

Executive Summary – Enforcement Matter – Case No. 40630
United States Department of the Army
RN100662840
Docket No. 2010-1783-IWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Camp Stanley, located at 25800 Ralph Road on Camp Stanley, approximately one mile north of the intersection of Interstate Highway 10 and Ralph Fair Road (Farm-to-Market Road 3351), Bexar County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 8, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$361 for reasonable service charges or administrative costs

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$361

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average by Default

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 40630
United States Department of the Army
RN100662840
Docket No. 2010-1783-IWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: October 5, 2010
Date(s) of NOE(s): October 22, 2010

Violation Information

Failed to comply with permitted effluent limits for carbonaceous biochemical oxygen demand and flow [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003849000, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 90 days, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0003849000, 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 limits.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Steve Villatoro, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4930; Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495
TCEQ SEP Coordinator: N/A
Respondent: Jason D. Shirley, Installation Manager, United States Department of the Army, 25800 Ralph Fair Road, Boerne, Texas 78015
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	25-Oct-2010	Screening	26-Oct-2010	EPA Due	
	PCW	15-Feb-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	United States Department of the Army		
Reg. Ent. Ref. No.	RN100662840		
Facility/Site Region	13-San Antonio	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	40630	No. of Violations	2
Docket No.	2010-1783-IWD-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	\$8,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	75.0% Enhancement	Subtotals 2, 3, & 7	\$6,000
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Notes: Enhancement for 15 months of self-reported effluent violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$343,004
Approx. Cost of Compliance	\$2,261,086

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$14,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,000
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$14,000
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Screening Date 26-Oct-2010

Docket No. 2010-1783-IWD-E

PCW

Respondent United States Department of the Army

Policy Revision 2 (September 2002)

Case ID No. 40630

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100662840

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 notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	15	75%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 75%

>> **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 15 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 75%

Screening Date 26-Oct-2010

Docket No. 2010-1783-IWD-E

PCW

Respondent United States Department of the Army

Policy Revision 2 (September 2002)

Case ID No. 40630

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100662840

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. WQ0003849000, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on October 5, 2010 and shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

A simplified model was used to evaluate carbonaceous biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Flow was 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 \$9,000

\$1,000

Violation Events

Number of Violation Events 3 180 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 the quarters containing the months of July 2009, January 2010, and February 2010.

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 \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$343,004

Violation Final Penalty Total \$5,250

This violation Final Assessed Penalty (adjusted for limits) \$5,250

Economic Benefit Worksheet

Respondent United States Department of the Army
Case ID No. 40630
Reg. Ent. Reference No. RN100662840
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,261,086	31-May-2009	31-Jul-2011	2.17	\$16,334	\$326,670	\$343,004
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 costs to decommission Facility and connect to San Antonio Water System's (SAWS) collection system. Date required is the first date of non-compliance. Final date is 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

\$2,261,086

TOTAL

\$343,004

Screening Date 26-Oct-2010

Docket No. 2010-1783-IWD-E

PCW

Respondent United States Department of the Army

Policy Revision 2 (September 2002)

Case ID No. 40630

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100662840

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0003849000, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on October 5, 2010 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 50%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate carbonaceous biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. 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 \$5,000

\$5,000

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 \$5,000

One monthly event is recommended for the month of May 2009.

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 \$8,750

This violation Final Assessed Penalty (adjusted for limits) \$8,750

Economic Benefit Worksheet

Respondent United States Department of the Army
Case ID No. 40630
Reg. Ent. Reference No. RN100662840
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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 no. 1.

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

EFFLUENT VIOLATION TABLE				
United States Department of the Army				
TPDES Permit No. WQ0003849000				
Docket No. 2010-1783-IWD-E				
Months	CBOD Daily Avg. Conc.	CBOD Daily Max. Conc.	CBOD Daily Avg. Loading	Flow Daily Max.
	Limit = 10 mg/L	Limit = 45 mg/L	Limit = 2.5 lbs/day	Limit = 0.06 MGD
May 2009	683.3	1716	149.1	c
July 2009	69.2	176	3.34	c
January 2010	c	c	c	0.075
February 2010	c	c	c	0.075

Max = maximum

mg/L = milligrams per liter

Min. = minimum

c = compliant

CBOD = carbonaceous biochemical oxygen demand

conc. = concentration

lbs/day = pounds per day

MGD = million gallons per day

Compliance History Report

Customer/Respondent/Owner-Operator: CN600126262 US Department of the Army Classification: AVERAGE Rating: 2.74
 Regulated Entity: RN100662840 CAMP STANLEY Classification: AVERAGE BY DEFAULT Site Rating: 3.01

ID Number(s):	WASTEWATER	PERMIT	WQ0003849000
	WASTEWATER	EPA ID	TX0064505
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TX2210020739
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	69026
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0150117
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BG0841S
	AIR NEW SOURCE PERMITS	REGISTRATION	75991
	AIR NEW SOURCE PERMITS	REGISTRATION	75807
	AIR NEW SOURCE PERMITS	REGISTRATION	71208
	AIR NEW SOURCE PERMITS	PERMIT	29466
	AIR NEW SOURCE PERMITS	REGISTRATION	76970
	AIR NEW SOURCE PERMITS	REGISTRATION	32405
	WATER QUALITY NON PERMITTED	ID NUMBER	R13ST0016
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	32776
	WASTEWATER LICENSING	LICENSE	WQ0003849000
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	69026
	UNDERGROUND INJECTION CONTROL	PERMIT	5X2600408
	UNDERGROUND INJECTION CONTROL	PERMIT	5X2600431
	EDWARDS AQUIFER	REGISTRATION	13-07071901B
	EDWARDS AQUIFER	REGISTRATION	13-07071901
	EDWARDS AQUIFER	REGISTRATION	13-07071901A
	EDWARDS AQUIFER	REGISTRATION	13-07071901B

Location: 25800 Ralph Road on Camp Stanley, approximately one mile north of the intersection of Interstate Highway 10 and Ralph Fair Road (Farm-to-Market Road 3351), Bexar County, Texas

TCEQ Region: REGION 13 - SAN ANTONIO
 Date Compliance History Prepared: October 25, 2010
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: October 25, 2005 to October 25, 2010
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Steve Villatoro Phone: (512) 239-4930

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: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1. 02/13/2006 (474304)

2	03/16/2006	(474305)
3	11/09/2005	(474307)
4	12/14/2005	(474308)
5	01/18/2006	(474309)
6	04/14/2006	(502175)
7	05/11/2006	(502176)
8	06/16/2006	(502177)
9	07/14/2006	(524516)
10	08/14/2006	(524517)
11	09/13/2006	(524518)
12	10/16/2006	(549490)
13	11/16/2006	(549491)
14	12/18/2006	(549492)
15	01/12/2007	(549493)
16	06/26/2007	(556883)
17	07/26/2007	(566929)
18	08/17/2007	(571436)
19	03/05/2007	(583274)
20	03/19/2007	(583275)
21	04/13/2007	(583276)
22	05/14/2007	(583277)
23	06/19/2007	(583278)
24	07/17/2007	(583279)
25	08/13/2007	(583280)
26	09/18/2007	(603870)
27	10/19/2007	(603871)
28	02/28/2008	(618004)
29	02/26/2008	(618668)
30	11/20/2007	(622647)
31	12/19/2007	(622648)
32	01/11/2008	(622649)
33	02/19/2008	(674194)
34	03/19/2008	(674195)
35	04/18/2008	(674196)
36	05/19/2008	(692522)
37	06/18/2008	(692523)
38	07/18/2008	(692524)
39	08/18/2008	(713636)
40	09/19/2008	(713637)
41	10/20/2008	(713638)
42	02/12/2009	(724565)
43	11/18/2008	(729641)
44	12/19/2008	(729642)
45	01/20/2009	(729643)
46	05/22/2009	(745460)
47	08/21/2009	(747161)
48	02/19/2009	(752897)
49	03/18/2009	(752898)
50	04/20/2009	(752899)
51	05/13/2009	(770502)
52	06/12/2009	(770503)

53 02/19/2010 (811161)
 54 07/20/2009 (811162)
 55 08/18/2009 (811163)
 56 09/18/2009 (811164)
 57 10/20/2009 (811165)
 58 11/19/2009 (811166)
 59 12/17/2009 (811167)
 60 01/15/2010 (811168)
 61 02/19/2010 (833132)
 62 04/20/2010 (833133)
 63 05/20/2010 (833134)
 64 08/17/2010 (843328)
 65 06/16/2010 (846972)
 66 08/23/2010 (848862)
 67 07/20/2010 (861461)
 68 10/22/2010 (866434)
 69 08/10/2010 (867733)

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

Date: 12/31/2005 (474309) CN600126262
 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: 11/30/2006 (549492) CN600126262

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 (583276) CN600126262

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 (583278) CN600126262

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: 06/30/2007 (583279) CN600126262

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 (583280) CN600126262

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: 08/31/2007 (603870) CN600126262

Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date 09/30/2007 (603871) CN600126262

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 01/31/2009 (752897) CN600126262

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	(752899)	CN600126262
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	(770503)	CN600126262
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	(811163)	CN600126262
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	01/31/2010	(811161)	CN600126262
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	02/28/2010	(833132)	CN600126262
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	05/31/2010	(846972)	CN600126262
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
UNITED STATES DEPARTMENT OF
THE ARMY
RN100662840**

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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2010-1783-IWD-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 the United States Department of the Army (“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 25800 Ralph Road on Camp Stanley, approximately one mile north of the intersection of

Interstate Highway 10 and Ralph Fair Road (Farm-to-Market Road 3351) in Bexar County, Texas (the "Facility").

2. The Respondent has discharged sewage, municipal waste, recreational waste, agricultural waste, and/or industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review on October 5, 2010, TCEQ staff documented the following effluent data from the Facility's self-reported discharge monitoring reports ("DMR"):

EFFLUENT VIOLATION TABLE				
Months	CBOD Daily Avg. Conc.	CBOD Daily Max. Conc.	CBOD Daily Avg. Loading	Flow Daily Max.
	Limit = 10 mg/L	Limit = 45 mg/L	Limit = 2.5 lbs/day	Limit = 0.06 MGD
May 2009	683.3	1,716	149.1	c
July 2009	69.2	176	3.34	c
January 2010	c	c	c	0.075
February 2010	c	c	c	0.075

Max = maximum
mg/L = milligrams per liter
Min. = minimum
c = compliant

CBOD = carbonaceous biochemical oxygen demand
conc. = concentration
lbs/day = pounds per day
MGD = million gallons per day

4. The Respondent received notice of the violations on October 27, 2010.

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 Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003849000, Effluent Limitations and Monitoring Requirements No. 1.
3. Pursuant to TEX. WATER CODE § 5.233, the Commission has the authority to receive payment of reasonable service charges to enforce compliance with TEX. WATER CODE § 26.121(a)(1) against the Respondent in settlement of violations of the Texas Water 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. This Agreed Order and the payment of reasonable service charges shall not constitute a waiver of federal sovereign immunity for civil penalties under the Clean Water Act nor shall this Agreed Order constitute an admission by the Respondent that such a waiver of federal sovereign immunity exists.

4. The violations required the TCEQ to expend capital and resources and incur costs in the administration of its regulatory program. Specifically, the TCEQ has documented Three Hundred Sixty-One Dollars (\$361) of costs. The TCEQ agrees to accept Three Hundred Sixty-One Dollars (\$361) in compromise and satisfaction of potential claims for reimbursement for reasonable service charges or administrative costs relating to the violations herein that may exceed Three Hundred Sixty-One Dollars (\$361). The Respondent has paid Three Hundred Sixty-One Dollars (\$361) for reasonable service charges.

III. ORDERING PROVISIONS

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

1. The Respondent shall pay reasonable service charges in the amount of Three Hundred Sixty-One Dollars (\$361) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of these reasonable service charges 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. Reasonable service charge payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: United States Department of the Army, Docket No. 2010-1783-IWD-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, within 90 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0003849000, 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 limits. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with this Ordering Provision. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
San Antonio Regional Office
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

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 separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
 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

Richard D. Hyde
For the Executive Director

8/30/11
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the United States Department of the Army. I am authorized to agree to the attached Agreed Order on behalf of the United States Department of the Army, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the reasonable service charges, is materially relying on such representation.

I understand that by entering into this Agreed Order, the United States Department of the Army 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 reasonable service charges, 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, 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.

Jason D. Shirley
Signature

15 Aug 11
Date

JASON D. SHIRLEY
Name (Printed or typed)
Authorized Representative of
United States Department of the Army

INSTALLATION MGR
Title

Instructions: Send the original, signed Agreed Order with reasonable service charge payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.