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**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2010-0248-MWD-E **TCEQ ID:** RN101918001 **CASE NO.:** 39265  
**RESPONDENT NAME:** Bridgestone Municipal Utility District

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Bridgestone Facility, 21106 Slippery Rock, Spring, Texas, on the south bank of Seals Gully, approximately 2,000 feet upstream of the point where Spring-Cypress Road crosses Seals Gully in Harris County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on August 30, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Steve Villatoro, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4930; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Adrian E. Steffes, President, Bridgestone Municipal Utility District, 1001 Mckinney Street, Suite 1000, Houston, Texas 77002  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> November 20, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> February 5, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a records review.</p> <p><b>WATER</b></p> <p>1) Failure to comply with permitted effluent limits [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011835001, Interim Effluent Limitations and Monitoring Requirements No. 1].</p> <p>2) Failure to timely submit the annual sludge report for the monitoring period ending July 31, 2009, by September 1, 2009 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0011835001, Sludge Provisions].</p> <p>3) Failure to timely submit monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0011835001, Monitoring and Reporting Requirements No. 1].</p> <p>4) Failure to submit monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0011835001, Monitoring and Reporting Requirements No. 1].</p>	<p><b>Total Assessed:</b> \$18,888</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$548 (remaining \$18,340 due in 35 monthly payments of \$524 each)</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b></p> <p>Human health or the environment has been exposed to pollutants which exceed levels that are protective.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. By March 31, 2009:</p> <p>i. Began transferring digested solids from the digester to a beneficial use land farm;</p> <p>ii. Sampled the treatment process to identify toxic material;</p> <p>iii. Sampled each of the Facility's seven off-site lift stations and one on-site lift station to locate and identify the toxic material and its source;</p> <p>iv. Used vector trucks to remove dead microorganisms from the clarifiers;</p> <p>v. Cleaned the chlorine contact chamber of exhausted biological solids; and</p> <p>vi. Implemented the use of a portable polymer injection system to enhance solids separation and settling in the clarifiers.</p> <p>b. By May 15, 2009, installed two large rented blowers in order to provide proper aeration to the treatment basins for the Facility;</p> <p>c. By May 18, 2009, contracted with a new contractor to operate the Facility; and</p> <p>d. During November 2009, the Respondent returned to compliance with the permitted effluent limits of TPDES Permit No. WQ0011835001.</p> <p>e. On March 22, 2010:</p> <p>i. Submitted the annual sludge report for the monitoring period ending July 31, 2009;</p> <p>ii. Submitted the quarterly DMRs for toxicity for the monitoring periods ending March 31, 2009, and</p>

		<p>September 30, 2009; and</p> <p>iii. Submitted a revised and completed DMR for the monitoring period ending May 31, 2009.</p> <p><b>Ordering Provisions:</b></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 completed, signed and certified monthly DMRs, and annual sludge reports, in accordance with TPDES Permit No. WQ0011835001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions;</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision a.</p>
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Additional ID No(s): WQ0011835001





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	10-Mar-2010	Screening	11-Mar-2010	EPA Due	5-Sep-2009
	PCW	4-Jun-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	Bridgestone Municipal Utility District		
Reg. Ent. Ref. No.	RN101918001		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	39265	No. of Violations	5
Docket No.	2010-0248-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Steve Villatoro
		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**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes

**Culpability**   Enhancement **Subtotal 4**

Notes

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts	\$4,349
Approx. Cost of Compliance	\$105,717

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes

**PAYABLE PENALTY**

Screening Date 11-Mar-2010

Docket No. 2010-0248-MWD-E

PCW

Respondent Bridgestone Municipal Utility District

Policy Revision 2 (September 2002)

Case ID No. 39265

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918001

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

### 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)	10	50%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 52%

>> 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 penalty is enhanced due to nine self-reported monthly effluent violations, one NOV with similar violations to those cited in this action, and one NOV with unrelated violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 52%

Screening Date 11-Mar-2010

Docket No. 2010-0248-MWD-E

PCW

Respondent Bridgestone Municipal Utility District

Policy Revision 2 (September 2002)

Case ID No. 39265

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918001

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011835001, Interim Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on November 20, 2009, and shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				X
Potential				25%	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

A simplified model was used to evaluate ammonia-nitrogen and carbonaceous biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids were also 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 protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 Number of violation days 91

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended for the monitoring periods containing the months of April 2009, July 2009, and September 2009.

Good Faith Efforts to Comply

25.0% Reduction \$1,250

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

Notes The Respondent achieved compliance in November 2009.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,320

Violation Final Penalty Total \$6,201

This violation Final Assessed Penalty (adjusted for limits) \$6,201

## Economic Benefit Worksheet

**Respondent** Bridgestone Municipal Utility District  
**Case ID No.** 39265  
**Reg. Ent. Reference No.** RN101918001  
**Media** Water Quality  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$105,267	30-Apr-2009	30-Nov-2009	0.59	\$206	\$4,115	\$4,320
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

Actual cost to transfer digested solids from the digester to a beneficial use land farm, use vacor trucks to remove dead microorganisms from the clarifiers, clean the contact chamber of exhausted biological solids, implement the use of a portable polymer injection system, and install two rental blowers at the Facility. Date required is the first date of noncompliance. Final date is the 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

\$105,267

TOTAL

\$4,320

Screening Date 11-Mar-2010

Docket No. 2010-0248-MWD-E

PCW

Respondent Bridgestone Municipal Utility District

Policy Revision 2 (September 2002)

Case ID No. 39265

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918001

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0011835001, Sludge Provisions

Violation Description

Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2009, by September 1, 2009, as documented during a record review conducted on November 20, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes: At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 202

mark only one with an x	daily	
	weekly	
	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 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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$148

This violation Final Assessed Penalty (adjusted for limits) \$148

## Economic Benefit Worksheet

**Respondent** Bridgestone Municipal Utility District  
**Case ID No.** 39265  
**Req. Ent. Reference No.** RN101918001  
**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 \$							
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	1-Sep-2009	22-Mar-2010	0.55	\$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				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

Estimated cost to prepare and submit the annual sludge report. Date required is date the report was due. Final date is the date the report was submitted.

**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

\$4

Screening Date 11-Mar-2010

Docket No. 2010-0248-MWD-E

PCW

Respondent Bridgestone Municipal Utility District

Policy Revision 2 (September 2002)

Case ID No. 39265

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918001

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0011835001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit monitoring results at the intervals specified in the permit, as documented during a record review on November 20, 2009. Specifically, the Respondent failed to timely submit the quarterly discharge monitoring reports ("DMRs") for toxicity for the monitoring periods ending March 31, 2009, and September 30, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2

336 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$200

Two single events are recommended for the two reports.

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 \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$24

Violation Final Penalty Total \$297

This violation Final Assessed Penalty (adjusted for limits) \$297

## Economic Benefit Worksheet

**Respondent** Bridgestone Municipal Utility District  
**Case ID No.** 39265  
**Reg. Ent. Reference No.** RN101918001  
**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
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No commas or \$

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	20-Apr-2009	22-Mar-2010	0.92	\$1	\$12	\$13
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	\$150	20-Apr-2009	31-Oct-2010	1.53	\$11	n/a	\$11
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 prepare and submit the DMRs and update the Facility's operational guidance and conduct employee training to ensure that all DMRs are submitted as required. Date required is date the first report was due. Final dates are the date the DMRs were submitted and the expected 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

\$350

TOTAL

\$24

Screening Date 11-Mar-2010

Docket No. 2010-0248-MWD-E

PCW

Respondent Bridgestone Municipal Utility District

Policy Revision 2 (September 2002)

Case ID No. 39265

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918001

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0011835001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to submit monitoring results at the intervals specified in the permit, as documented in a record review on November 20, 2009. Specifically, the Respondent failed to submit the DMR data for daily maximum flow for the monitoring period ending May 31, 2009.

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	1%

Matrix Notes At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 275

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NCV	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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$148

This violation Final Assessed Penalty (adjusted for limits) \$148

# Economic Benefit Worksheet

**Respondent** Bridgestone Municipal Utility District

**Case ID No.** 39285

**Reg. Ent. Reference No.** RN101918001

**Media** Water Quality

**Violation No.** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for violation number three.

**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

\$0

TOTAL

\$0

Screening Date 11-Mar-2010

Docket No. 2010-0248-MWD-E

PCW

Respondent Bridgestone Municipal Utility District

Policy Revision 2 (September 2002)

Case ID No. 39265

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101918001

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 5

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011835001, Interim Effluent Limitations and Monitoring Requirements No. 1.

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on November 20, 2009, and shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate ammonia-nitrogen and carbonaceous biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids were also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which exceed levels protective of human health or environmental receptors.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1

31 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

One monthly event is recommended for the monitoring period ending May 31, 2009.

Good Faith Efforts to Comply

25.0% Reduction

\$2,500

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

Notes The Respondent achieved compliance in November 2009.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$12,402

This violation Final Assessed Penalty (adjusted for limits) \$12,402

## Economic Benefit Worksheet

**Respondent** Bridgestone Municipal Utility District  
**Case ID No.** 39265  
**Reg. Ent. Reference No.** RN101918001  
**Media** Water Quality  
**Violation No.** 5

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

Item Description No commas or \$

**Delayed Costs**

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

Notes for DELAYED costs

See economic benefit for violation number one.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

EFFLUENT VIOLATION TABLE									
Bridgestone Municipal Utility District									
TPDES Permit No. WQ0011835001									
Docket No. 2010-0284-MWD-E									
Months	Ammonia-Nitrogen Daily Avg. Conc.	Ammonia-Nitrogen Daily Max Conc.	Ammonia-Nitrogen Daily Avg. Loading	CBOD Daily Max. Conc.	TSS Daily Avg. Conc.	TSS Daily Max. Conc.	TSS Daily Avg. Loading	Flow Annual Avg.	Flow 2-Hour Peak
	Limit = 2 mg/L	Limit = 7 mg/L	Limit = 23 lbs/day	Limit = 17 mg/L	Limit = 15 mg/L	Limit = 40 mg/L	Limit = 169 lbs/day	Limit = 1.35 MGD	Limit = 3,750 gal/min
4/30/2009	c	c	c	c	c	c	c	c	4,167.00
5/31/2009	12.20	32.10	108.41	26.30	24.10	44.00	217.60	c	c
7/31/2009	3.00	19.30	27.30	c	c	c	c	c	c
9/30/2009	c	c	c	c	c	c	c	2,179	4,049.00

conc. = concentration

TSS = total suspended solids

mg/L = milligrams per liter

MGD = million gallons per day

lbs/day = pounds per day

CBOD = carbonaceous biochemical oxygen demand

avg. = average

c = compliant

min. = minimum

max = maximum

gal/min = gallons per minute





20	07/15/2006	(502710)
21	08/12/2006	(525043)
22	09/16/2006	(525044)
23	10/13/2006	(525045)
24	11/15/2006	(584310)
25	12/17/2006	(584311)
26	01/18/2007	(584312)
27	02/14/2007	(584304)
28	03/14/2007	(584305)
29	03/19/2007	(584309)
30	03/19/2007	(584313)
31	04/13/2007	(584306)
32	05/16/2007	(584307)
33	06/14/2007	(584308)
34	08/21/2007	(608483)
35	09/17/2007	(608484)
36	10/12/2007	(608485)
37	11/14/2007	(623204)
38	12/18/2007	(623205)
39	02/11/2008	(674563)
40	03/14/2008	(674564)
41	04/17/2008	(674565)
42	04/20/2008	(674566)
43	04/20/2008	(674567)
44	05/14/2008	(692896)
45	06/20/2008	(692897)
46	08/28/2008	(714073)
47	09/19/2008	(714074)
48	10/17/2008	(714075)
49	11/18/2008	(730107)
50	12/16/2008	(753283)
51	02/20/2009	(753280)
52	03/21/2009	(753281)
53	04/20/2009	(753282)
54	05/20/2009	(770806)
55	05/25/2009	(770807)
56	08/10/2009	(760892)
57	12/08/2009	(784760)
58	02/04/2010	(761099)

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

Date:	07/13/2006	(465211)	CN601047871
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 317 317.7(f)		
Description:	Failure to provide a warning sign for entry into the dry well.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 317 317.7(b)		
Description:	Failure to maintain the railing around the digester and chlorine contact chamber.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 317 317.7(h)		
Description:	Failure to provide a personal hydrogen sulfide (H2S) meter for entry in to the dry well.		
Date:	05/31/2007	(584308)	CN601047871
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/31/2007	(608483)	CN601047871
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	(692897)	CN601047871	
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	02/28/2009	(753281)	CN601047871	
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	03/31/2009	(753282)	CN601047871	
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	04/30/2009	(770806)	CN601047871	
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	05/31/2009		CN601047871	
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	07/31/2009		CN601047871	
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	09/30/2009		CN601047871	
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	08/10/2009	(760892)	CN601047871	
Self Report?	NO			Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) EL&MR, No. 1 PERMIT			
Description:	Failure to maintain compliance with the permitted effluent limits for ammonia nitrogen (NH3N).			

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  
BRIDGESTONE MUNICIPAL  
UTILITY DISTRICT  
RN101918001**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2010-0248-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 Bridgestone Municipal Utility District ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent 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 at 21106 Slippery Rock, Spring, Texas, on the south bank of Seals Gully, approximately 2,000 feet upstream of the point where Spring-Cypress Road crosses Seals Gully in Harris County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review on review conducted on November 20, 2009, TCEQ staff documented the following effluent data from the Facility's self-reported discharge monitoring reports ("DMR"):

EFFLUENT VIOLATION TABLE									
Months	Ammonia-Nitrogen Daily Avg. Conc.	Ammonia-Nitrogen Daily Max. Conc.	Ammonia-Nitrogen Daily Avg. Loading	CBOD Daily Max. Conc.	TSS Daily Avg. Conc.	TSS Daily Max. Conc.	TSS Daily Avg. Loading	Flow Annual Avg.	Flow 2-Hour Peak
	Limit = 2 mg/L	Limit = 7 mg/L	Limit = 23 lbs/day	Limit = 17 mg/L	Limit = 15 mg/L	Limit = 40 mg/L	Limit = 169 lbs/day	Limit = 1.35 MGD	Limit = 3,750 gal/min
4/30/2009	c	c	c	c	c	c	c	c	4,167.00
5/31/2009	12.20	32.10	108.41	26.30	24.10	44.00	217.60	c	c
7/31/2009	3.00	19.30	27.30	c	c	c	c	c	c
9/30/2009	c	c	c	c	c	c	c	2.179	4,049.00

conc. = concentration

TSS = total suspended solids

mg/L = milligrams per liter

MGD = million gallons per day

lbs/day = pounds per day

CBOD = carbonaceous biochemical oxygen demand

avg. = average

c = compliant

min. = minimum

max = maximum

gal/min = gallons per minute

4. During a record review on November 20, 2009, TCEQ staff documented that the Respondent did not submit the annual sludge report for the monitoring period ending July 31, 2009, by September 1, 2009.
5. During a record review on November 20, 2009, TCEQ staff documented that the Respondent did not submit the quarterly DMRs for toxicity for the monitoring periods ending March 31, 2009, and September 30, 2009.
6. During a record review on November 20, 2009, TCEQ staff documented that the Respondent failed to submit the DMR data for daily maximum flow for the monitoring period ending May 31, 2009.
7. The Respondent received notice of the violations on February 8, 2010.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:

- a. By March 31, 2009:
  - i. Began transferring digested solids from the digester to a beneficial use land farm;
  - ii. Sampled the treatment process to identify toxic material;
  - iii. Sampled each of the Facility's seven off-site lift stations and one on-site lift station to locate and identify the toxic material and its source;
  - iv. Used vactor trucks to remove dead microorganisms from the clarifiers;
  - v. Cleaned the chlorine contact chamber of exhausted biological solids; and
  - vi. Implemented the use of a portable polymer injection system to enhance solids separation and settling in the clarifiers.
- b. By May 15, 2009, installed two large rented blowers in order to provide proper aeration to the treatment basins for the Facility;
- c. By May 18, 2009, contracted with a new contractor to operate the Facility; and
- d. During November 2009, the Respondent returned to compliance with the permitted effluent limits of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011835001.
- e. On March 22, 2010:
  - i. Submitted the annual sludge report for the monitoring period ending July 31, 2009;
  - ii. Submitted the quarterly DMRs for toxicity for the monitoring periods ending March 31, 2009, and September 30, 2009; and
  - iii. Submitted a revised and completed DMR for the monitoring period ending May 31, 2009.

## 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 comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011835001, Interim Effluent Limitations and Monitoring Requirements No. 1.

3. As evidenced by Findings of Fact No. 4, the Respondent failed to timely submit the annual sludge report for the monitoring period ending July 31, 2009, by September 1, 2009, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0011835001, Sludge Provisions.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to timely submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0011835001, Monitoring and Reporting Requirements No. 1.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0011835001, Monitoring and Reporting Requirements No. 1.
6. 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.
7. An administrative penalty in the amount of Eighteen Thousand Eight Hundred Eighty-Eight Dollars (\$18,888) 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 Respondent has paid Five Hundred Forty-Eight Dollars (\$548) of the administrative penalty.

The remaining amount of Eighteen Thousand Three Hundred Forty Dollars (\$18,340) of the administrative penalty shall be payable in thirty-five monthly payments of Five Hundred Twenty-Four Dollars (\$524) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

### 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 Eighteen Thousand Eight Hundred Eighty-Eight Dollars (\$18,888) as set forth in Section II, Paragraph 7 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: Bridgestone Municipal Utility District, Docket No. 2010-0248-MWD-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of completed, signed and certified monthly DMRs, and annual sludge reports, in accordance with TPDES Permit No. WQ0011835001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions;
  - b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision No. 2.a. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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 copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the 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

*John S. Miller*  
For the Executive Director

8/16/2010  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Bridgestone Municipal Utility District. I am authorized to agree to the attached Agreed Order on behalf of Bridgestone Municipal Utility District, 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, Bridgestone Municipal Utility District 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.

*Alan E. Steffes*  
Signature

8/29/2010  
Date

Alan E. Steffes  
Name (Printed or typed)  
Authorized Representative of  
Bridgestone Municipal Utility District

President  
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.

