

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-0256-MWD-E **TCEQ ID:** RN102079100 **CASE NO.:** 39164

RESPONDENT NAME: Pettus Municipal Utility District

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input 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	
CASE TYPE:		
<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>SITE WHERE VIOLATION(S) OCCURRED: Pettus MUD, located approximately 1,400 feet west of United States Highway 181 and 2,400 feet south of Farm-to-Market Road 623, Bee County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 21, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Ms. Karen Kibbe, President, Pettus Municipal Utility District, P.O. Box 153, Pettus, Texas 78146 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: December 16, 2009</p> <p>Date of NOV/NOE Relating to this Case: February 12, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failed to maintain complete records of monitoring activities, including but not limited to quality assurance / quality control records. Specifically, quality assurance/quality control records for pH and chlorine measuring devices were not being maintained [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 3.c and 30 TEX. ADMIN. CODE §§ 305.125(1)(C) and 319.7(a)].</p> <p>2) Failed to accurately accomplish measurement, tests, and calculations in a representative manner. Specifically, loading calculations were not being performed by averaging the daily concentration and the daily flow prior to utilizing the loading formula [TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 2 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c)].</p> <p>3) Failed to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person at Facility start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually. Specifically, the electronic totalizing flow meter was not being calibrated</p>	<p>Total Assessed: \$25,155</p> <p>Total Deferred: \$5,031 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$585 (remaining \$19,539 due in 34 monthly payments of \$559 each and one final payment of \$533)</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order:</p> <p>i. Begin maintaining complete records of monitoring activities;</p> <p>ii. Begin analyzing the effluent according to test methods specified in 40 CFR Part 136;</p> <p>iii. Begin monitoring DO once per week by grab sample; and</p> <p>iv. Begin maintaining process control, maintenance, and operations records at the Facility site, or make readily available for review by a TCEQ representative.</p> <p>b. Within 15 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision a.;</p> <p>c. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs;</p> <p>d. Within 45 days after the effective date of this Agreed Order, begin performing loading calculations in a representative manner;</p> <p>e. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions c. and d.;</p> <p>f. Within 75 days after the effective date of this Agreed Order, calibrate the electronic totalizing flow meter;</p> <p>g. Within 90 days after the effective date of this Agreed Order, repair/replace the staff gauge and perform corrective measures to ensure</p>

<p>annually [TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 5 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d)].</p> <p>4) Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, the staff gauge was severely deteriorated and the clarifier saw tooth weir had an uneven flow [TPDES Permit No. WQ0010748001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(5)].</p> <p>5) Failed to analyze the effluent according to test methods specified in 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 136 or more recent editions of Standard Methods for the Examination of Water and Wastewater than those cited in Part 136. Specifically, the operator was using a HACH Pocket Colorimeter II to obtain the total chlorine concentration; however, the operator was not performing the manganese correction [TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 2 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c)].</p> <p>6) Failed to monitor dissolved oxygen ("DO") once per week by grab sample. Specifically, during the investigation the investigator documented that the operator was not conducting monitoring for DO [TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(11)(A), and 319.4].</p> <p>7) Failed to maintain process control, maintenance, and operations records at the Facility site, or make readily available for review by a TCEQ representative, for a period of three years. Specifically, process control, maintenance, and operational activities were being performed; however, the data was not being recorded [TPDES Permit No. WQ0010748001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(c)].</p> <p>8) Failed to submit monthly discharge monitoring reports ("DMRs") by the 20th day of the following month. Specifically, DMRs have not been</p>		<p>perform corrective measures to ensure that the clarifier saw tooth weir maintains an even flow;</p> <p>h. Within 105 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions f. and g.; and</p> <p>i. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>
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submitted for the months of October 2008 through November 2009 [TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE § 319.7(d)].		
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Additional ID No(s): WQ0010748001

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

TCEQ	DATES	Assigned 16-Feb-2010	PCW 17-Feb-2010	Screening 17-Feb-2010	EPA Due
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RESPONDENT/FACILITY INFORMATION			
Respondent	Pettus Municipal Utility District		
Reg. Ent. Ref. No.	RN102079100		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	39164	No. of Violations	8
Docket No.	2010-0256-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jorge Ibarra, P.E.
		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)	<i>Subtotal 1</i>		\$19,500
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History	29.0% Enhancement	<i>Subtotals 2, 3, & 7</i>	\$5,655
Notes	The Respondent was issued five NOVs with the same/similar type of violations and reported two months of effluent violations.		
Culpability	No 0.0% Enhancement	<i>Subtotal 4</i>	\$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		<i>Subtotal 5</i>	\$0
Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i>	\$0
Total EB Amounts	\$2,052	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$8,890		
SUM OF SUBTOTALS 1-7		<i>Final Subtotal</i>	\$25,155
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	<i>Adjustment</i>	
Reduces or enhances the Final Subtotal by the indicated percentage.			
Notes			
		<i>Final Penalty Amount</i>	\$25,155
STATUTORY LIMIT ADJUSTMENT		<i>Final Assessed Penalty</i>	\$25,155
DEFERRAL	20.0% Reduction	<i>Adjustment</i>	-\$5,031
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)			
Notes	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$20,124

Screening Date 17-Feb-2010

Docket No. 2010-0256-MWD-E

PCW

Respondent Peltus Municipal Utility District

Policy Revision 2 (September 2002)

Case ID No. 39164

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102079100

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

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)	5	25%
	Other written NOVs	2	.4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 29%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent was issued five NOVs with the same/similar type of violations and reported two months of effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 29%

Screening Date 17-Feb-2010	Docket No. 2010-0256-MWD-E	PCW	
Respondent Pettus Municipal Utility District	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 39164	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN102079100			
Media [Statute] Water Quality			
Enf. Coordinator Jorge Ibarra, P.E.			
Violation Number 1			
Rule Cite(s)	Texas Pollutant Discharge Elimination System ("TPDES"): Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 3.c and 30 Tex. Admin. Code §§ 305.125(11)(C) and 319.7(a)		
Violation Description	Failed to maintain complete records of monitoring activities, including but not limited to quality assurance/quality control records. Specifically, quality assurance/quality control records for pH and chlorine measuring devices were not being maintained.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual	Potential	Percent
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	0%
>> Programmatic Matrix			
	Major	Moderate	Minor
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	10%
Matrix Notes	100% of the rule requirement was not met.		
Adjustment		\$9,000	
		\$1,000	
Violation Events			
Number of Violation Events	1	Number of violation days	
	1		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input checked="" type="checkbox"/>	
Violation Base Penalty		\$1,000	
One single event is recommended.			
Good Faith Efforts to Comply			
0.0% Reduction		\$0	
<small>Before NOV NOV to EDRP/Settlement</small>			
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>	
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	\$18	Violation Final Penalty Total	
		\$1,290	
This violation Final Assessed Penalty (adjusted for limits)		\$1,290	

Economic Benefit Worksheet

Respondent: Pettus Municipal Utility District
 Case ID No.: 39164
 Reg. Ent. Reference No.: RN102079100
 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
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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	\$250	16-Dec-2009	1-Sep-2010	0.71	\$9	n/a	\$9
Training/Sampling	\$250	16-Dec-2009	1-Sep-2010	0.71	\$9	n/a	\$9
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 develop and implement procedures and conduct employee training to maintain a complete record of monitoring activities. Date Required is the investigation date; Final Date is the expected compliance date.

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	\$500	TOTAL	\$18
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Screening Date 17-Feb-2010 **Docket No.** 2010-0256-MWD-E **PCW**
Respondent Pettus Municipal Utility District *Policy Revision 2 (September 2002)*
Case ID No. 39164 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102079100
Media [Statute] Water Quality
Enf. Coordinator Jorge Ibarra, P.E.
Violation Number 2
Rule Cite(s) TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 2 and 30
 Tex. Admin. Code §§ 305.125(1) and 319.11(c)
Violation Description Failed to accurately accomplish measurement, tests, and calculations in a representative manner. Specifically, loading calculations were not being performed by averaging the daily concentration and the daily flow prior to utilizing the loading formula.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
	Potential		X	5%

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification				
				0%

Matrix Notes Failure to accurately perform the loading calculations could result in the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events: 1 Number of violation days: 1

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOV	NOV to 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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$645

This violation Final Assessed Penalty (adjusted for limits) \$645

Economic Benefit Worksheet

Respondent: Pettus Municipal Utility District
Case ID No.: 39164
Reg. Ent. Reference No.: RN102079100
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)	\$500	16-Dec-2009	1-Oct-2010	0.79	\$20	n/a	\$20

Notes for DELAYED costs: Estimated cost to begin performing loading calculations in accordance with permit requirements. Date Required is the investigation date, Final Date is the expected compliance date.

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	\$20
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Screening Date 17-Feb-2010	Docket No. 2010-0256-MWD-E	PCW			
Respondent Pettus Municipal Utility District	<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 39164	<small>PCW Revision October 30, 2008</small>				
Reg. Ent. Reference No. RN102079100					
Media [Statute] Water Quality					
Enf. Coordinator Jorge Ibarra, P.E.					
Violation Number 3					
Rule Cite(s)	TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 5 and 30 Tex. Admin. Code §§ 305.125(1) and 319.11(d)				
Violation Description	Failed to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person at Facility start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually. Specifically, the electronic totalizing flow meter was not being calibrated annually.				
Base Penalty		\$10,000			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Percent				5%	
>> Programmatic Matrix					
Falsification					
Major			Moderate	Minor	
<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	
Percent				0%	
Matrix Notes	Failure to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person could result in the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
Adjustment				\$9,500	
Violation Events				\$500	
Number of Violation Events		1	Number of violation days		
		1			
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty		
	weekly	<input type="checkbox"/>			\$500
	monthly	<input type="checkbox"/>			
	quarterly	<input type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
	single event	<input checked="" type="checkbox"/>			
One single event is recommended.					
Good Faith Efforts to Comply			0.0% Reduction		
			\$0		
			<small>Before NOV NOV to EDRP/Settlement Offer</small>		
Extraordinary	<input type="checkbox"/>				
Ordinary	<input type="checkbox"/>				
N/A	X	<small>(mark with x)</small>			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal				\$500	
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount			\$1,706	Violation Final Penalty Total	
				\$545	
This violation Final Assessed Penalty (adjusted for limits)				\$645	

Economic Benefit Worksheet

Respondent Peltus Municipal Utility District
 Case ID No. 39164
 Reg. Ent. Reference No. RN102079100
 Media Water Quality
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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)	\$1,500	16-Dec-2009	15-Oct-2010	0.83	\$62	n/a	\$62

Notes for DELAYED costs

Estimated cost to accurately calibrate all totalizing meters for measuring flows by a trained person. Date Required is the investigation date, Final Date is the expected compliance date.

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]	\$1,500	16-Dec-2008	16-Dec-2009	1.92	\$144	\$1,500	\$1,644
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to accurately calibrate all totalizing meters for measuring flows by a trained person. Date Required is one year prior to the investigation date, Final Date is the investigation date.

Approx. Cost of Compliance

\$3,000

TOTAL

\$1,706

Screening Date 17-Feb-2010	Docket No.: 2010-0256-MWD-E	PCW		
Respondent Pettus Municipal Utility District	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 39164	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN102079100				
Media [Statute] Water Quality				
Enf. Coordinator Jorge Ibarra, P.E.				
Violation Number 4				
Rule Cite(s) TPDES Permit No. WQ0010748001, Operational Requirements No. 1 and 30 Tex. Admin. Code § 305.125(5)				
Violation Description	Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, the staff gauge was severely deteriorated and the clarifier saw tooth weir had an uneven flow.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			Percent <input type="text" value="10%"/>
	Release	Major	Moderate	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	x	<input type="text"/>
>> Programmatic Matrix			Percent <input type="text" value="0%"/>	
Falsification				
Major			Moderate	Minor
<input type="text"/>			<input type="text"/>	<input type="text"/>
Matrix Notes	Failure to ensure that all systems of the Facility are properly operated and maintained could result in the release of significant amounts of pollutants which would 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 <input type="text" value="1"/>		Number of violation days <input type="text" value="63"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	x		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
		Violation Base Penalty <input type="text" value="\$1,000"/>		
One quarterly event is recommended from the investigation date of December 16, 2009 to the screening date of February 17, 2010.				
Good Faith Efforts to Comply		0.0% Reduction		\$0
		<small>Before NOV NOV to EDPRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>			
Ordinary	<input type="text"/>			
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 <input type="text" value="\$110"/>		Violation Final Penalty Total <input type="text" value="\$1,290"/>		
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,290"/>		

Economic Benefit Worksheet

Respondent: Pettus Municipal Utility District
Case ID No.: 39184
Reg. Ent. Reference No.: RN102079100
Media: Water Quality
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	16-Dec-2009	15-Nov-2010	0.92	\$3	\$61	\$64
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)	\$1,000	16-Dec-2009	15-Nov-2010	0.92	\$46	n/a	\$46

Notes for DELAYED costs

Estimated cost to repair the staff gauge and clarifier. Date Required is the investigation date, Final Date is the expected compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$110

Screening Date 17-Feb-2010	Docket No. 2010-0256-MWD-E	PCW
Respondent Pettus Municipal Utility District	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 39164	<small>PCW Revision October 30, 2008</small>	
Reg. Ent. Reference No. RN102079100		
Media [Statute] Water Quality		
Enf. Coordinator Jorge Ibarra, P.E.		
Violation Number 5		
Rule Cite(s)	TPDES Permit No. WQ0010748001; Monitoring and Reporting Requirements No. 2 and 30 Tex. Admin. Code §§ 305.125(1) and 319.11(c)	
Violation Description	Failed to analyze the effluent according to test methods specified in 40 Code of Federal Regulations ("CFR") Part 136 or more recent editions of Standard Methods for the Examination of Water and Wastewater than those cited in Part 136. Specifically, the operator was using a HACH Pocket Colorimeter II to obtain the total chlorine concentration; however, the operator was not performing the manganese correction.	
Base Penalty	\$10,000	

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="5%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="0%"/>

Matrix Notes
Failure to analyze the effluent according to test methods specified in 40 CFR Part 136 could result in the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events **Number of violation days**

	daily	<input type="checkbox"/>
	weekly	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input checked="" type="checkbox"/>

mark only one with an x

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Pettus Municipal Utility District
Case ID No.: 39164
Reg. Ent. Reference No.: RN102079100
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	\$1,000	16-Dec-2009	1-Sep-2010	0.71	\$35	n/a	\$35
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 analyze the effluent according to test methods specified in 40 CFR Part 136. Date Required is the investigation date, Final Date is the expected compliance date.

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

\$1,000

TOTAL

\$35

Screening Date 17-Feb-2010 **Docket No.** 2010-0256-MWD-E **PCW**
Respondent Pettus Municipal Utility District *Policy Revision 2 (September 2002)*
Case ID No. 39164 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102079100
Media [Statute] Water Quality
Enf. Coordinator Jorge Ibarra, P.E.
Violation Number 6
Rule Cite(s) TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 1 and 30
 Tex. Admin. Code §§ 305.125(1), 305.125(1)(A), and §19.4
Violation Description Failed to monitor dissolved oxygen ("DO") once per week by grab sample. Specifically, during the investigation the investigator documented that the operator was not conducting monitoring for DO.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				10%
	Potential		X		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to monitor DO once per week by grab sample could result in the release of significant amounts of pollutants as a result of the violation.

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 \$1,000

One quarterly event is recommended from the investigation date of December 16, 2009 to the screening date of February 17, 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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$95

Violation Final Penalty Total \$1,290

This violation Final Assessed Penalty (adjusted for limits) \$1,290

Economic Benefit Worksheet

Respondent: Pettus Municipal Utility District
Case ID No.: 39164
Reg. Ent. Reference No.: RN102079100
Media: Water Quality
Violation No.: 6

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

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]	\$90	16-Dec-2009	17-Feb-2010	1.09	\$5	\$90	\$95
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost for not monitoring DO once per week by grab sample (\$10/sample x 9 weeks). Date Required is the investigation date, Final Date is the screening date.

Approx. Cost of Compliance

\$90

TOTAL

\$95

Screening Date: 17-Feb-2010 **Docket No.:** 2010-0256-MWD-E **PCW**

Respondent: Pettus Municipal Utility District *Policy Revision 2 (September 2002)*

Case ID No.: 39164 *PCW Revision October 30, 2008*

Reg. Ent. Reference No.: RN102079100

Media (Statute): Water Quality

Enf. Coordinator: Jorge Ibarra, P.E.

Violation Number: 7

Rule Cite(s): TPDES Permit No. WQ0010748001, Operational Requirements No. 1 and 30 Tex. Admin. Code §§ 305.125(1) and 319.7(c)

Violation Description: Failed to maintain process control, maintenance, and operations records at the Facility site, or make readily available for review by a TCEQ representative, for a period of three years. Specifically, process control, maintenance, and operational activities were being performed; however, the data was not being recorded.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment: \$9,000

\$1,000

Violation Events

1 1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty: \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal: \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$18 **Violation Final Penalty Total:** \$1,290

This violation Final Assessed Penalty (adjusted for limits): \$1,290

Economic Benefit Worksheet

Respondent Pettus Municipal Utility District
Case ID No. 39164
Reg. Ent. Reference No. RN102079100
Media Water Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	One/line 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	\$500	16-Dec-2009	1-Sep-2010	0.71	\$18	n/a	\$18
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to to maintain process control, maintenance, and operations records at the Facility. Date Required is the investigation date, Final Date is the expected compliance date.

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

\$500

TOTAL

\$18

Screening Date 17-Feb-2010		Docket No. 2010-0256-MWD-E		PCW
Respondent Pettus Municipal Utility District		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 39164		<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN102079100				
Media [Statute] Water Quality				
Enf. Coordinator Jorge Ibarra, P.E.				
Violation Number	8			
Rule Cite(s)	TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 1 and 30 Tex. Admin. Code § 319.7(d)			
Violation Description	Failed to submit monthly discharge monitoring reports ("DMRs") by the 20th day of the following month. Specifically, DMRs have not been submitted for the months of October 2008 through November 2009.			
Base Penalty				\$10,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
Potential				Percent <input style="width: 40px;" type="text" value="0%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		x		
	Percent <input style="width: 40px;" type="text" value="10%"/>			
Matrix Notes	100% of the rule requirement was not met.			
Adjustment				\$9,000
				\$1,000
Violation Events				
	14	14	Number of violation days	
<i>mark only one with an x</i>	Daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x	Violation Base Penalty <input style="width: 40px;" type="text" value="\$14,000"/>	
Fourteen single events are recommended, one for each DMR from October 2008 through November 2009.				
Good Faith Efforts to Comply		0.0% Reduction		\$0
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary				
Ordinary				
N/A	x		(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$14,000
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$51	Violation Final Penalty Total	\$18,060	
		This violation Final Assessed Penalty (adjusted for limits)	\$18,060	

Economic Benefit Worksheet

Respondent Pettus Municipal Utility District
Case ID No. 39164
Reg. Ent. Reference No. RN102079100
Media Water Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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)	\$1,300	20-Nov-2009	1-Sep-2010	0.78	\$51	n/a	\$51

Notes for DELAYED costs

Estimated cost to begin submitting the required DMRs and to develop and implement procedures and conduct employee training. Date Required is the date the first missing DMR was due, Final Date is the expected compliance date.

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

\$1,300	TOTAL	\$51
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Compliance History Report

Customer/Respondent/Owner-Operator:	CN600629521	Pettus Municipal Utility District	Classification: AVERAGE	Rating: 0.72
Regulated Entity:	RN102079100	PETTUS MUD	Classification: AVERAGE	Site Rating: 0.2
ID Number(s):	WASTEWATER	PERMIT		WQ0010748001
	WASTEWATER	PERMIT		TPDES0054780
	WASTEWATER	PERMIT		TX0054780
	UTILITIES	REGISTRATION		P0418
	WASTEWATER LICENSING	LICENSE		WQ0010748001
Location:	LOCATED APPROXIMATELY 1400 FEET WEST OF US HWY 181 & 2400 FEET SOUTH OF FM 623 IN BEE COUNTY TEXAS			
TCEQ Region:	REGION 14 - CORPUS CHRISTI			
Date Compliance History Prepared:	February 16, 2010			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 16, 2005 to February 16, 2010			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Jorge Ibarra, P.E.	Phone:	(817) 588-5890	

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: 9/1/2009 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	04/26/2005	(422523)
2	04/26/2005	(422525)
3	04/26/2005	(422526)
4	04/28/2005	(422524)
5	04/29/2005	(422527)
6	08/02/2005	(443456)
7	08/02/2005	(443457)
8	08/02/2005	(443458)
9	08/02/2005	(443459)
10	08/02/2005	(443460)
11	08/02/2005	(443461)

12	08/02/2005	(443462)
13	10/04/2005	(473335)
14	10/04/2005	(473336)
15	04/20/2006	(501491)
16	04/20/2006	(501492)
17	04/20/2006	(501493)
18	04/20/2006	(501494)
19	04/24/2006	(501489)
20	04/24/2006	(501490)
21	11/28/2006	(548732)
22	11/28/2006	(548733)
23	11/28/2006	(548734)
24	11/28/2006	(548735)
25	11/28/2006	(548736)
26	11/28/2006	(548737)
27	11/28/2006	(548738)
28	01/05/2007	(621921)
29	01/23/2007	(534713)
30	03/02/2007	(542605)
31	03/24/2007	(554741)
32	03/26/2007	(581983)
33	04/10/2007	(581981)
34	04/10/2007	(581982)
35	04/10/2007	(581984)
36	06/08/2007	(562768)
37	10/10/2007	(608272)
38	10/10/2007	(608273)
39	10/15/2007	(621916)
40	10/23/2007	(597606)
41	11/05/2007	(621917)
42	11/05/2007	(621918)
43	11/05/2007	(621919)
44	11/05/2007	(621920)
45	01/17/2008	(614486)
46	05/05/2008	(699448)
47	05/16/2008	(692077)
48	05/16/2008	(692078)
49	05/16/2008	(692079)
50	05/16/2008	(692080)
51	05/16/2008	(692081)
52	05/16/2008	(692082)
53	10/29/2008	(713149)
54	10/29/2008	(713150)
55	10/29/2008	(713151)
56	10/30/2008	(713152)
57	10/30/2008	(713153)
58	10/30/2008	(713154)
59	11/26/2008	(708864)
60	09/04/2009	(746709)
61	02/12/2010	(789955)

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

Date: 01/24/2007 (534713)

CN600629521

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.6

30 TAC Chapter 319, SubChapter A 319.9(c)
 Description: Failure to assure the quality of chlorine measurements through the use of standards or duplicate analyses.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.4(a)(8)
 Description: Failure to ensure all washdown hoses using potable water are equipped with atmospheric vacuum breakers located above the overflow level of the washdown area.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.4(a)(5)
 Description: Failure to provide auxiliary power facilities or dual power supply for the wastewater treatment plant.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations 2. (page 2) OP
 Description: Failure to maintain a chlorine residual in the effluent of at least 1.0 milligrams per liter (mg/l) after a detention time of at least 20 minutes (based on peak flow).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.128
 Monitoring and Reporting 10. (page 6) OP
 Description: Failure to ensure that all reports and other information requested by the Executive Director is signed by the person and in the manner required by 30 TAC Chapter 305.128 (relating to Signatories to Reports).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Operational Requirements 3.b. (page 10) OP
 Description: Failure to submit a closure plan for review and approval to the Agricultural and Sludge Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to commencing such activity.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Operational Requirements 1. (page 9) OP
 Description: Failure to at all times ensure that the clarifier is properly operated and maintained.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Monitoring and Reporting 5. (page 5) OP
 Description: Failure to ensure that all automatic flow measuring or recording devices and all totalizing meters for measuring flows are accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but no less often than annually.

Date 01/31/2007 (581981) CN600629521
 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 (621919) CN600629521
 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 10/23/2007 (597606) CN600629521
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.4(a)(5)
 Description: Failure to provide auxiliary power facilities or dual power supply for the wastewater treatment plant.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Operational Requirements 3.b. (page 10) OP
Description: Failure to submit a closure plan for review and approval to the Agricultural and Sludge Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to commencing such activity.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Operational Requirements 1. (page 9) OP

Description: Failure to at all times ensure that the clarifier is properly operated and maintained.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.4(b)(4)

Description: Failure to provide suitable containers with lids for holding screenings.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.7(e)

Description: Failure to ensure that the plant area is completely fenced and has lockable gates at all access points.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.4(a)(8)

Description: Failure to ensure all washdown hoses using potable water are equipped with atmospheric vacuum breakers located above the overflow level of the washdown area.

Date 05/05/2008 (699448) CN600629521

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)

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)

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

Date 11/26/2008 (708864) CN600629521

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.4(a)(8)

Description: Failure to ensure all washdown hoses using potable water are equipped with atmospheric vacuum breakers located above the overflow level of the washdown

area.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Operational requirements; No. 1, Pg. 9 PERMIT
Description: Failure to at all times ensure that the lift stations and effluent/discharge line are properly operated and maintained.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
30 TAC Chapter 319, SubChapter A 319.7(c)
Monitoring Requirements No. 3(c), Pg. 5 PERMIT
Description: Failure to maintain complete records of monitoring activities, including but not limited to quality assurance/quality control records.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Definitions; No. 2(f), Pg. 4 PERMIT
Description: Failure to accurately accomplish in a representative manner measurement, tests, and calculations.

Date 09/04/2009 (746709) CN600629521

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Operational requirements; No. 1, Pg. 9 PERMIT
Description: Failure to at all times ensure that the lift stations and effluent/discharge line are properly operated and maintained.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
30 TAC Chapter 319, SubChapter A 319.7(c)
Monitoring Requirements No. 3(c), Pg. 5 PERMIT
Description: Failure to maintain complete records of monitoring activities, including but not limited to quality assurance/quality control records.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Definitions; No. 2(f), Pg. 4 PERMIT
Description: Failure to accurately accomplish in a representative manner measurement, tests, and calculations.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations, Page 2 ORDER
Description: Failure to maintain a chlorine residual of at least 1.0 mg/l.

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
PETTUS MUNICIPAL UTILITY	§	TEXAS COMMISSION ON
DISTRICT	§	
RN102079100	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2010-0256-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Pettus Municipal Utility District ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located approximately 1,400 feet west of United States Highway 181 and 2,400 feet south of Farm-to-Market Road 623 in Bee 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. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 17, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Five Thousand One Hundred Fifty-Five Dollars (\$25,155) is assessed by the Commission in settlement of the violations

alleged in Section II ("Allegations"). The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is able to pay the administrative penalty. Therefore, Five Thousand Thirty-One Dollars (\$5,031) 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, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The Respondent has paid Five Hundred Eighty-Five Dollars (\$585) of the undeferred administrative penalty. The remaining amount of Nineteen Thousand Five Hundred Thirty-Nine Dollars (\$19,539) of the administrative penalty shall be payable in 34 monthly payments of Five Hundred Fifty-Nine Dollars (\$559) each and one final payment of Five Hundred Thirty-Three Dollars (\$533). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to maintain complete records of monitoring activities, including but not limited to quality assurance/quality control records, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 3.c and 30 TEX. ADMIN. CODE §§ 305.125(11)(C) and 319.7(a), as documented during an investigation conducted on December 16, 2009. Specifically, quality assurance/quality control records for pH and chlorine measuring devices were not being maintained.
2. Failed to accurately accomplish measurement, tests, and calculations in a representative manner, in violation of TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 2 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c), as documented during an investigation conducted on December 16, 2009. Specifically, loading calculations were not being performed by averaging the daily concentration and the daily flow prior to utilizing the loading formula.
3. Failed to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person at Facility start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually, in violation of TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 5 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d), as documented during an investigation conducted on December 16, 2009. Specifically, the electronic totalizing flow meter was not being calibrated annually.
4. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, in violation of TPDES Permit No. WQ0010748001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(5), as documented during an investigation conducted on December 16, 2009. Specifically, the staff gauge was severely deteriorated and the clarifier saw tooth weir had an uneven flow.
5. Failed to analyze the effluent according to test methods specified in 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 136 or more recent editions of Standard Methods for the Examination of Water and Wastewater than those cited in Part 136, in violation of TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 2 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c), as documented during an investigation conducted on December 16, 2009. Specifically, the operator was using a HACH Pocket Colorimeter II to obtain the total chlorine concentration; however, the operator was not performing the manganese correction.
6. Failed to monitor dissolved oxygen ("DO") once per week by grab sample, in violation of TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(11)(A), and 319.4, as documented during an investigation conducted on December 16, 2009. Specifically, during the investigation the investigator documented that the operator was not conducting monitoring for DO.
7. Failed to maintain process control, maintenance, and operations records at the Facility site, or make readily available for review by a TCEQ representative, for a period of three years, in violation of TPDES Permit No. WQ0010748001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(c), as documented during an investigation conducted on December 16, 2009. Specifically, process control,

maintenance, and operational activities were being performed; however, the data was not being recorded.

8. Failed to submit monthly discharge monitoring reports ("DMRs") by the 20th day of the following month, in violation of TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE § 319.7(d), as documented during an investigation conducted on December 16, 2009. Specifically, DMRs have not been submitted for the months of October 2008 through November 2009.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Pettus Municipal Utility District, Docket No. 2010-0256-MWD-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order:
 - i. Begin maintaining complete records of monitoring activities, in accordance with TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements;
 - ii. Begin analyzing the effluent according to test methods specified in 40 CFR Part 136, in accordance with TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements;
 - iii. Begin monitoring DO once per week by grab sample, in accordance with TPDES Permit No. WQ0010748001, Effluent Limitations and Monitoring Requirements; and

- iv. Begin maintaining process control, maintenance, and operations records at the Facility site, or make readily available for review by a TCEQ representative, in accordance with TPDES Permit No. WQ0010748001, Operational Requirements.
- b. Within 15 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.a., in accordance with Order Provision No. 2.i. below;
- c. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs, in accordance with TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements and 30 TEX. ADMIN. CODE § 319.7;
- d. Within 45 days after the effective date of this Agreed Order, begin performing loading calculations in a representative manner, in accordance with TPDES Permit No. WQ0010748001, Definitions and Standard Permit Conditions;
- e. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.c. and 2.d., in accordance with Order Provision 2.i. below;
- f. Within 75 days after the effective date of this Agreed Order, calibrate the electronic totalizing flow meter, in accordance with TPDES Permit No. WQ0010748001, Monitoring and Reporting Requirements;
- g. Within 90 days after the effective date of this Agreed Order, repair/replace the staff gauge and perform corrective measures to ensure that the clarifier saw tooth weir maintains an even flow, in accordance with TPDES Permit No. WQ0010748001, Operational Requirements;
- h. Within 105 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.f. and 2.g., in accordance with Order Provision 2.i. below; and
- i. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that 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 fines 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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

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. 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.

7. 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.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/28/2011

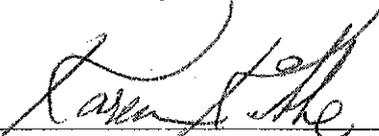
Date

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

I also understand that 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.



Signature

Jan 6, 2011

Date

Karen Kibbe

Name (Printed or typed)
Authorized Representative of
Pettus Municipal Utility District

President

Title

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