

Executive Summary – Enforcement Matter – Case No. 40622
MEADOWLAND UTILITY CORPORATION
RN102815198
Docket No. 2010-1767-MWD-E

Order Type:

Default Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

approx. 7,600 feet west of the intersection of State Highway 35 and the American Canal, and approx. 1.9 miles north of the intersection of State Highway 6 and McCormick Street, Brazoria County

Type of Operation:

wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	\$3,794.42
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: October 14, 2011

Comments Received: None

Penalty Information

Total Penalty Assessed: \$131,302

Amount Deferred for Expedited Settlement: N/A

Amount Deferred for Financial Inability to Pay: N/A

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$132,302

Compliance History Classifications:

Person/CN – Average
Site/RN – Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

MEADOWLAND UTILITY CORPORATION**RN102815198****Docket No. 2010-1767-MWD-E*****Investigation Information***

Complaint Date(s): N/A

Date(s) of Investigation: August 11, 2010; October 26, 2010

Date(s) of NOV(s): December 31, 2005; August 26, 2008; August 27, 2008; June 1, 2009; May 21, 2010

Date(s) of NOE(s): October 14, 2010, July 6, 2011

Violation Information

1. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.4(d)(2) and (g)(4)(B)(iii); and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0013632001, Operational Requirements No. 1.].
2. Failed to comply with the permitted effluent limits [TEX. WATER CODE § 26.121(a); 30 TEX. ADMIN. CODE § 305.125(1); and TPDES Permit No. WQ0013632001, Effluent Limitations and Monitoring Requirements No. 2.].
3. Failed to collect and analyze samples for required parameters at the frequency specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(11)(a) and 319.4; and TPDES Permit No. WQ0013632001, Monitoring and Reporting Requirements Nos. 1 and 3.a.].
4. Failed to submit the annual sludge reports for the monitoring periods ending July 31, 2008 and July 31, 2009 [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1; and TPDES Permit No. WQ0013632001, Sludge Provisions].
5. Failed to pay outstanding CWQ fees and associated late fees for TCEQ Financial Account No. 23004116 for fiscal years 2009 and 2010 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 21.4].

Corrective Actions/Technical Requirements**Corrective Action(s) Completed:**

N/A

Technical Requirements:

1. Within 30:
 - a. Update the Facility's operational guidance and conduct employee training to ensure that all samples are collected and analyzed for the permitted parameters at the minimum frequency, and to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified annual sludge reports; and
 - b. Submit payment for all outstanding fees, including any associated penalties and interest.
2. Within 60 days:
 - a. Level the digester to prevent further settling and potential structural failure and evaluate the digester's structural integrity;
 - b. Repair or replace the RAS and WAS lines to ensure their proper operation;
 - c. Repair or replace the rusted components of the Facility to ensure their proper operation;
 - d. Ensure that the hopper bottom clarifiers scum returns are operating properly;
 - e. Remove and properly dispose of the excessive solids in the clarifiers; and
 - f. Repair or replace the blower in the aeration system to ensure that two blowers are operational in the aeration system.

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MEADOWLAND UTILITY CORPORATION
RN102815198
Docket No. 2010-1767-MWD-E

3. Within 150 days, submit written certification to demonstrate compliance.

Litigation Information

Date Petition(s) Filed: July 7, 2011
Date(s) Green Card(s) Signed: July 11, 2011
Date(s) Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A

Contact Information

TCEQ Attorneys: Jeffrey Huhn, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
TCEQ Enforcement Coordinator: Samuel Short, Air Enforcement Section, (512) 239-5363
TCEQ Regional Contact: Stephen Smith, Houston Regional Office, (713) 767-3581
Respondent: Marshall Kus, President, Meadowland Utility Corporation, Post Office Box 2088, Alvin, Texas 77512
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	18-Oct-2010	Screening	26-Oct-2010	EPA Due	
	PCW	29-Oct-2010				

RESPONDENT/FACILITY INFORMATION

Respondent	Meadowland Utility Corporation		
Reg. Ent. Ref. No.	RN102815198		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	40622	No. of Violations	5
Docket No.	2010-1767-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Samuel Short
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$100,500
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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	25.0% Enhancement	Subtotals 2, 3, & 7	\$25,125
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Notes: Enhancement for one month of self-reported effluent violations and four NOV's with same/similar violations within the last five years.

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	\$9,466
Approx. Cost of Compliance	\$42,600

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$125,625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	5.3%	Adjustment	\$6,677
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement for the avoided cost associated with violation nos. 3 and 4.

Final Penalty Amount	\$132,302
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$132,302
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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	\$132,302
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Screening Date 26-Oct-2010

Docket No. 2010-1767-MWD-E

PCW

Respondent Meadowland Utility Corporation

Policy Revision 2 (September 2002)

Case ID No. 40622

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102815198

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

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>)	5	25%
	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) 25%

>> 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 one month of self-reported effluent violations and four NOVs with same/similar violations within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 26-Oct-2010 **Docket No.** 2010-1767-MWD-E **PCW**
Respondent Meadowland Utility Corporation *Policy Revision 2 (September 2002)*
Case ID No. 40622 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102815198
Media [Statute] Water Quality
Enf. Coordinator Samuel Short

Violation Number
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (5) and 317.4(d)(2) and (g)(4)(B)(iii) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013632001, Operational Requirements No. 1
Violation Description Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the investigator documented that the digester had settled and was not level, several areas of the Facility were severely rusted, the Return Activated Sludge ("RAS") line was not extended to the head of the aeration basin, which is causing the aeration basin to short circuit, the Waste Activated Sludge ("WAS") line was broken and does not extend to the digester, the hopper bottom clarifiers scum returns were not operating properly and the hopper bottom clarifier was covered by a thick layer of gray colored solids and foam, and only one of the two blowers in the aeration system was operational.
Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.					
Adjustment					<input type="text" value="\$7,500"/>

Violation Events

Number of Violation Events Number of violation days
 mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty
 Three monthly events are recommended from the August 11, 2010 investigation date to the date of screening, October 26, 2010.

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input type="text" value="x"/>	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			<input type="text" value="\$7,500"/>

Economic Benefit (EB) for this violation **Statutory Limit Test**
Violation Final Penalty Total
This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Meadowland Utility Corporation
Case ID No. 40622
Reg. Ent. Reference No. RN102815198
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	\$26,500	11-Aug-2010	2-Jul-2011	0.89	\$79	\$1,573	\$1,652
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	\$5,000	11-Aug-2010	2-Jul-2011	0.89	\$223	n/a	\$223
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to level the digester to prevent further settling and potential structural failure and evaluate the digester's structural integrity (\$15,000), repair or replace the RAS and WAS lines to ensure their proper operation (\$500), repair or replace the rusted components of the Facility to ensure their proper operation (\$5,000), ensure that the hopper bottom clarifiers scum returns are operating properly (\$1,000), and repair or replace the blower in the aeration system to ensure that two blowers are operational in the aeration system (\$5,000). Date required is the date of the investigation and the final date is the estimated date of compliance. The estimated cost to remove and properly dispose of the excessive solids in the clarifiers (\$5,000). Date required is the date of the investigation and the final date is the estimated 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

\$31,500

TOTAL

\$1,874

Screening Date 26-Oct-2010

Docket No. 2010-1767-MWD-E

PCW

Respondent Meadowland Utility Corporation

Policy Revision 2 (September 2002)

Case ID No. 40622

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102815198

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013632001, Effluent Limitations and Monitoring Requirements No. 2

Violation Description

Failed to comply with the permitted effluent limits. Specifically, a grab sample for chlorine residual was taken during an investigation conducted on June 4, 2008. The chlorine residual was 4.17 milligrams per liter ("mg/L"), which exceeded the chlorine residual maximum permitted limit of 4.0 mg/L.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 30 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,000

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$832

Violation Final Penalty Total \$1,316

This violation Final Assessed Penalty (adjusted for limits) \$1,316

Economic Benefit Worksheet

Respondent Meadowland Utility Corporation
Case ID No. 40622
Reg. Ent. Reference No. RN102815198
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)	\$5,000	4-Jun-2008	2-Oct-2011	3.33	\$832	n/a	\$832

Notes for DELAYED costs

Estimated cost to evaluate the causes of the effluent violations and to implement necessary rehabilitation to the wastewater treatment system. Date required is the first date of non-compliance. The 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

\$5,000

TOTAL

\$832

Screening Date 26-Oct-2010

Docket No. 2010-1767-MWD-E

PCW

Respondent Meadowland Utility Corporation
Case ID No. 40622
Reg. Ent. Reference No. RN102815198
Media [Statute] Water Quality
Enf. Coordinator Samuel Short

Policy Revision 2 (September 2002)
PCW Revision October 30, 2008

Violation Number 3
Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(11)(a) and 319.4 and TPDES Permit No. WQ0013632001, Monitoring and Reporting Requirements Nos. 1 and 3.a.

Violation Description

Failed to collect and analyze samples for required parameters at the frequency specified in the permit. Specifically, the investigator documented that no samples were collected or analyzed for the monitoring periods ending August 31, 2007 through July 31, 2010 and that the Facility has not contracted with a laboratory to analyze the effluent.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor). Potential Major has an 'x'.

Percent 25%

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor. All are empty.

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 36

1065 Number of violation days

Table with frequency options: daily, weekly, monthly (marked with x), quarterly, semiannual, annual, single event.

Violation Base Penalty \$90,000

Thirty-six monthly events are recommended, one for each month the samples were not collected or analyzed.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x).

Notes

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

Violation Subtotal \$90,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6,506

Violation Final Penalty Total \$118,479

This violation Final Assessed Penalty (adjusted for limits) \$118,479

Economic Benefit Worksheet

Respondent Meadowland Utility Corporation
Case ID No. 40622
Reg. Ent. Reference No. RN102815198
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	1-Aug-2007	2-Jun-2011	3.84	\$48	n/a	\$48
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that all samples are collected and analyzed for the permitted parameters at the minimum frequency. Date required is the date the sampling 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)

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]	\$5,400	1-Aug-2007	31-Jul-2010	3.92	\$1,058	\$5,400	\$6,458
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to collect and analyze samples for required parameters (\$150 per month). Date required is the first day of the first month the sampling was due. Final date is the last day of the last month the sampling was due.

Approx. Cost of Compliance

\$5,650

TOTAL

\$6,506

Screening Date 26-Oct-2010

Docket No. 2010-1767-MWD-E

PCW

Respondent Meadowland Utility Corporation

Policy Revision 2 (September 2002)

Case ID No. 40622

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102815198

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0013632001, Sludge Provisions

Violation Description

Failed to submit the annual sludge reports for the monitoring periods ending July 31, 2008 and July 31, 2009, as documented during a investigation conducted on August 11, 2010. Specifically, the investigator documented that the annual sludge reports were due by September 1 of each year and were not submitted and that no sludge records were available for review.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%
100% of the rule requirement was not met.					

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 785 Number of violation days

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

Violation Base Penalty \$2,000

Two single events are recommended.

Good Faith Efforts to Comply

	0.0% Reduction	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary		
	Ordinary		
N/A	x	(mark with x)	

\$0

Notes

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

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$254

Violation Final Penalty Total \$2,633

This violation Final Assessed Penalty (adjusted for limits) \$2,633

Economic Benefit Worksheet

Respondent Meadowland Utility Corporation
Case ID No. 40622
Reg. Ent. Reference No. RN102815198
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$250	1-Sep-2008	2-Jun-2011	2.75	\$34	n/a	\$34

Notes for DELAYED costs

The estimated cost to update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified annual sludge reports. Date required is the date the first report was due and the final date is the estimated 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]	\$200	1-Sep-2008	1-Sep-2009	1.92	\$19	\$200	\$219
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated amount required to submit the annual sludge reports for the monitoring periods ending July 31, 2008 and July 31, 2009 (\$100 per report). Date required is the date the first report was due and the final date is the date the last report was due.

Approx. Cost of Compliance

\$450

TOTAL

\$254

Screening Date 26-Oct-2010

Docket No. 2010-1767-MWD-E

PCW

Respondent Meadowland Utility Corporation

Policy Revision 2 (September 2002)

Case ID No. 40622

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102815198

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 5

Rule Cite(s) Tex. Water Code § 5.702 and 30 Tex. Admin. Code § 21.4

Violation Description Failed to pay outstanding consolidated water quality fees ("CWQ") and associated late fees for TCEQ Financial Account No. 23004116 for fiscal years 2009 and 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0%). Matrix Notes section below.

Adjustment \$10,000

\$0

Violation Events

Number of Violation Events [] Number of violation days []

Table with frequency options: daily, weekly, monthly, quarterly, semiannual, annual, single event. Includes instruction: mark only one with an x.

Violation Base Penalty \$0

No additional administrative penalty was calculated for this violation as penalties and interest will be assessed on the next fee billing.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table with columns: Extraordinary, Ordinary, N/A, Reduction (Before NOV, NOV to EDPRP/Settlement Offer).

Notes []

Violation Subtotal \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent Meadowland Utility Corporation
Case ID No. 40622
Reg. Ent. Reference No. RN102815198
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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

N/A

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

N/A

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator: CN600696538 Meadowland Utility Corporation Classification: AVERAGE Rating: 3.90
Regulated Entity: RN102815198 MEADOWLAND UTILITY CORPORATION WWTP Classification: AVERAGE Site Rating: 3.90

ID Number(s): WASTEWATER PERMIT WQ0013632001
WASTEWATER EPA ID TX0109886
WASTEWATER LICENSING LICENSE WQ0013632001

Location: 7,600 FEET WEST OF THE INTERSECTION OF STATE HIGHWAY 35 AND THE AMERICAN CANAL,
APPROXIMATELY 1.9 MILES NORTH OF THE INTERSECTION OF STATE HIGHWAY 6 AND McCORMICK
STREET IN BRAZORIA COUNTY, TEXAS.

TCEQ Region: REGION 12 - HOUSTON

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: Samuel Short Phone: (512) 239-5363

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	03/09/2006	(490691)
2	11/04/2005	(490693)
3	12/09/2005	(490694)
4	01/05/2006	(490695)
5	02/06/2006	(490696)
6	04/03/2006	(505446)
7	05/12/2006	(505447)
8	06/01/2006	(505448)
9	06/28/2006	(505449)
10	11/02/2006	(513083)
11	07/27/2006	(527730)
12	08/28/2006	(527731)
13	09/26/2006	(527732)
14	03/09/2007	(629326)
15	03/30/2007	(629327)
16	05/02/2007	(629328)
17	06/22/2007	(629329)
18	07/12/2007	(629330)
19	08/29/2007	(629331)
20	08/29/2007	(629332)
21	10/24/2006	(629333)
22	11/30/2006	(629334)
23	01/18/2007	(629335)
24	01/29/2007	(629336)
25	08/27/2008	(720869)
26	06/01/2009	(774875)
27	06/17/2010	(827220)
28	05/21/2010	(827923)
29	10/14/2010	(848901)

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

Date: 12/31/2005 (490696) CN600696538

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

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
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Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	

- 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
MEADOWLAND UTILITY
CORPORATION;
RN102815198**

**§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2010-1767-MWD-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 5, 7 and 26, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Meadowland Utility Corporation ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates a wastewater treatment facility located approximately 7,600 feet west of the intersection of State Highway 35 and the American Canal, and approximately 1.9 miles north of the intersection of State Highway 6 and McCormick Street in Brazoria County, Texas (the "Facility"). Respondent has discharged waste from the Facility into or adjacent to any water in the state or committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.
2. During an investigation conducted on August 11, 2010, a TCEQ Houston Regional Office investigator documented that Respondent:
 - a. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the digester had settled and was not level, several areas of the Facility were severely rusted, the Return Activated Sludge ("RAS") line was not extended to the head of the aeration basin (which was causing the aeration basin to short circuit), the Waste Activated Sludge ("WAS") line was broken and does not extend to the digester, the hopper bottom clarifiers scum returns were not operating properly and the hopper bottom clarifier was covered by a thick layer of gray colored solids and foam, and only one of the two blowers in the aeration system was operational;
 - b. Failed to comply with the permitted effluent limits. Specifically, on June 4, 2008 the chlorine residual was 4.17 milligrams per liter ("mg/L"), which exceeded the chlorine residual maximum permitted limit of 4.0 mg/L;

- c. Failed to collect and analyze samples for required parameters at the frequency specified in the permit. Specifically, no samples were collected or analyzed for the monitoring periods ending August 31, 2007 through July 31, 2010, and the Facility has not contracted with a laboratory to analyze the effluent; and
 - d. Failed to submit the annual sludge reports for the monitoring periods ending July 31, 2008 and July 31, 2009. Specifically, the annual sludge reports due by September 1 of each year were not submitted, and no sludge records were available for review.
3. During a record review conducted on October 26, 2010, a TCEQ Central Office Investigator documented that Respondent failed to pay outstanding consolidated water quality ("CWQ") fees and associated late fees for TCEQ Financial Account No. 23004116 for fiscal years 2009 and 2010.
4. Respondent received notice of the violations alleged in Findings of Fact Nos. 2.a. through 2.d. on or about October 19, 2010. Respondent received notice of the violation alleged in Finding of Fact No. 3 on or about July 11, 2011.
5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Meadowland Utility Corporation" (the "EDPRP") in the TCEQ Chief Clerk's office on July 7, 2011.
6. By letter dated July 7, 2011, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on July 11, 2011, as evidenced by the signature on the card.
7. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5 and 26 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.4(d)(2) and (g)(4)(B)(iii); and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013632001, Operational Requirements No. 1.
3. As evidenced by Finding of Fact No. 2.b, Respondent failed to comply with the permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a); 30 TEX. ADMIN.

CODE § 305.125(1); and TPDES Permit No. WQ0013632001, Effluent Limitations and Monitoring Requirements No. 2.

4. As evidenced by Finding of Fact No. 2.c, Respondent failed to collect and analyze samples for required parameters at the frequency specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(11)(a) and 319.4; and TPDES Permit No. WQ0013632001, Monitoring and Reporting Requirements Nos. 1 and 3.a.
5. As evidenced by Finding of Fact No. 2.d, Respondent failed to submit the annual sludge reports for the monitoring periods ending July 31, 2008 and July 31, 2009, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1; and TPDES Permit No. WQ0013632001, Sludge Provisions.
6. As evidenced by Finding of Fact No. 3, Respondent failed to pay outstanding CWO fees and associated late fees for TCEQ Financial Account No. 23004116 for fiscal years 2009 and 2010, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 21.4.
7. As evidenced by Findings of Fact Nos. 5 and 6, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055.
8. As evidenced by Finding of Fact No. 7, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
9. Pursuant to TEX. WATER CODE § 7.051 the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of one hundred thirty-two thousand three hundred two dollars (\$132,302.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
11. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of one hundred thirty-two thousand three hundred two dollars (\$132,302.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The

Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.

2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Meadowland Utility Corporation; Docket No. 2010-1767-MWD-E" to:

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

3. Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Order, Respondent shall:

- i. Update the Facility's operational guidance and conduct employee training to ensure that all samples are collected and analyzed for the permitted parameters at the minimum frequency, and to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified annual sludge reports, in accordance with TPDES Permit No. WQ0013632001, Monitoring and Reporting Requirements Nos. 1 and 3.a. and Sludge Provisions (Conclusions of Law Nos. 4 and 5); and
- ii. Submit payment for all outstanding fees, including any associated penalties and interest, with the notation, "Re: Meadowland Utility Corporation, TCEQ Financial Account No. 23004116" (Conclusion of Law No. 6) to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 10388
Austin, Texas 78711-3088

- b. Within 60 days after the effective date of this Order, Respondent shall:

- i. Level the digester to prevent further settling and potential structural failure and evaluate the digester's structural integrity (Conclusion of Law No. 2);
- ii. Repair or replace the RAS and WAS lines to ensure their proper operation (Conclusion of Law No. 2);
- iii. Repair or replace the rusted components of the Facility to ensure their proper operation (Conclusion of Law No. 2);

- iv. Ensure that the hopper bottom clarifiers scum returns are operating properly (Conclusion of Law No. 2);
 - v. Remove and properly dispose of the excessive solids in the clarifiers (Conclusion of Law No. 2); and
 - vi. Repair or replace the blower in the aeration system to ensure that two blowers are operational in the aeration system (Conclusion of Law No. 2).
- c. Within 150 days after the effective date of this Order, Respondent shall submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0013632001 and Ordering Provisions Nos. 3.a.i. through 3.b.v.i., 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 include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations and Ordering Provisions Nos. 3.a.i. through 3.b.vi. 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."

Respondent shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

with a copy to:

Stephen Smith, Water Section Manager
Texas Commission on Environmental Quality
Houston Regional Office
5425 Polk St., Ste. H
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.

5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
8. 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 Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF JEFFREY J. HUHN

STATE OF TEXAS

§

COUNTY OF BEXAR

§

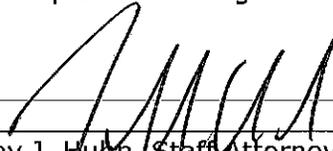
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"My name is Jeffrey J. Huhn. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Meadowland Utility Corporation" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on July 7, 2011.

The EDPRP was mailed to Respondent's last known address on July 7, 2011, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on July 11, 2011, as evidenced by the signature on the card.

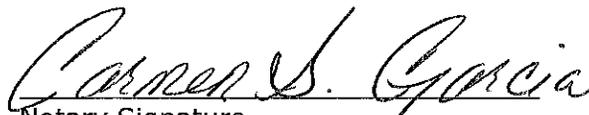
More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.



Jeffrey J. Huhn, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Jeffrey J. Huhn, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 26 day of September A.D. 2011.



Notary Signature

