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**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2009-1008-MWD-E **TCEQ ID:** RN103014262 **CASE NO.:** 37880  
**RESPONDENT NAME:** Travis Vista Water and Sewer Supply Corporation

<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> 4811 Park Lane, approximately 600 feet northwest of Farm-to-Market Road 620 and one mile east of Mansfield Dam, Travis County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment plant</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 16, 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. Thomas Jecha, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2576; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Roger G. Noble, President, Travis Vista Water and Sewer Supply Corporation, 4811 Park Lane, Austin, Texas 78732-1734  Mr. Michael P. Castillo, Secretary/Treasurer, Travis Vista Water and Sewer Supply Corporation, 4811 Park Lane, Austin, Texas 78732-1734  <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> April 20, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> June 11, 2009 (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 limitations for ammonia nitrogen, dissolved oxygen, fecal coliform, and carbonaceous biochemical oxygen demand [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011531001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6].</p> <p>2) Failure to submit monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0011531001, Sludge Provisions].</p> <p>3) Failure to submit effluent monitoring results at intervals specified in the permit [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0011531001, Monitoring and Reporting Requirements No. 1].</p>	<p><b>Total Assessed:</b> \$27,974</p> <p><b>Total Deferred:</b> \$27,974  <input type="checkbox"/> Expedited Settlement  <input checked="" type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p>The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay the administrative penalty.</p> <p><b>Total Paid (Due) to General Revenue:</b> \$0</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b>                      Human health or the environment has been exposed to pollutants which exceed levels that are protective.</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Submit the revised discharge monitoring reports ("DMRs") for February and July 2008; and</p> <p>ii. Update the Facility's operational guidance to ensure that all future reports, including Sludge Reports, are submitted timely.</p> <p>b. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision a. and the effluent limits of TPDES Permit No. WQ0011531001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>

Additional ID No(s): TPDES Permit No. 0011531001



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	Assigned	15-Jun-2009	Screening	1-Jul-2009	EPA Due	
	PCW	26-May-2010				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Travis Vista Water and Sewer Supply Corporation
Reg. Ent. Ref. No.	RN103014262
Facility/Site Region	11-Austin
Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	37880	No. of Violations	5
Docket No.	2009-1008-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Thomas Jecha
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$14,200</b>
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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.

<b>Compliance History</b>	127.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$18,034</b>
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Notes: Enhancement for 24 NOVs with self-reported effluent violations, one NOV with same or similar violations, and one NOV with dissimilar violations at this Facility within the past five years.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	0.0% Enhancement	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$197  
 Approx. Cost of Compliance: \$750  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$32,234</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	-13.2%	<b>Adjustment</b>	<b>-\$4,260</b>
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Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes: Recommended reduction so that monthly self-reported effluent violations do not overly impact the penalty amount.

<b>Final Penalty Amount</b>	<b>\$27,974</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$27,974</b>
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$27,974</b>
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Screening Date: 1-Jul-2009

Docket No.: 2009-1008-MWD-E

PCW

Respondent: Travis Vista Water and Sewer Supply Corporation

Policy Revision 2 (September 2002)

Case ID No.: 37880

PCW Revision October 30, 2009

Reg. Ent. Reference No.: RN103014262

Media [Statute]: Water Quality

Enf. Coordinator: Thomas Jecha

### 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)	25	125%
	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 judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 127%

>> 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

Enhancement for 24 NOVs with self-reported effluent violations; one NOV with same or similar violations, and one NOV with dissimilar violations at this Facility within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 127%

**Screening Date** 1-Jul-2009 **Docket No.** 2009-1008-MWD-E **PCW**  
**Respondent** Travis Vista Water and Sewer Supply Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 37880 *PCW Revision: October 30, 2008*  
**Reg. Ent. Reference No.** RN103014262  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Thomas Jecha  
**Violation Number** 1  
**Rule Cite(s)** Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011531001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6.  
**Violation Description** Failed to comply with permitted effluent limitations (see attached table).  
**Base Penalty** \$10,000

**>> Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes**  
 A simplified model was used to evaluate carbonaceous biochemical oxygen demand and ammonia-nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Dissolved oxygen and fecal coliform bacteria 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 protective levels.

**Adjustment** \$9,000

\$1,000

**Violation Events**

Number of Violation Events   Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$3,000

Three quarterly events are recommended for January through September 2008.

**Good Faith Efforts to Comply**

0.0% Reduction

\$0

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

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

**Violation Subtotal** \$3,000

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$73

**Violation Final Penalty Total** \$5,910

**This violation Final Assessed Penalty (adjusted for limits)** \$5,910

## Economic Benefit Worksheet

**Respondent** Travis Vista Water and Sewer Supply Corporation  
**Case ID No.** 37880  
**Reg. Ent. Reference No.** RN103014262  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	31-Jan-2008	31-Dec-2010	2.92	\$73	n/a	\$73

Notes for DELAYED costs

Estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. The date required is the initial month of noncompliance and the final date is the expected date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$73

**Screening Date:** 1-Jul-2009      **Docket No.:** 2009-1008-MWD-E      **PCW**  
**Respondent:** Travis Vista Water and Sewer Supply Corporation      *Policy Revision 2 (September 2002)*  
**Case ID No.:** 37880      *PCW Revision October 30, 2009*  
**Reg. Ent. Reference No.:** RN103014262  
**Media [Statute]:** Water Quality  
**Enf. Coordinator:** Thomas Jecha  
**Violation Number:** 2  
**Rule Cite(s):** Tex. Water Code § 26.121(a); 30 Tex. Admin. Code § 305.125(1); and TPDES Permit No. WQ0011531001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6.  
**Violation Description:** Failed to comply with permitted effluent limitations (see attached table).  
**Base Penalty:** \$10,000

**>> Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		25%
Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes:** Fecal coliform bacteria was considered to determine whether the discharged amounts exceeded levels protective of human health or the environment. Dissolved oxygen was also considered and a simplified model was used to evaluate carbonaceous biochemical oxygen demand and ammonia-nitrogen. As a result of these discharges, human health or the environment has been exposed to significant amounts of fecal coliform bacteria which do not exceed protective levels.

**Adjustment:** \$7,500

**\$2,500**

**Violation Events**

Number of Violation Events: 2      62 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty:** \$5,000

Two monthly events are recommended for October and December 2008.

**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:** \$5,000

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

**Estimated EB Amount:** \$0      **Violation Final Penalty Total:** \$9,850

**This violation Final Assessed Penalty (adjusted for limits):** \$9,850

## Economic Benefit Worksheet

**Respondent:** Travis Vista Water and Sewer Supply Corporation  
**Case ID No.:** 37880  
**Reg. Ent. Reference No.:** RN103014262  
**Media:** Water Quality  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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

Notes for DELAYED costs

See economic benefit worksheet for violation No. 1.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

**Screening Date** 1-Jul-2009 **Docket No.** 2009-1008-MWD-E **PCW**  
**Respondent** Travis Vista Water and Sewer Supply Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 37880 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN103014262  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Thomas Jecha  
**Violation Number** 3  
**Rule Cite(s)** Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011531001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6.  
**Violation Description** Failed to comply with permitted effluent limitations (see attached table).

**Base Penalty** \$10,000

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual		x			50%
Potential					

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes**

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

**Adjustment** \$5,000

\$5,000

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty** \$5,000

One monthly event is recommended for November 2008.

**Good Faith Efforts to Comply**

	0.0% Reduction	
	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** \$5,000

**Economic Benefit (EB) for this violation**

**Estimated EB Amount** \$0

**Statutory Limit Test**

**Violation Final Penalty Total** \$9,850

**This violation Final Assessed Penalty (adjusted for limits)** \$9,850

## Economic Benefit Worksheet

**Respondent** Travis Vista Water and Sewer Supply Corporation  
**Case ID No.** 37880  
**Reg. Ent. Reference No.** RN103014262  
**Media** Water Quality  
**Violation No.** 3

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
<b>Delayed Costs</b>							
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 worksheet for violation No. 1.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime 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

<b>Screening Date:</b> 1-Jul-2009	<b>Docket No.:</b> 2009-1008-MWD-E	<b>PCW</b>		
<b>Respondent:</b> Travis Vista Water and Sewer Supply Corporation		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.:</b> 37880		<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.:</b> RN103014262				
<b>Media [Statute]:</b> Water Quality				
<b>Enf. Coordinator:</b> Thomas Jecha				
<b>Violation Number:</b>	<input type="text" value="4"/>			
<b>Rule Cite(s):</b>	30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0011531001, Sludge Provisions.			
<b>Violation Description:</b>	Failed to submit monitoring results at the intervals specified in the permit. Specifically, the annual sludge report due by September 1, 2008 for the monitoring period ending July 31, 2008, was not submitted.			
<b>Base Penalty:</b>		<input type="text" value="\$10,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	Release	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="10%"/>
<b>Matrix Notes:</b>	<input type="text" value="100% of the rule requirement was not met."/>			
<b>Adjustment:</b>		<input type="text" value="\$9,000"/>		
				<input type="text" value="\$1,000"/>
<b>Violation Events</b>				
<b>Number of Violation Events:</b>		<input type="text" value="1"/>	<b>Number of violation days:</b> <input type="text" value="303"/>	
<small>mark only one with an x</small>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>	
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		
<input type="text" value="One single event is recommended."/>				
<b>Good Faith Efforts to Comply</b>		<input type="text" value="0.0%"/>	<b>Reduction:</b> <input type="text" value="\$0"/>	
	Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	x	(mark with x)		
<b>Notes:</b>	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
<b>Violation Subtotal:</b>		<input type="text" value="\$1,000"/>		
<b>Economic Benefit (EB) for this violation:</b>			<b>Statutory Limit Test</b>	
<b>Estimated EB Amount:</b>		<input type="text" value="\$120"/>	<b>Violation Final Penalty Total:</b> <input type="text" value="\$1,970"/>	
<b>This violation Final Assessed Penalty (adjusted for limits):</b>			<input type="text" value="\$1,970"/>	

## Economic Benefit Worksheet

**Respondent:** Travis Vista Water and Sewer Supply Corporation  
**Case ID No.:** 37880  
**Reg. Ent. Reference No.:** RN103014262  
**Media:** Water Quality  
**Violation No.:** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	1-Sep-2008	30-Oct-2010	2.16	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to update the Facility's operational guidance to ensure that all future reports are submitted timely. The date required is the date the report was due and the final date is the expected date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$100	1-Sep-2008	1-Jul-2009	1.75	\$9	\$100	\$109

Notes for AVOIDED costs

Estimated cost to prepare and submit the annual sludge report. The date required is the date the report was due and the final date is the screening date.

Approx. Cost of Compliance

\$200

**TOTAL**

\$120

<b>Screening Date:</b> 1-Jul-2009	<b>Docket No.:</b> 2009-1008-MWD-E	<b>PCW</b>		
<b>Respondent:</b> Travis Vista Water and Sewer Supply Corporation	<small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small>			
<b>Case ID No.:</b> 37880				
<b>Reg. Ent. Reference No.:</b> RN103014282				
<b>Media [Statute]:</b> Water Quality				
<b>Enf. Coordinator:</b> Thomas Jecha				
<b>Violation Number:</b> 5				
<b>Rule Cite(s):</b> 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0011531001, Monitoring and Reporting Requirements No. 1				
<b>Violation Description:</b>	Failed to submit effluent monitoring results at intervals specified in the permit. Specifically, daily average flow data was not included in the Discharge Monitoring Report ("DMR") submitted for the monitoring period ending February 29, 2008. Also, daily average and single grab data for carbonaceous biochemical oxygen demand was not included in the DMR submitted for the monitoring period ending July 31, 2008.			
<b>Base Penalty:</b>		\$10,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				<b>Percent:</b> <input type="text" value="0%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
				<b>Percent:</b> <input type="text" value="1%"/>
<b>Matrix Notes:</b>	Less than 30% of the rule requirement was not met.			
<b>Adjustment:</b>				\$9,900
				\$100
<b>Violation Events</b>				
	<b>Number of Violation Events:</b> <input type="text" value="2"/>	<input type="text" value="103"/>	<b>Number of violation days</b>	
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="checkbox"/>		
Two single events are recommended which include the months of February and July 2008.				
<b>Good Faith Efforts to Comply</b>		<input type="text" value="0.0%"/>	<b>Reduction:</b>	
	Before NOV	<input type="text"/>	NOV to EDRP/ Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input checked="" type="checkbox"/>	(mark with x)		
<b>Notes:</b>	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal:</b>				\$200
<b>Economic Benefit (EB) for this violation:</b>			<b>Statutory Limit Test</b>	
<b>Estimated EB Amount:</b> <input type="text" value="\$7"/>		<b>Violation Final Penalty Total:</b> <input type="text" value="\$394"/>		
<b>This violation Final Assessed Penalty (adjusted for limits):</b>				\$394

## Economic Benefit Worksheet

**Respondent** Travis Vista Water and Sewer Supply Corporation  
**Case ID No.** 37880  
**Reg. Ent. Reference No.** RN103014262  
**Media** Water Quality  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Item Description</b> 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)	\$50	20-Mar-2008	30-Oct-2010	2.61	\$7	\$7

Notes for DELAYED costs

Estimated cost to submit missing data for February and July 2008. The date required is the date the February 2008 data was due and the final date is the expected date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$7

**Effluent Limit Violation Table**

<b>Respondent</b>	Travis Vista Water and Sewer Supply Corporation		
<b>ID Number(s)</b>	TPDES Permit No. WQ0011531001, Case No. 37880		
<b>Docket Number</b>	2009-1008-MWD-E		
<b>Enf. Coordinator</b>	Thomas E. Jecha		

**Corresponds to Violation Number:** 1, 2, and 3

**EFFLUENT PARAMETER**

Permit Limit

	Ammonia Nitrogen (DAL)	Ammonia Nitrogen (DAC)	Ammonia Nitrogen (SG)	Dissolved Oxygen (Minimum)	Fecal Coliform Bacteria (DAC)	Fecal Coliform Bacteria (SG)	CBOD5 (DAC)			
<b>Month/Year</b>	0.15 lbs/day	3 mg/l	15 mg/l	4 mg/l	200*	800*	10 mg/l			
1/31/2008	c	c	c	c	570	2,700	c			
2/29/2008	c	14	21	c	c	c	c			
3/31/2008	c	c	c	3.6	c	c	c			
4/30/2008	c	c	c	c	324	1,580	c			
5/31/2008	c	c	c	3.9	690	1,790	c			
7/31/2008	c	c	c	3.25	c	910	c			
8/31/2008	c	5.15	17.1	3.22	887.5	2,710	c			
9/30/2008	c	12.68	25.9	3.31	1,360	2,860	c			
10/31/2008	c	8.712	23.8	2.73	6,800	12,000	c			
11/30/2008	1.15	13.05	26.6	1.9	46,250	185,000	c			
12/31/2008	c	11.4	33.4	3.77	4,188	20,800	12.75			

mg/l = milligrams/liter

lbs/day = pounds/day

\* = colonies/100 milliliters

CBOD5 = carbonaceous biochemical oxygen demand (5-day)

c = compliant

DAC = daily average concentration

DAL = daily average loading

SG = single grab



# Compliance History Report

Customer/Respondent/Owner-Operator: CN600637334 Travis Vista Water and Sewer Supply Corporation Classification: AVERAGE Rating: 1.96

Regulated Entity: RN103014262 Travis Vista Subdivision Classification: AVERAGE Site Rating: 1.96

ID Number(s):	WASTEWATER	PERMIT	WQ0011531001
	WASTEWATER	PERMIT	TPDES0082503
	WASTEWATER	PERMIT	TX0082503
	WASTEWATER LICENSING	LICENSE	WQ0011531001

Location: 4811 PARK LANE, approximately 600 feet northwest of Farm-to-Market Road 620 and one mile east of Mansfield Dam, Travis County

TCEQ Region: REGION 11 - AUSTIN

Date Compliance History: June 15, 2009

Agency Decision Requiring Compliance: Enforcement

Compliance Period: June 15, 2004 to June 15, 2009

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

Name: Thomas Jecha Phone: 239 - 2576

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
- 6 Rating Date: 9/1/2008 Repeat Violator: NO

### Components (Multimedia) for the Site :

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

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  | 07/12/2004 | (360564) |
| 2  | 07/12/2004 | (360565) |
| 3  | 04/19/2005 | (424441) |
| 4  | 05/26/2005 | (424442) |
| 5  | 05/26/2005 | (424443) |
| 6  | 06/03/2005 | (393555) |
| 7  | 06/06/2005 | (424444) |
| 8  | 03/01/2006 | (476369) |
| 9  | 03/22/2006 | (476370) |
| 10 | 04/19/2006 | (503457) |
| 11 | 05/10/2006 | (503458) |
| 12 | 06/09/2006 | (463063) |
| 13 | 06/21/2006 | (503459) |
| 14 | 07/28/2006 | (489009) |

15 10/12/2006 (515804)  
 16 02/16/2007 (586010)  
 17 03/22/2007 (586011)  
 18 04/23/2007 (586012)  
 19 05/22/2007 (586013)  
 20 09/06/2007 (604638)  
 21 02/11/2008 (675110)  
 22 03/26/2008 (675111)  
 23 04/24/2008 (693473)  
 24 06/13/2008 (714742)  
 25 06/13/2008 (714743)  
 26 03/27/2009 (739458)  
 27 06/11/2009 (743013)

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

Date: 01/31/2005 (424441) CN600637334  
 Self YES Classification: Moderate  
 Report?  
 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: 02/28/2005 (424442) CN600637334  
 Self YES Classification: Moderate  
 Report?  
 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: 03/31/2005 (424443) CN600637334  
 Self YES Classification: Moderate  
 Report?  
 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: 04/30/2005 (424444) CN600637334  
 Self YES Classification: Moderate  
 Report?  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/28/2006 (476369) CN600637334  
 Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 03/31/2006 (503457) CN600637334  
 Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 04/30/2006 (503458) CN600637334  
 Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 06/09/2006 (463063) CN600637334  
 Self NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: The chlorine residual at the time of the investigation was greater than 5.0 mg/L. The upper limit for the chlorine residual is 4.0 mg/L.  
 Self NO Classification: Moderate  
 Report?  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: The facility has had three Dissolved Oxygen excursions, two Ammonia Nitrogen excursions and two TSS excursions in the twelve month period prior to the inspection.

Date: 01/31/2007 (586010) CN600637334  
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 02/28/2007 (586011) CN600637334  
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 03/31/2007 (586012) CN600637334  
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 (604638) CN600637334  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter  
Date 01/31/2008 (675110) CN600637334  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter  
Date 02/29/2008 (675111) CN600637334  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter  
Date 03/31/2008 (693473) CN600637334  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter  
Date 04/30/2008 (714742) CN600637334  
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 (714743) CN600637334  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter  
Date 03/27/2009 (739458) CN600637334  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to demonstrate adequate compliance with the requirements for safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

Date 07/31/2008 CN600637334  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter  
Date 08/31/2008 CN600637334  
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 09/30/2008 CN600637334  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter  
Date 10/31/2008 CN600637334  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter  
Date 11/30/2008 CN600637334  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter  
Date 12/31/2008 CN600637334  
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 CN600637334  
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 CN600637334  
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  
TRAVIS VISTA WATER AND SEWER  
SUPPLY CORPORATION  
RN103014262**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2009-1008-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 Travis Vista Water and Sewer Supply Corporation ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

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

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

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

**I. FINDINGS OF FACT**

1. The Respondent owns and operates a wastewater treatment plant at 4811 Park Lane, approximately 600 feet northwest of Farm-to-Market Road 620 and one mile east of Mansfield Dam in Travis 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 conducted on April 20, 2009, TCEQ staff documented that the Respondent did not comply with the permitted effluent limitations as shown in the following table:

	Ammonia Nitrogen (DAL)	Ammonia Nitrogen (DAC)	Ammonia Nitrogen (SG)	Dissolved Oxygen (Minimum)	Fecal Coliform Bacteria (DAC)	Fecal Coliform Bacteria (SG)	CBOD5 (DAC)
<i>Month/Year</i>	0.15 lbs/day	3 mg/l	15 mg/l	4 mg/l	200*	800*	10 mg/l
1/31/2008	c	c	c	c	570	2,700	c
2/29/2008	c	14	21	c	c	c	c
3/31/2008	c	c	c	3.6	c	c	c
4/30/2008	c	c	c	c	324	1,580	c
5/31/2008	c	c	c	3.9	690	1,790	c
7/31/2008	c	c	c	3.25	c	910	c
8/31/2008	c	5.15	17.1	3.22	887.5	2,710	c
9/30/2008	c	12.68	25.9	3.31	1,360	2,860	c
10/31/2008	c	8.712	23.8	2.73	6,800	12,000	c
11/30/2008	1.15	13.05	26.6	1.9	46,250	185,000	c
12/31/2008	c	11.4	33.4	3.77	4,188	20,800	12.75

mg/l = milligrams/liter

lbs/day = pounds/day

\* = colonies/100 milliliters

CBOD5 = carbonaceous biochemical oxygen demand (5-day)

c = compliant

DAC = daily average concentration

DAL = daily average loading

SG = single grab

4. During a record review conducted on April 20, 2009, TCEQ staff documented that the sludge report for the monitoring period ending July 31, 2008 was not submitted by September 1, 2008.
5. During a record review conducted on April 20, 2009, TCEQ staff documented that daily average flow data was not included in the Discharge Monitoring Report ("DMR") submitted for the monitoring period ending February 29, 2008. Also, daily average and single grab data for carbonaceous biochemical oxygen demand was not included in the DMR submitted for the monitoring period ending July 31, 2008.
6. The Respondent received notice of the violations on June 30, 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 limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011531001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6.
3. As evidenced by Findings of Fact No. 4, 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 TPDES Permit No. WQ0011531001, Sludge Provisions.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to submit effluent monitoring results at intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0011531001, Monitoring and Reporting Requirements No. 1.
5. 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.
6. An administrative penalty in the amount of Twenty-Seven Thousand Nine Hundred Seventy-Four Dollars (\$27,974) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay the administrative penalty. Therefore, Twenty-Seven Thousand Nine Hundred Seventy-Four Dollars (\$27,974) of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or a part of the deferred penalty.

## 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 Twenty-Seven Thousand Nine Hundred Seventy-Four Dollars (\$27,974) as set forth in Section II, Paragraph 6 above, for

violations of TCEQ rules and state statutes. The Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations and administrative penalty 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.

2. The Respondent shall undertake the following technical requirements:

a. Within 60 days after the effective date of this Agreed Order:

i. Submit the revised DMRs for February and July 2008 to:

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

ii. Update the Facility's operational guidance to ensure that all future reports, including Sludge Reports, are submitted timely in accordance with TPDES Permit No. WQ0011531001; and

b. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a. above and the effluent limits of TPDES Permit No. WQ0011531001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Austin Regional Office  
Texas Commission on Environmental Quality  
2800 S IH 35, Suite 100  
Austin, Texas 78704-5712

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 Szollos  
For the Executive Director

8/20/2010  
Date

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

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

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

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

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

Michael P. Chew  
Signature

6/15/2010  
Date

Michael P. Castillo  
Name (Printed or typed)  
Authorized Representative of  
Travis Vista Water and Sewer Supply Corporation

Secretary & Treasurer  
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.

