07	31.4	80	c	26.6	c
01/31/08	64	81	c	70.5	109
02/29/08	97.25	161	c	142.75	180
03/31/08	106.25	148	c	138	205
04/30/08	116	167	8.81	231	480
05/31/08	54.5	72	c	87.75	189
06/30/08	37	71	c	40.5	78
07/30/08	17	46	c	23.85	40
08/31/08	21.75	43	c	44.75	83
09/30/08	15.4	c	c	36	90
10/31/08	15.66	c	c	17.25	c
11/30/08	39.5	61	c	28.75	c
12/31/08	41.40	75	c	49.80	85
01/30/09*	N/A	N/A	N/A	N/A	72

BOD: biochemical oxygen demand mg/L: milligrams per liter TSS: total suspended solids
lbs/day: pounds per day conc: concentration c: compliant N/A: not analyzed
AVG: average *grab sample collected during TCEQ investigation

6. During an investigation on January 30, 2009, TCEQ staff observed that individual who performed the dissolved oxygen analysis was not identified in the monitoring record.
7. During an investigation on January 30, 2009, TCEQ staff documented that the Respondent had not been performing the manganese correction in the analysis of total chlorine residual.

8. During an investigation on January 30, 2009, TCEQ staff documented that the Respondent did not submit the annual sludge reports for the monitoring periods ending July 31, 2005, July 31, 2006, July 31, 2007, and July 31, 2008.
9. During an investigation on January 30, 2009, TCEQ staff documented that the Respondent did not timely submit the monthly DMRs for the period of June 30, 2007 through October 31, 2008.
10. During an investigation on January 30, 2009, TCEQ staff documented effluent violations of 40 percent or more above the permitted limits in June, July, September, and December 2007 as well as January through December 2008.
11. During an investigation on January 30, 2009, TCEQ staff documented that the Respondent did not notify the TCEQ, verbally or in writing, of the unauthorized discharge of sludge and wastewater spattering over the top of the digester wall and onto the adjacent ground.
12. The Respondent received notice of the violations on April 17, 2009.
13. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By May 15, 2009, began performing the manganese correction required during the analysis of total chlorine residual; and
 - b. By June 30, 2009, adjusted aeration in digester, cleaned up the unauthorized discharge of wastewater and sludge from the digester wall, and applied lime to ground adjacent to digester wall where spattering had occurred.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to properly operate and maintain systems of collection, treatment, and disposal, in violation of 30 TEX. ADMIN. CODE § 305.125(5), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013309001, Operational Requirements No. 1, and TCEQ Agreed Order, Docket No. 2006-0594-MWD-E, Ordering Provisions No. 3.d.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent the unauthorized discharge of wastewater and sludge, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013309001, Permit Conditions 2.g.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to comply with the permitted effluent limits, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), TPDES Permit No. WQ0013309001, Effluent Limitations and Monitoring

Requirement No. 1, and TCEQ Agreed Order Docket No. 2006-0594-MWD-E, Ordering Provision No. 3.e.

5. As evidenced by Findings of Fact No. 6, the Respondent failed to maintain complete records of monitoring activities, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(a), and TPDES Permit No. WQ0013309001, Monitoring and Reporting Requirements No. 3.c.
6. As evidenced by Findings of Fact No. 7, the Respondent failed to analyze effluent samples according to test methods specified in 40 CODE OF FEDERAL REGULATIONS Part 136 or more recent editions of Standard Methods for the Examination of Water and Wastewater, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c), and TPDES Permit No. WQ0013309001, Monitoring and Reporting Requirements No. 2.
7. As evidenced by Findings of Fact No. 8, the Respondent failed to submit the annual sludge reports for the monitoring periods ending July 31, 2005, 2006, 2007 and 2008 by September 1 of each of the corresponding years, in violation of 30 TEX. ADMIN. CODE § 305.125(17), TPDES Permit No. WQ0013309001, Sludge Provisions, and TCEQ Agreed Order, Docket No. 2006-0594-MWD-E, Ordering Provisions No. 3.c.
8. As evidenced by Findings of Fact No. 9, the Respondent failed to timely submit DMRs for June 2007 through October 2008, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d), TPDES Permit No. WQ0013309001, Monitoring and Reporting Requirements No. 1, and TCEQ Agreed Order, Docket No. 2006-0594-MWD-E, Ordering Provisions No. 3.b.
9. As evidenced by Findings of Fact No. 10, the Respondent failed to report in writing within five working days of becoming aware of any effluent violation that exceeded the permitted limit by more than 40 percent, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0013309001, Monitoring and Reporting Requirements No. 7.c, and TCEQ Agreed Order, Docket No. 2006-0594-MWD-E, Ordering Provisions No. 3.a.
10. As evidenced by Findings of Fact No. 11, the Respondent failed to report orally within 24 hours and in writing within five working days of becoming aware of an unauthorized discharge, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0013309001, Monitoring and Reporting Requirements Nos. 7.a and b.
11. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
12. An administrative penalty in the amount of Fifty-Nine Thousand Eighty Dollars (\$59,080) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay part of the administrative penalty. Therefore, Twenty-Four Thousand Eight Hundred Forty-Four Dollars (\$24,844) of the penalty 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, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The Respondent has paid One Hundred Dollars (\$100) of the undeferred administrative penalty. The remaining amount of Thirty-Four Thousand One Hundred Thirty-Six Dollars (\$34,136) of the administrative penalty shall be payable in 11 monthly payments of One Hundred Dollars (\$100) each for the first 11 months, and then One Thousand Three Hundred Seventy-Six Dollars (\$1,376) for months 12 through 34 and One Thousand Three Hundred Eighty-Eight Dollars (\$1,388) for month 35. 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. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Fifty-Nine Thousand Eighty Dollars (\$59,080) as set forth in Section II, Paragraph 12 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Preston Club Utility Corporation, Docket No. 2009-0772-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 Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of monthly

DMRs and annual sludge reports; and that all reporting procedures are properly accomplished, including the submittal of written reports for effluent violations which deviate by more than 40% from the permitted limit and oral and written reports for unauthorized discharges, in accordance with TPDES Permit No. WQ0013309001, Monitoring and Reporting Requirements No. 7;

- b. Within 30 days after the effective date of this Agreed Order, begin maintaining records of monitoring activities, in accordance with TPDES Permit No. WQ0013309001, Monitoring and Reporting Requirements No. 3.c and 30 TEX. ADMIN. CODE § 319.7(a);
- c. Within 30 days after the effective date of this Agreed Order, submit the annual sludge reports for the monitoring periods ending July 31 of 2005, 2006, 2007, and 2008 to:

TPDES Compliance Monitoring Section
Enforcement Division, MC 224
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- d. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a through 2.c. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with these Ordering Provisions. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

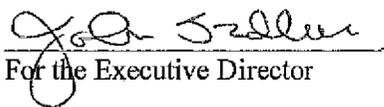
- e. Within 60 days after the effective date of this Agreed Order, ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, including removing excessive solids from the barscreen and clarifier, taking excess solids to an authorized site for disposal, and repairing or replacing the rusted components of the clarifier and digester which are necessary to ensure their proper operation, such as the sludge return structure in the clarifier and the walls of the digester where seep holes have formed;
 - f. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.e, in accordance with the certification language in Ordering Provision No. 2.d, above; and
 - g. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013309001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public, include the certification language, and be mailed to the address described in Ordering Provision No. 2.d, above.
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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against 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.
9. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 4/26/2010

I, the undersigned, have read and understand the attached Agreed Order in the matter of Preston Club Utility Corporation. I am authorized to agree to the attached Agreed Order on behalf of Preston Club Utility Corporation, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Preston Club Utility Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

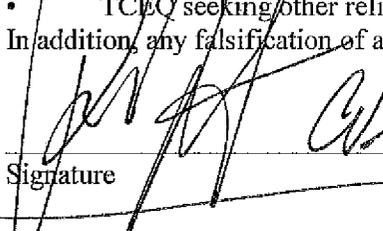
I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- 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.

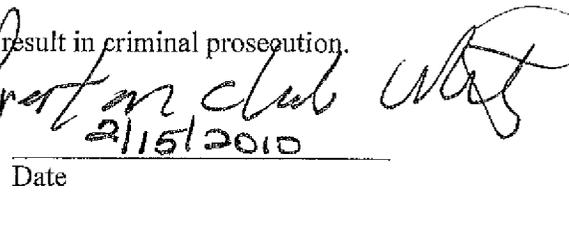
In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date



Name (Printed or typed)
Authorized Representative of
Preston Club Utility Corporation



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.

