

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 of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 2, 2008</p> <p>Date of NOE Relating to this Case: May 29, 2008</p> <p>Background Facts: The case was referred to the Litigation Division on February 23, 2009. The EDPRP was filed on March 26, 2009. Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on May 7, 2010.</p> <p>Current Compliance Status: Respondent has not yet submitted certification to demonstrate compliance.</p> <p>MWD:</p> <ol style="list-style-type: none"> Failed to maintain monitoring and reporting records as required [30 TEX. ADMIN. CODE § 305.125(11)(B) and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0011161001 Monitoring and Reporting Requirements No. 3]. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2007 by September 1, 2007 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0011161001 Sludge Provisions]. Failed to properly maintain and operate the Facility [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011161001 Operational Requirements No. 1]. Failed to submit noncompliance notifications for effluent violations which deviate from the permitted effluent limitations by more than 40% in writing to the TCEQ within five working days of becoming aware of the noncompliance [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0011161001 Monitoring and Reporting Requirements No. 7.c.]. Failed to timely submit discharge monitoring reports (“DMRs”) by the 20th day of each month [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0011161001 Monitoring and Reporting Requirements No. 1]. 	<p>Total Assessed: \$3,529</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$3,529</p> <p>Respondent paid the administrative penalty in full.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that Respondent performed the following corrective actions at the Facility:</p> <ol style="list-style-type: none"> On June 16, 2008, submitted a copy of the sludge analysis report; On June 16, 2008, submitted a copy of the noncompliance notification for effluent violations that occurred in March 2007; and On April 22, 2010, submitted the annual sludge report for the monitoring period ending July 31, 2007. <p>Ordering Provisions: Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Within 30 days, update the Facility’s operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs and annual sludge reports. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision No. 1. Within 60 days, develop and begin implementing a solids management plan (“SMP”). Within 120 days, an engineer or person holding a valid Texas Class “A” Level Certificate of Competency shall review the SMP in the field with Respondent’s Facility operators. A copy of the SMP and written verification of completion of the SMP field review shall be provided to the TCEQ. Organized, written records of the process control tests results shall be maintained by Respondent for a period of three years and shall be made available to TCEQ representatives upon request; and Within 135 days, submit written certification to demonstrate compliance with Ordering Provisions Nos. 3 and 4.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 29, 2008

TCEQ

DATES	Assigned	2-Jun-2008			
	PCW	27-Apr-2010	Screening	13-Jun-2008	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	Humble Partners Limited Partnership				
Reg. Ent. Ref. No.	RN103114716				
Facility/Site Region	12-Houston	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	36052	No. of Violations	5		
Docket No.	2008-1050-MWD-E	Order Type	1660		
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	\$3,300
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	13.0% Enhancement	Subtotals 2, 3, & 7	\$429
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Notes	The Respondent has one NOV for the same or similar violations and has four months of self-reported effluent violations.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$200
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$458	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,560	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,529
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$3,529
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,529
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DEFERRAL		Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$3,529
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Screening Date 13-Jun-2008

Docket No. 2008-1050-MWD-E

PCW

Respondent Humble Partners Limited Partnership

Policy Revision 2 (September 2002)

Case ID No. 36052

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN103114716

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 (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 13%

>> 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 has one NOV for the same or similar violations and has four months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 13%

Screening Date 13-Jun-2008 **Docket No.** 2008-1050-MWD-E **PCW**
Respondent Humble Partners Limited Partnership *Policy Revision 2 (September 2002)*
Case ID No. 36052 *PCW Revision April 29, 2008*
Reg. Ent. Reference No. RN103114716
Media [Statute] Water Quality
Enf. Coordinator Merrilee Hupp

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 305.125(11)(B) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011161001 Monitoring and Reporting Requirements No. 3
Violation Description Failed to maintain monitoring and reporting records as required. Specifically, at the time of the investigation, documentation of sludge analysis for Toxicity Characteristic Leaching Procedure ("TCLP"), polychlorinated biphenyl ("PCB"), metals and fecal coliform bacteria was not available.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			10%

Matrix Notes 100% of this rule requirement was not met.

Adjustment \$9,000 **\$1,000**

Violation Events

Number of Violation Events 1 75 Number of violation days
 mark only one with an x
 daily
 monthly
 quarterly
 semiannual
 annual
 single event x
Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply 10.0% Reduction \$100

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

Notes The Respondent submitted the sludge analysis record to the TCEQ Houston Regional Office on June 16, 2008.
Violation Subtotal \$900

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

Estimated EB Amount \$1 **Violation Final Penalty Total** \$1,030
This violation Final Assessed Penalty (adjusted for limits) \$1,030

Economic Benefit Worksheet

Respondent Humble Partners Limited Partnership
Case ID No. 36052
Reg. Ent. Reference No. RN103114716
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	\$100	2-Apr-2008	16-Jun-2008	0.21	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs This is the estimated cost to implement procedures for maintaining sludge records at the Facility. The date required is the date of the investigation and the final date is the date that the Respondent submitted the records to the Houston Regional Office.

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	\$100	TOTAL	\$1
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Screening Date 13-Jun-2008 **Docket No.** 2008-1050-MWD-E **PCW**
Respondent Humble Partners Limited Partnership *Policy Revision 2 (September 2002)*
Case ID No. 36052 *PCW Revision April 29, 2008*
Reg. Ent. Reference No. RN103114716
Media [Statute] Water Quality
Enf. Coordinator Merrilee Hupp

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0011161001 Sludge Provisions
Violation Description Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2007 by September 1, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
				x	

At least 30% of this rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 214 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$100

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

Estimated EB Amount \$38 **Violation Final Penalty Total** \$113

This violation Final Assessed Penalty (adjusted for limits) \$113

Economic Benefit Worksheet

Respondent Humble Partners Limited Partnership
Case ID No. 36052
Reg. Ent. Reference No. RN103114716
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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	1-Sep-2007	22-Apr-2010	2.64	\$1	\$18	\$18
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	\$125	1-Sep-2007	30-Sep-2010	3.08	\$19	n/a	\$19
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

This is the estimated cost to prepare and submit the annual sludge report and to update operational guidance documents and conduct employee training. The date required is the date the 2007 sludge report was due and the final date is when the report was submitted (April 22, 2010) and the anticipated completion date of the training (September 1, 2010).

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

\$225

TOTAL

\$38

Screening Date 13-Jun-2008 **Docket No.** 2008-1050-MWD-E **PCW**
Respondent Humble Partners Limited Partnership *Policy Revision 2 (September 2002)*
Case ID No. 36052 *PCW Revision April 29, 2008*
Reg. Ent. Reference No. RN103114716
Media [Statute] Water Quality
Enf. Coordinator Merrilee Hupp

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0011161001 Operational Requirements No. 1
Violation Description Failed to properly maintain and operate the Facility. Specifically, at the time of the investigation there was foam over the entire Facility. The chlorine contact basin contained one and a half feet of solids in a nine foot water depth.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5%
	Potential			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	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 this violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1 70 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$500

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

Estimated EB Amount \$396 **Violation Final Penalty Total** \$565

This violation Final Assessed Penalty (adjusted for limits) \$565

Economic Benefit Worksheet

Respondent Humble Partners Limited Partnership
Case ID No. 36052
Reg. Ent. Reference No. RN103114716
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)	\$2,000	4-Apr-2008	31-Jan-2011	2.83	\$19	\$377	\$396
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

This is the estimated cost to remove and properly dispose of the solids in the clarifier and chlorine contact basin.
 The date required is the investigation date and the final date is the anticipated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$396

Screening Date 13-Jun-2008 **Docket No.** 2008-1050-MWD-E **PCW**
Respondent Humble Partners Limited Partnership *Policy Revision 2 (September 2002)*
Case ID No. 36052 *PCW Revision April 29, 2008*
Reg. Ent. Reference No. RN103114716
Media [Statute] Water Quality
Enf. Coordinator Merrilee Hupp

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (9)(A) and TPDES Permit No. WQ0011161001 Monitoring and Reporting Requirements No. 7.c
Violation Description Failed to submit noncompliance notifications for effluent violations which deviate from the permitted effluent limitations by more than 40% in writing to the Houston Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, documents reviewed during the investigation noted that the Respondent failed to report the total suspended solids daily average concentration violation that occurred in March 2007. The permitted limit is 15 milligrams per liter ("mg/L") and the Respondent reported 22 mg/L, which is 46% over the permit limit.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
100% of this permit requirement was not met.					
Adjustment					\$9,000

Adjustment \$9,000 **Subtotal** \$1,000

Violation Events

Number of Violation Events: 1 70 Number of violation days
 mark only one with an x
 daily:
 monthly:
 quarterly:
 semiannual:
 annual:
 single event:
Violation Base Penalty \$1,000
 One single event is recommended.

Good Faith Efforts to Comply 10.0% Reduction \$100

Before NOV NOV to EDRP/Settlement Offer
 Extraordinary:
 Ordinary:
 N/A: (mark with x)
 Notes: On June 16, 2008, the Respondent submitted a copy of the noncompliance notification.
Violation Subtotal \$900

Economic Benefit (EB) for this violation **Statutory Limit Test**
 Estimated EB Amount \$1 Violation Final Penalty Total \$1,030
This violation Final Assessed Penalty (adjusted for limits) \$1,030

Economic Benefit Worksheet

Respondent Humble Partners Limited Partnership
Case ID No. 36052
Reg. Ent. Reference No. RN103114716
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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	\$10	20-Apr-2007	16-Jun-2008	1.16	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: This is the estimated cost to prepare and submit noncompliance notifications to the TCEQ Houston Regional Office and the TCEQ Enforcement Division. The date required is the date that the noncompliance notification was due and the final date is when compliance documentation was submitted to 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 \$10

TOTAL \$1

Screening Date 13-Jun-2008 **Docket No.** 2008-1050-MWD-E **PCW**
Respondent Humble Partners Limited Partnership *Policy Revision 2 (September 2002)*
Case ID No. 36052 *PCW Revision April 29, 2008*
Reg. Ent. Reference No. RN103114716
Media [Statute] Water Quality
Enf. Coordinator Merrilee Hupp

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0011161001 Monitoring and Reporting Requirements No. 1
Violation Description Failed to timely submit discharge monitoring reports ("DMR") by the 20th day of each month. Specifically, the DMRs for August 2007 through February 2008 were submitted late.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
				x	
At least 30% of this rule requirement was not met.					

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 7 182 Number of violation days

<i>mark only one with an x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	x	

Violation Base Penalty \$700

Seven single events are recommended, one for each late DMR.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$700

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

Estimated EB Amount \$23 **Violation Final Penalty Total** \$791

This violation Final Assessed Penalty (adjusted for limits) \$791

Economic Benefit Worksheet

Respondent Humble Partners Limited Partnership
Case ID No. 36052
Reg. Ent. Reference No. RN103114716
Media Water Quality
Violation No. 5

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)	\$100	20-Sep-2007	31-Mar-2008	0.53	\$0	\$4	\$4
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	\$125	20-Sep-2007	30-Sep-2010	3.03	\$19	n/a	\$19
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 This is the estimated cost to prepare and submit the DMRs and to update operational guidance documents and conduct employee training. The date required is the date the first DMR was due and the final date is the date the last DMR was received by TCEQ (3/31/08) and the anticipated completion date of the training.

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

\$225

TOTAL

\$23

Compliance History Report

Customer/Respondent/Owner-Operator:	CN601364276	Humble Partners Limited Partnership	Classification: AVERAGE	Rating: 0.28
Regulated Entity:	RN103114716	ATASCOCITA VILLAGE MHP	Classification: AVERAGE	Site Rating: 0.28
ID Number(s):	WASTEWATER	PERMIT	WQ0011161001	
	WASTEWATER	PERMIT	TPDES0020320	
	WASTEWATER LICENSING	LICENSE	WQ0011161001	
Location:	LOCATED APPROXIMATELY 1000 FEET EAST OF THE INTERSECTION OF ATASCOCITA ROAD AND OLD HUMBLE ROAD IN HARRIS COUNTY, TEXAS		Rating Date: 9/1/2008	Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	October 13, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	October 13, 2003 to October 13, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Pamela Campbell		Phone:	239 - 4493

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	10/27/2003	(297084)
2	11/14/2003	(297085)
3	12/11/2003	(297086)
4	01/08/2004	(297087)
5	03/09/2004	(297074)
6	03/09/2004	(297075)
7	04/16/2004	(297076)
8	05/17/2004	(352865)
9	06/14/2004	(352866)
10	07/16/2004	(352867)
11	09/23/2004	(352869)
12	09/28/2004	(352868)
13	10/11/2004	(352870)
14	11/04/2004	(382205)
15	12/27/2004	(441176)
16	01/24/2005	(382206)
17	02/14/2005	(382204)
18	03/16/2005	(441173)
19	04/18/2005	(420061)

20 05/13/2005 (420062)
 21 06/20/2005 (420063)
 22 07/18/2005 (420064)
 23 08/22/2005 (441174)
 24 08/23/2005 (441175)
 25 10/27/2005 (469024)
 26 10/28/2005 (435244)
 27 11/17/2005 (469025)
 28 12/12/2005 (469026)
 29 01/17/2006 (469027)
 30 01/25/2006 (452843)
 31 02/17/2006 (469023)
 32 04/24/2006 (498579)
 33 05/26/2006 (498580)
 34 06/29/2006 (498581)
 35 07/24/2006 (520582)
 36 10/16/2006 (576121)
 37 10/26/2006 (576122)
 38 11/27/2006 (576123)
 39 12/27/2006 (576124)
 40 02/16/2007 (576125)
 41 02/23/2007 (576117)
 42 03/26/2007 (576118)
 43 04/23/2007 (576119)
 44 06/20/2007 (576120)
 45 07/23/2007 (607723)
 46 09/12/2007 (607724)
 47 10/15/2007 (619810)
 48 10/26/2007 (619811)
 49 12/07/2007 (619812)
 50 01/07/2008 (672301)
 51 01/24/2008 (672302)
 52 02/25/2008 (672300)
 53 03/31/2008 (690218)
 54 04/18/2008 (690219)
 55 05/27/2008 (690220)
 56 05/28/2008 (641025)

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

Date: 02/28/2005 (441173)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/27/2005 (435244)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
 Description: Failure to conduct the required total chlorine residual quality control analyses.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.4(a)(8)
 Description: Failure to provide for review the most recent annual backflow preventer test report.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: PERMIT No. 11161-001 Page 9, No. 1
 Description: Failure to properly maintain the chlorine contact basin.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT No. 11161-001 Page 5, No. 5
 Description: Failure to calibrate the flow meter annually.
 Date: 03/31/2007 (576119)

Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2007 (576120)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2008 (690219)		
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
HUMBLE PARTNERS LIMITED
PARTNERSHIP;
RN103114716**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2008-1050-MWD-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Humble Partners Limited Partnership (“Humble”) under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Humble, appear before the Commission and together stipulate that:

1. Humble owns and operates a wastewater treatment facility located approximately 1,000 feet east of the intersection of Atascocita Road and Old Humble Road in Harris County, Texas (the “Facility”). Humble has discharged waste from the Facility into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.
3. The Commission and Humble agree that the Commission has jurisdiction to enter this Agreed Order, and that Humble is subject to the Commission’s jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Humble of any violation alleged in Section II (“Allegations”), nor of any statute or rule.
5. An administrative penalty in the amount of three thousand five hundred twenty-nine dollars (\$3,529.00) is assessed by the Commission in settlement of the violations alleged in Section II (“Allegations”). Humble paid three thousand five hundred twenty-nine dollars (\$3,529.00) of the administrative penalty.

6. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and Humble agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that Humble implemented the following corrective measures at the Facility in response to this enforcement action:
 - a. On June 16, 2008, Humble submitted a copy of the sludge analysis record to the TCEQ Houston Regional Office;
 - b. On June 16, 2008, Humble submitted a copy of the noncompliance notification for effluent violations that occurred in March 2007 to the TCEQ; and
 - c. On April 22, 2010, Humble submitted the annual sludge report for the monitoring period ending July 31, 2007 to the TCEQ.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas (“OAG”) for further enforcement proceedings if the Executive Director determines that Humble has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

1. During an investigation conducted on April 2, 2008, a TCEQ Houston Regional Office investigator documented that Humble violated:
 - a. 30 TEX. ADMIN. CODE § 305.125(11)(B) and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0011161001 Monitoring and Reporting Requirements No. 3, by failing to maintain monitoring and reporting records as required. Specifically, at the time of the investigation, documentation of sludge analysis for Toxicity Characteristic Leaching Procedure (“TCLP”), polychlorinated biphenyl (“PCB”), metals and fecal coliform bacteria was not available;

- b. 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0011161001 Sludge Provisions, by failing to timely submit the annual sludge report for the monitoring period ending July 31, 2007 by September 1, 2007;
 - c. 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011161001 Operational Requirements No. 1, by failing to properly maintain and operate the Facility. Specifically, at the time of the investigation there was foam over the entire Facility. The chlorine contact basin contained one and a half feet of solids in a nine foot water depth;
 - d. 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0011161001 Monitoring and Reporting Requirements No. 7.c, by failing to submit noncompliance notifications for effluent violations which deviate from the permitted effluent limitations by more than 40% in writing to the Houston Regional Office and Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, documents reviewed during the investigation, noted that Humble failed to report the total suspended solids daily average concentration that occurred in March 2007. The permitted limit is 15 milligrams per liter (“mg/L”) and Humble reported 22 mg/L, which is 46% over the permit limit;
 - e. 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0011161001 Monitoring and Reporting Requirements No. 1, by failing to timely submit discharge monitoring reports (“DMRs”) by the 20th day of each month. Specifically, the DMRs for August 2007 through February 2008 were submitted late.
2. Humble received notice of the violations on or about June 4, 2008.

III. DENIALS

Humble generally denies each allegation in Section II (“Allegations”).

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Humble pay an administrative penalty as set forth in Section I, Paragraph 5, above. The payment of this administrative penalty and Humble’s compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to “Texas Commission on Environmental Quality” and shall be sent with the notation “Re: Humble Partners Limited Partnership, Docket No. 2008-1050-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. Humble shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, Humble shall update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs and annual sludge reports;
 - b. Within 45 days after the effective date of this Agreed Order, Humble shall submit written certification as described below in Ordering Provision No. 2.f to demonstrate compliance with Ordering Provisions No. 2.a;
 - c. Within 60 days after the effective date of this Agreed Order, Humble shall develop and begin implementing a solids management plan ("SMP"). The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plan and to maintain the proper solids balance within the system. The SMP shall be prepared by a Texas registered professional engineer or a person holding a valid Texas Class "A" Level Certificate of Competency;
 - d. Within 120 days after the effective date of this Agreed Order, the engineer or person holding the valid Texas Class "A" Level Certificate of Competency shall review the SMP in the field with Humble's Facility operators. A copy of the SMP and written verification of completion of the SMP field review shall be provided to the TCEQ Enforcement Division and the TCEQ Houston Regional Office. Organized, written records of the process control tests results shall be maintained by Humble for a period of three years at the Facility in a daily log book and/or checklist and shall be made available to TCEQ representatives upon request; and
 - e. Within 135 days after the effective date of this Agreed Order, Humble shall submit written certification as described below in Ordering Provision No. 2.f to demonstrate compliance with Ordering Provisions Nos. 2.c and 2.d.
 - f. The certifications required by Ordering Provisions Nos. 2.b and 2.e, shall include detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with 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.”

Humble shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions 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:

Stephen Smith, Water Section Manager
Texas Commission on Environmental Quality
Houston Regional Office
4525 Polk St., Suite H
Houston, Texas 77023-1452

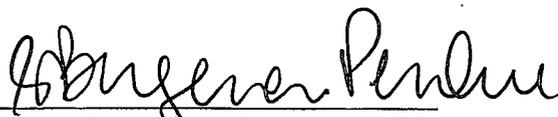
3. The provisions of this Agreed Order shall apply to and be binding upon Humble. Humble is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Humble fails to comply with any of the Ordering Provisions 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, Humble's failure to comply is not a violation of this Agreed Order. Humble shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Humble shall notify the Executive Director within seven days after Humble 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 Humble shall be made in writing to the Executive Director. Extensions are not effective until Humble receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against Humble in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Agreed Order to Humble, or three days after the date on which the Commission mails notice of this Agreed Order to Humble, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

7/21/2010

Date

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

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

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

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

Signature

MARK COLEMAN

Name (Printed or typed)

Authorized representative of

Humble Partners Limited Partnership

5-7-10
Date

MANAGING MEMBER

Title