EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-1713-MWD-E **TCEQ ID:** RN101610210 **CASE NO.:** 40561
RESPONDENT NAME: WESTWOOD WATER SUPPLY CORPORATION

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
X WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Westwood WSC Wastewater Treatment Facility, located approximately 4.5 miles north of the intersection of State Highway 63 and Farm-to-Market Road 255, adjacent to Sam Rayburn Reservoir and 15 miles northwest of Jasper, Jasper County

TYPE OF OPERATION: Municipal wastewater treatment facility

SMALL BUSINESS: ___ Yes X No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on March 21, 2011. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732
TCEQ Enforcement Coordinator: Ms. Evette Alvarado, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2573; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495
Respondent: Mr. Denton J. Robbins, President, WESTWOOD WATER SUPPLY CORPORATION, P.O. Box 5246, Sam Rayburn, Texas 75951
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint X Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** August 4, 2010 **Date of NOV/NOE Relating to this Case:** September 30, 2010 (NOE) **Background Facts:** This was a routine investigation. **WATER** 1) Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater [30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011337001, Operational Requirements No. 4]. 2) Failed to report to the TCEQ Beaumont Regional Office the amount of sludge removed from the Facility each year. Specifically, sludge reports for the years 2006 through 2009 had been submitted to the Enforcement Division but not to the Beaumont Regional Office [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011337001, Other Requirements No. 9]. 3) Failed to maintain records related to sewage sludge use and disposal activities for a period of at least five years. Specifically, sludge disposal records were not available for review at the time of the investigation [30 TEX. ADMIN. CODE § 305.125(1) and (11)(B) and TPDES Permit No. WQ0011337001, Sludge Provisions No. II.E].	**Total Assessed:** $26,740 **Total Deferred:** $5,348 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $21,392 **Total Paid to General Revenue:** $0 **Compliance History Classifications:** Person/CN - Average Site/RN - Average **Major Source:** __ **Yes** X **No** **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility: a. By September 2, 2010: i. Secured the use of a generator to ensure that backup power is available at the Facility during electrical power failures; ii. Submitted copies of the 2006 through 2009 sludge reports to the Beaumont Regional Office; iii. Removed the accumulated grease from lift station no. 3 and made repairs to pump no. 1 at lift station no. 4; iv. Removed the excess sludge from the chlorine contact basin and made adjustments to the skimmers and return activated sludge pumps in the clarifiers; v. Purchased new pH buffer solution; vi. Removed the accumulated sludge from the receiving stream and pumped it to one of the Facility's lift stations; vii. Developed and implemented procedures to ensure proper reporting of unauthorized discharges; viii. Made adjustments to the chlorine feed rate to return to and maintain compliance with permitted chlorine residual limits; and ix. Submitted a revised discharge monitoring report ("DMR") for May 2010. x. By September 22, 2010, developed a recordkeeping system to ensure that all records related to sludge use and disposal are maintained for five years. **Ordering Provisions:** The Order will require the Respondent to implement and complete a

4) Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, there was a moderate accumulation of grease in the wet well of lift station no. 3 and pump no. 1 at lift station no. 4 was not functional [30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.3(b)(3), and TPDES Permit No. WQ0011337001, Operational Requirements No. 1]. 5) Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the left clarifier had a high amount of surface scum, bulking sludge, and grease present, and both clarifiers had a bulked layer of sludge to seven feet in a total clarifier depth of 12 feet. Additionally, there were between one and a half to two feet of settled sludge in the chlorine contact basin [30 TEX. ADMIN. CODE §§ 305.125(1) and (5), 317.4(d), 317.6(b)(3), and TPDES Permit No. WQ0011337001, Operational Requirements No. 1]. 6) Failed to comply with the specified test procedures for analysis of pollutants. Specifically, the pH buffer solutions at the Facility were all past their expiration dates [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0011337001, Monitoring and Reporting Requirements No. 2]. 7) Failed to prevent the discharge of sludge into the receiving stream. Specifically, approximately three to six inches of settled sludge was noted 100 to 150 feet downstream of the outfall. The sludge was discharged on or about June 8, 2010, as the result of a blower failure at the Facility [30 TEX. ADMIN. CODE § 305.125(1) and (4), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011337001, Permit Conditions No. 2.d]. 8) Failed to report an unauthorized discharge either orally or by facsimile transmission within 24 hours of becoming aware of the discharge, and in writing within five working days of the discharge. Specifically, the discharge of sludge that occurred on or about June 8, 2010, was not reported to the regional office [30 TEX. ADMIN. CODE § 305.125(1) and (9) and TPDES Permit No. WQ0011337001, Monitoring and Reporting		Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Requirements No. 7.a]. 9) Failed to comply with permitted effluent limitations for chlorine residual. Specifically, a grab sample taken during the investigation showed a chlorine residual of greater than 8.8 milligrams per liter ("mg/L"). The permitted maximum chlorine residual is 4.0 mg/L [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011337001, Effluent Limitations and Monitoring Requirements No. 2]. 10) Failed to submit correct and accurate information in a report to the Executive Director. Specifically, the DMR submitted for May 2010 had a reporting error for maximum chlorine residual. The operations log showed a maximum of 3.8 mg/L, but 3.5 mg/L was reported on the DMR [30 TEX. ADMIN. CODE § 305.125(1), (12), and (19) and TPDES Permit No. WQ0011337001, Permit Conditions No. 1.a].		

Additional ID No(s).: WQ0011337001

Attachment A
Docket Number: 2010-1713-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

The Respondent:	**Westwood Water Supply Corporation**
Penalty Amount:	**Twenty-One Thousand Three Hundred Ninety-Two Dollars ($21,392)**
SEP Offset Amount:	**Twenty-One Thousand Three Hundred Ninety-Two Dollars ($21,392)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation & Development Areas, Inc. ("RC&D")** ***Pulling Underground Storage Tanks***
Location of SEP:	**Jasper County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP offset amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The SEP contribution will be to the Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D") to be used for the pulling of underground storage tanks as set forth in an agreement between the Third-Party Recipient and the TCEQ.

The Third-Party Recipient shall coordinate with public or private entities to remove underground storage tanks. The project will provide tank removal at sites where there is no responsible party or the responsible party is financially unable to remove the tanks. The Third-Party Recipient shall work with TCEQ as well as other entities to identify the responsible party (or parties) and the reason the party is not able to remove the tanks. The Third-Party Recipient shall request TCEQ approval of these sites prior to any work at the site.

Once the site is approved by TCEQ, the Third-Party Recipient shall coordinate with authorized representatives to perform the tank removal in accordance with the applicable portions of TCEQ's guidance that covers removal of underground storage tanks, specifically RG-411. This shall include:

1. Removal and proper disposal of any liquids found in the tanks;
2. Removal of tanks;
3. Soil sampling and notification of the TCEQ SEP Coordinator and the appropriate TCEQ Regional Office within 5 business days as to the results of the sampling and a determination as to whether the tanks have leaked;

4. Any necessary remediation;
5. Backfill; and
6. Compilation of a UST closure report for each UST system removed and submittal of the report to the TCEQ.

The project will be administered in accordance with TCEQ guidance and in compliance with federal, state, and local environmental laws and regulations. Any SEP offset amount remaining after completion of this project may, upon approval of the Executive Director, be applied to another approved RC&D project.

B. Environmental Benefit

The project will show discernible environmental benefit by reducing the potential threat of leaking underground storage tanks which could contaminate both the soil and the groundwater.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP offset amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the SEP offset amount to the Third-Party Recipient. The Respondent shall make the contribution check payable to "Texas Association of RC&D" and mail the check with a copy of the Agreed Order, to:

Texas Association of Resource Conservation
and Development Areas, Inc. (RC&D)
1716 Briarcrest Drive, Suite 507
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP offset amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP offset amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP offset amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP offset amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Penalty Calculation Worksheet (PCW)

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

TCEQ

DATES					
Assigned	4-Oct-2010				
PCW	19-Oct-2010	Screening	18-Oct-2010	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	WESTWOOD WATER SUPPLY CORPORATION		
Reg. Ent. Ref. No.	RN101610210		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	40561	No. of Violations	10
Docket No.	2010-1713-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Evette Alvarado
		EC's Team	Enforcement Team 1

Admin. Penalty $ Limit Minimum $0 Maximum $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **$19,100**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **65.0%** Enhancement *Subtotals 2, 3, & 7* **$12,415**

Notes: Enhancement for 12 months of self-reported effluent violations and one NOV with same/similar violations.

Culpability No **0.0%** Enhancement *Subtotal 4* **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments *Subtotal 5* **$4,775**

Economic Benefit **0.0%** Enhancement* *Subtotal 6* **$0**

Total EB Amounts $152
Approx. Cost of Compliance $26,186
*Capped at the Total EB $ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal* **$26,740**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** *Adjustment* **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$26,740**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **$26,740**

DEFERRAL **20.0%** Reduction *Adjustment* **-$5,348**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$21,392**

Screening Date 18-Oct-2010 **Docket No.** 2010-1713-MWD-E **PCW**

Respondent WESTWOOD WATER SUPPLY CORPORATION *Policy Revision 2 (September 2002)*

Case ID No. 40561 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101610210

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

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 (*number of NOVs meeting criteria*)	13	65%
	Other written NOVs	0	0%
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%

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

Adjustment Percentage (Subtotal 2) 65%

>> 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 12 months of self-reported effluent violations and one NOV with same/similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 65%

Screening Date	18-Oct-2010	**Docket No.** 2010-1713-MWD-E	**PCW**
Respondent	WESTWOOD WATER SUPPLY CORPORATION		*Policy Revision 2 (September 2002)*
Case ID No.	40561		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101610210		
Media [Statute]	Water Quality		
Enf. Coordinator	Evette Alvarado		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011337001, Operational Requirements No. 4

Violation Description Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater, as documented during an investigation conducted on August 4, 2010.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants that would exceed protective levels as a result of this violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 | 29 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One monthly event is recommended from the investigation date (August 4, 2010) to the compliance date (September 2, 2010).

Good Faith Efforts to Comply

25.0% Reduction — $625

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

Notes: The Respondent returned to compliance by September 2, 2010.

Violation Subtotal $1,875

Economic Benefit (EB) for this violation

Estimated EB Amount $111

Statutory Limit Test

Violation Final Penalty Total $3,500

This violation Final Assessed Penalty (adjusted for limits) $3,500

Economic Benefit Worksheet

Respondent WESTWOOD WATER SUPPLY CORPORATION
Case ID No. 40561
Req. Ent. Reference No. RN101610210
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$20,000	4-Aug-2010	2-Sep-2010	0.08	$5	$106	$111
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	Estimated cost to obtain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures. Date required is the investigation date. Final date is the date compliance was achieved.						
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 $20,000

TOTAL $111

Screening Date	18-Oct-2010	**Docket No.** 2010-1713-MWD-E	**PCW**
Respondent	WESTWOOD WATER SUPPLY CORPORATION		*Policy Revision 2 (September 2002)*
Case ID No.	40561		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101610210		
Media [Statute]	Water Quality		
Enf. Coordinator	Evette Alvarado		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0011337001, Other Requirements No. 9

Violation Description Failed to report to the TCEQ Beaumont Regional Office the amount of sludge removed from the Facility each year, as documented during an investigation conducted on August 4, 2010. Specifically, sludge reports for the years 2006 through 2009 had been submitted to the Enforcement Division but not to the Beaumont Regional Office.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual			
	Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 5%

Matrix Notes: 50% of the permit requirement was not met.

Adjustment $9,500

$500

Violation Events

Number of Violation Events: 4

29 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,000

Four single events are recommended for the four sludge reports.

Good Faith Efforts to Comply

25.0% Reduction — $500

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

Notes: The Respondent returned to compliance by September 2, 2010.

Violation Subtotal $1,500

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $2,800

This violation Final Assessed Penalty (adjusted for limits) $2,800

Economic Benefit Worksheet

Respondent WESTWOOD WATER SUPPLY CORPORATION
Case ID No. 40561
Reg. Ent. Reference No. RN101610210
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	$100	4-Aug-2010	2-Sep-2010	0.08	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to submit copies of four annual sludge reports to the regional office. Date required is the investigation date. Final date is the date compliance was achieved.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance $100

TOTAL $0

Screening Date	18-Oct-2010	**Docket No.** 2010-1713-MWD-E	**PCW**
Respondent	WESTWOOD WATER SUPPLY CORPORATION		*Policy Revision 2 (September 2002)*
Case ID No.	40561		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101610210		
Media [Statute]	Water Quality		
Enf. Coordinator	Evette Alvarado		

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (11)(B) and TPDES Permit No. WQ0011337001, Sludge Provisions, Section II.E

Violation Description Failed to maintain records related to sewage sludge use and disposal activities for a period of at least five years, as documented during an investigation conducted on August 4, 2010. Specifically, sludge disposal records were not available for review at the time of the investigation.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

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

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events: 1 — 49 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

25.0% Reduction — $250

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

Notes: The Respondent returned to compliance by September 22, 2010.

Violation Subtotal $750

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

Estimated EB Amount $2

Violation Final Penalty Total $1,400

This violation Final Assessed Penalty (adjusted for limits) $1,400

Economic Benefit Worksheet

Respondent WESTWOOD WATER SUPPLY CORPORATION
Case ID No. 40561
Req. Ent. Reference No. RN101610210
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	4-Aug-2010	22-Sep-2010	0.13	$2	n/a	$2
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 develop a recordkeeping system to ensure that all records related to sludge use and disposal are maintained for five years. Date required is the investigation date. Final date is the date compliance was achieved.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 $250

TOTAL $2

Screening Date	18-Oct-2010	**Docket No.** 2010-1713-MWD-E	**PCW**
Respondent	WESTWOOD WATER SUPPLY CORPORATION		*Policy Revision 2 (September 2002)*
Case ID No.	40561		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101610210		
Media [Statute]	Water Quality		
Enf. Coordinator	Evette Alvarado		

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (5) and 317.3(b)(3), and TPDES Permit No. WQ0011337001, Operational Requirements No. 1

Violation Description Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted on August 4, 2010. Specifically, there was a moderate accumulation of grease in the wet well of lift station no. 3 and pump no. 1 at lift station no. 4 was not functional.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed protective levels as a result of this violation.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events: 1 — 29 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 (August 4, 2010) to the compliance date (September 2, 2010).

Good Faith Efforts to Comply

25.0% Reduction — $250

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

Notes: The Respondent returned to compliance by September 2, 2010.

Violation Subtotal $750

Economic Benefit (EB) for this violation

Estimated EB Amount $6

Statutory Limit Test

Violation Final Penalty Total $1,400

This violation Final Assessed Penalty (adjusted for limits) $1,400

Economic Benefit Worksheet

Respondent WESTWOOD WATER SUPPLY CORPORATION
Case ID No. 40561
Req. Ent. Reference No. RN101610210
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	4-Aug-2010	2-Sep-2010	0.08	$6	n/a	$6

Notes for DELAYED costs: Estimated cost to remove the accumulated grease from the lift station no. 3 wet well and to make repairs to pump no. 1 at lift station no. 4. Date required is the investigation date. Final date is the date compliance was achieved.

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 $1,500

TOTAL $6

Screening Date 18-Oct-2010 **Docket No.** 2010-1713-MWD-E **PCW**

Respondent WESTWOOD WATER SUPPLY CORPORATION *Policy Revision 2 (September 2002)*

Case ID No. 40561 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101610210

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (5), 317.4(d), 317.6(b)(3), and TPDES Permit No. WQ0011337001, Operational Requirements No. 1

Violation Description Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted on August 4, 2010. Specifically, the left clarifier had a high amount of surface scum, bulking sludge, and grease present, and both clarifiers had a bulked layer of sludge to seven feet in a total clarifier depth of 12 feet. Additionally, there were between one and a half to two feet of settled sludge in the chlorine contact basin.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed protective levels as a result of this violation.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 1 | 29 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 (August 4, 2010) to the compliance date (September 2, 2010).

Good Faith Efforts to Comply

25.0% Reduction $250

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

Notes: The Respondent returned to compliance by September 2, 2010.

Violation Subtotal $750

Economic Benefit (EB) for this violation

Estimated EB Amount $6

Statutory Limit Test

Violation Final Penalty Total $1,400

This violation Final Assessed Penalty (adjusted for limits) $1,400

Economic Benefit Worksheet

Respondent WESTWOOD WATER SUPPLY CORPORATION
Case ID No. 40561
Req. Ent. Reference No. RN101610210
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	$1,000	4-Aug-2010	2-Sep-2010	0.08	$4	n/a	$4
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$500	4-Aug-2010	2-Sep-2010	0.08	$2	n/a	$2

Notes for DELAYED costs: Estimated cost to remove excessive sludge from chlorine contact basin ($1,000) and make adjustments to skimmer and return activated sludge pump to lower sludge blanket in clarifiers ($500). Date required is the investigation date. Final date is the date compliance was achieved.

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 $1,500

TOTAL $6

Screening Date	18-Oct-2010	**Docket No.** 2010-1713-MWD-E	**PCW**
Respondent	WESTWOOD WATER SUPPLY CORPORATION		*Policy Revision 2 (September 2002)*
Case ID No.	40561		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101610210		
Media [Statute]	Water Quality		
Enf. Coordinator	Evette Alvarado		

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0011337001, Monitoring and Reporting Requirements No. 2

Violation Description Failed to comply with the specified test procedures for analysis of pollutants, as documented during an investigation conducted on August 4, 2010. Specifically, the pH buffer solutions at the Facility were all past their expiration dates.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual			
	Potential			x

Percent 5%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment will or could be exposed to insignificant amounts of pollutants as a result of this violation.

Adjustment $9,500

$500

Violation Events

Number of Violation Events: 1 — 29 Number of violation days

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

25.0% Reduction — $125

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

Notes: The Respondent returned to compliance by September 2, 2010.

Violation Subtotal $375

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

Estimated EB Amount $0

Violation Final Penalty Total $700

This violation Final Assessed Penalty (adjusted for limits) $700

Economic Benefit Worksheet

Respondent WESTWOOD WATER SUPPLY CORPORATION
Case ID No. 40561
Req. Ent. Reference No. RN101610210
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$36	4-Aug-2010	2-Sep-2010	0.08	$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: Estimated cost of three 500-milliliter bottles of pH buffer solution. Date required is the investigation date. Final date is the date compliance was achieved.

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: $36

TOTAL: $0

Screening Date	18-Oct-2010	**Docket No.** 2010-1713-MWD-E	**PCW**
Respondent	WESTWOOD WATER SUPPLY CORPORATION		*Policy Revision 2 (September 2002)*
Case ID No.	40561		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101610210		
Media [Statute]	Water Quality		
Enf. Coordinator	Evette Alvarado		

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (4), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0011337001, Permit Conditions No. 2.d

Violation Description Failed to prevent to the discharge of sludge into the receiving stream, as documented during an investigation conducted on August 4, 2010. Specifically, approximately three to six inches of settled sludge was noted 100 to 150 feet downstream of the outfall. The sludge was discharged on or about June 8, 2010, as the result of a blower failure at the Facility.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual		x	
	Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment has been exposed to significant amounts of pollutants that do not exceed protective levels as a result of this violation.

Adjustment $7,500

$2,500

Violation Events

3 — 86 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $7,500

Three monthly events are recommended from the date of the discharge (June 8, 2010) to the compliance date (September 2, 2010).

Good Faith Efforts to Comply

25.0% Reduction — $1,875

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

Notes: The Respondent returned to compliance by September 2, 2010.

Violation Subtotal $5,625

Economic Benefit (EB) for this violation

Estimated EB Amount $24

Statutory Limit Test

Violation Final Penalty Total $10,500

This violation Final Assessed Penalty (adjusted for limits) $10,500

Economic Benefit Worksheet

Respondent WESTWOOD WATER SUPPLY CORPORATION
Case ID No. 40561
Req. Ent. Reference No. RN101610210
Media Water Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	$2,000	8-Jun-2010	2-Sep-2010	0.24	$24	n/a	$24
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to remove accumulated sludge from the receiving stream and pump it to one of the Facility's lift stations. Date required is the date of the discharge. Final date is the date compliance was achieved.

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 $24

Screening Date	18-Oct-2010	**Docket No.** 2010-1713-MWD-E	**PCW**
Respondent	WESTWOOD WATER SUPPLY CORPORATION		*Policy Revision 2 (September 2002)*
Case ID No.	40561		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101610210		
Media [Statute]	Water Quality		
Enf. Coordinator	Evette Alvarado		

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (9) and TPDES Permit No. WQ0011337001, Monitoring and Reporting Requirements No. 7.a

Violation Description Failed to report an unauthorized discharge either orally or by facsimile transmission within 24 hours of becoming aware of the discharge, and in writing within five working days of the discharge, as documented during an investigation conducted on August 4, 2010. Specifically, the discharge of sludge that occurred on or about June 8, 2010, was not reported to the regional office.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual			
	Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

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

Adjustment $9,000

$1,000

Violation Events

1 | 106 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

25.0% Reduction — $250

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

Notes: The Respondent returned to compliance by September 22, 2010.

Violation Subtotal $750

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $1,400

This violation Final Assessed Penalty (adjusted for limits) $1,400

Economic Benefit Worksheet

Respondent WESTWOOD WATER SUPPLY CORPORATION
Case ID No. 40561
Req. Ent. Reference No. RN101610210
Media Water Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	4-Aug-2010	2-Sep-2010	0.08	$1	n/a	$1
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
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 DELAYED costs: Estimated cost to develop and implement procedures to ensure proper reporting of unauthorized discharges. Date required is the investigation date. Final date is the date compliance was achieved.

Notes for AVOIDED costs:

Approx. Cost of Compliance $250

TOTAL $1

Screening Date	18-Oct-2010	**Docket No.** 2010-1713-MWD-E	**PCW**
Respondent	WESTWOOD WATER SUPPLY CORPORATION		*Policy Revision 2 (September 2002)*
Case ID No.	40561		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101610210		
Media [Statute]	Water Quality		
Enf. Coordinator	Evette Alvarado		
Violation Number	9		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0011337001, Effluent Limitations and Monitoring Requirements No. 2		
Violation Description	Failed to comply with permitted effluent limitations for chlorine residual, as documented during an investigation conducted on August 4, 2010. Specifically, a grab sample taken during the investigation showed a chlorine residual of greater than 8.8 milligrams per liter ("mg/L"). The permitted maximum chlorine residual is 4.0 mg/L.		

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual		x	
	Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment has been exposed to significant amounts of pollutants that do not exceed protective levels as a result of this violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events: 1 — 28 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One monthly event is recommended based on the date the grab sample was taken (August 4, 2010).

Good Faith Efforts to Comply

25.0% Reduction — $625

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

Notes: The Respondent returned to compliance by September 2, 2010.

Violation Subtotal $1,875

Economic Benefit (EB) for this violation

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $3,500

This violation Final Assessed Penalty (adjusted for limits) $3,500

Economic Benefit Worksheet

Respondent WESTWOOD WATER SUPPLY CORPORATION
Case ID No. 40561
Req. Ent. Reference No. RN101610210
Media Water Quality
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	$500	4-Aug-2010	2-Sep-2010	0.08	$2	n/a	$2

Notes for DELAYED costs: Estimated cost to make adjustments to the chlorine feed rate to maintain compliance with the permitted chlorine residual limits. Date required is the investigation date. Final date is the date compliance was achieved.

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 $2

Screening Date	18-Oct-2010	**Docket No.** 2010-1713-MWD-E	**PCW**
Respondent	WESTWOOD WATER SUPPLY CORPORATION		*Policy Revision 2 (September 2002)*
Case ID No.	40561		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101610210		
Media [Statute]	Water Quality		
Enf. Coordinator	Evette Alvarado		

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), (12), and (19) and TPDES Permit No. WQ0011337001, Permit Conditions No. 1.a

Violation Description Failed to submit correct and accurate information in a report to the Executive Director, as documented during an investigation conducted on August 4, 2010. Specifically, the discharge monitoring report ("DMR") submitted for May 2010 had a reporting error for maximum chlorine residual. The operations log showed a maximum of 3.8 mg/L, but 3.5 mg/L was reported on the DMR.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual			
	Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

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

Adjustment $9,900

$100

Violation Events

Number of Violation Events: 1 — 74 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction — $25

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

Notes: The Respondent returned to compliance by September 2, 2010.

Violation Subtotal $75

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

Estimated EB Amount $0

Violation Final Penalty Total $140

This violation Final Assessed Penalty (adjusted for limits) $140

Economic Benefit Worksheet

Respondent WESTWOOD WATER SUPPLY CORPORATION
Case ID No. 40561
Req. Ent. Reference No. RN101610210
Media Water Quality
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	$50	4-Aug-2010	2-Sep-2010	0.08	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to submit a revised DMR for May 2010. Date required is the investigation date. Final date is the date compliance was achieved.

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 $50

TOTAL $0

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600862031	Westwood WSC	Classification: AVERAGE	Rating: 0.95
Regulated Entity:	RN101610210	WESTWOOD SUBDIVISION	Classification: AVERAGE	Site Rating: 0.95

ID Number(s):	WASTEWATER	PERMIT	WQ0011337001
	WASTEWATER	EPA ID	TX0031275
	WASTEWATER LICENSING	LICENSE	WQ0011337001

Location: Approx. 4.5 mi. north of intx of SH 63 and FM 255, adj to Sam Rayburn Reservoir, 15 mi. NW of Jasper, Jasper Co., Tx

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: October 15, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 15, 2005 to October 15, 2010

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

Name: Evette Alvarado Phone: (512) 239 - 2573

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator?
   N/A
4. If Yes, who was/were the prior owner(s)/operator(s)?
   N/A
5. When did the change(s) in owner or operator occur?
   N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 02/27/2006 (471659)
2 03/22/2006 (471660)
3 10/21/2005 (471661)
4 11/14/2005 (471662)
5 12/27/2005 (471663)
6 01/23/2006 (471664)
7 04/20/2006 (500228)
8 05/15/2006 (500229)
9 06/21/2006 (500230)
10 11/09/2006 (515354)
11 07/17/2006 (522334)
12 08/14/2006 (522335)
13 09/21/2006 (522336)

14	04/18/2006	(547016)
15	10/25/2006	(547017)
16	11/21/2006	(547018)
17	12/13/2006	(547019)
18	02/22/2007	(579461)
19	03/16/2007	(579462)
20	05/14/2007	(579463)
21	06/26/2007	(579464)
22	01/10/2007	(579465)
23	10/11/2007	(594241)
24	07/20/2007	(602822)
25	08/20/2007	(602823)
26	09/24/2007	(602824)
27	10/22/2007	(621179)
28	11/26/2007	(621180)
29	12/13/2007	(621181)
30	02/22/2008	(673278)
31	01/22/2008	(673279)
32	03/24/2008	(691432)
33	05/01/2008	(691433)
34	05/22/2008	(691434)
35	06/20/2008	(712363)
36	07/11/2008	(712364)
37	08/22/2008	(712365)
38	09/29/2008	(712366)
39	09/30/2008	(728636)
40	10/09/2008	(728637)
41	11/17/2008	(728638)
42	12/12/2008	(728639)
43	02/19/2009	(751719)
44	01/13/2009	(751720)
45	03/09/2009	(769499)
46	04/09/2009	(769500)
47	05/13/2009	(769501)
48	02/22/2010	(808160)
49	06/17/2009	(808161)
50	07/27/2009	(808162)
51	08/31/2009	(808163)
52	09/21/2009	(808164)
53	10/19/2009	(808165)
54	11/23/2009	(808166)
55	12/11/2009	(808167)
56	01/20/2010	(808168)
57	03/12/2010	(832153)
58	04/23/2010	(832154)
59	05/14/2010	(832155)
60	06/23/2010	(846664)
61	10/01/2010	(857958)
62	06/30/2010	(861206)
63	08/23/2010	(867318)

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

Date: 10/31/2005 (471662)CN600862031
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: 12/31/2005 (471664) CN600862031
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: 01/31/2006 (471659) CN600862031
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: 04/30/2006 (500229) CN600862031
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: 08/31/2006 (522336) CN600862031
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/10/2006 (515354) CN600862031
Self Report? NO Classification: Moderate
Citation: PC 4a iii PERMIT
Description: Failure by Westwood WSC to notify the TCEQ of a significant change in the permittee's sludge use or disposal practices.
Self Report? NO Classification: Minor
Citation: OpR 1 PERMIT
Description: Failure by Westwood WSC to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
Self Report? NO Classification: Minor
Citation: OpR 1 PERMIT
Description: Failure by Westwood WSC to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
Self Report? NO Classification: Moderate
Citation: PC 2g PERMIT
Description: Failure by Westwood WSC to prevent unauthorized discharges into or adjacent to the waters of the state.
Self Report? NO Classification: Minor
Citation: M&RR 2 PERMIT
Description: Failure by Westwood WSC to comply with the test procedures for the analysis of pollutants as specified in 30 TAC 319.11-319.12.
Self Report? NO Classification: Minor
Citation: M&RR 3b PERMIT
Description: Failure by Westwood WSC to maintain the required records and have them available for review during the investigation.
Self Report? NO Classification: Minor
Citation: PC 1a PERMIT
Description: Failure by Westwood WSC to accurately complete the discharge monitoring reports (DMRs).
Self Report? NO Classification: Moderate
Citation: OpR 1 PERMIT
Description: Failure by Westwood WSC to prevent the discharge and accumulation of sludge in the receiving water.

Self Report? NO Classification: Minor
Citation: FEL&MR 2 PERMIT
Description: Failure by Westwood WSC to discharge effluent that is compliant with permitted limitations.

Self Report? NO Classification: Moderate
Citation: OpR 1 PERMIT
Description: Failure by Westwood WSC to properly manage to solids inventory within the wastewater treatment plant.

Self Report? NO Classification: Moderate
Citation: OT 7 PERMIT
Description: Failure by Westwood WSC to have the required records available for review.

Self Report? NO Classification: Moderate
Citation: OpR 1 PERMIT
Description: Failure by Westwood WSC to equip the lift stations with audible alarms.

Self Report? NO Classification: Minor
Citation: PC 1a PERMIT
Description: Failure by Westwood WSC to properly complete the Discharge Monitoring Reports.

Date: 11/30/2006 (547019) CN600862031
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: 12/31/2006 (579465) CN600862031
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: 01/31/2007 (579461) CN600862031
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: 12/31/2007 (673279) CN600862031
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2008 (673278) CN600862031
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2009 (769499) CN600862031
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2009 (769500) CN600862031
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	**§**	**BEFORE THE**
ENFORCEMENT ACTION	**§**	
CONCERNING	**§**	**TEXAS COMMISSION ON**
WESTWOOD WATER SUPPLY	**§**	
CORPORATION	**§**	
RN101610210	**§**	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2010-1713-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 WESTWOOD WATER SUPPLY CORPORATION 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 municipal wastewater treatment facility located approximately 4.5 miles north of the intersection of State Highway 63 and Farm-to-Market Road 255, adjacent to Sam Rayburn Reservoir and 15 miles northwest of Jasper in Jasper 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 October 5, 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-Six Thousand Seven Hundred Forty Dollars ($26,740) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Five Thousand Three Hundred Forty-Eight Dollars ($5,348) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twenty-One Thousand Three Hundred Ninety-Two Dollars ($21,392) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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 recognizes that the Respondent has implemented the following corrective measures at the Facility:

   a. By September 2, 2010:

      i. Secured the use of a generator to ensure that backup power is available at the Facility during electrical power failures;

      ii. Submitted copies of the 2006 through 2009 sludge reports to the Beaumont Regional Office;

      iii. Removed the accumulated grease from lift station no. 3 and made repairs to pump no. 1 at lift station no. 4;

      iv. Removed the excess sludge from the chlorine contact basin and made adjustments to the skimmers and return activated sludge pumps in the clarifiers;

      v. Purchased new pH buffer solution;

      vi. Removed the accumulated sludge from the receiving stream and pumped it to one of the Facility's lift stations;

      vii. Developed and implemented procedures to ensure proper reporting of unauthorized discharges;

      viii. Made adjustments to the chlorine feed rate to return to and maintain compliance with permitted chlorine residual limits; and

ix. Submitted a revised discharge monitoring report ("DMR") for May 2010.

b. By September 22, 2010, developed a recordkeeping system to ensure that all records related to sludge use and disposal are maintained for five years.

10. 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.

11. 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.

12. 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 adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011337001, Operational Requirements No. 4, as documented during an investigation conducted on August 4, 2010.

2. Failed to report to the TCEQ Beaumont Regional Office the amount of sludge removed from the Facility each year, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011337001, Other Requirements No. 9, as documented during an investigation conducted on August 4, 2010. Specifically, sludge reports for the years 2006 through 2009 had been submitted to the Enforcement Division but not to the Beaumont Regional Office.

3. Failed to maintain records related to sewage sludge use and disposal activities for a period of at least five years, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (11)(B) and TPDES Permit No. WQ0011337001, Sludge Provisions No. II.E, as documented during an investigation conducted on August 4, 2010. Specifically, sludge disposal records were not available for review at the time of the investigation.

4. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.3(b)(3), and TPDES Permit No. WQ0011337001, Operational Requirements No. 1, as documented during an investigation conducted on August 4, 2010. Specifically, there was a moderate accumulation of grease in the wet well of lift station no. 3 and pump no. 1 at lift station no. 4 was not functional.

5. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5), 317.4(d), 317.6(b)(3), and TPDES Permit No. WQ0011337001, Operational Requirements No. 1, as documented during an investigation conducted on August 4, 2010. Specifically, the left clarifier had a high amount of surface scum, bulking sludge, and grease present, and both clarifiers had a bulked layer of sludge to seven feet in a total clarifier depth of 12 feet. Additionally, there were between one and a half to two feet of settled sludge in the chlorine contact basin.

6. Failed to comply with the specified test procedures for analysis of pollutants, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0011337001, Monitoring and Reporting Requirements No. 2, as documented during an investigation conducted on August 4, 2010. Specifically, the pH buffer solutions at the Facility were all past their expiration dates.

7. Failed to prevent the discharge of sludge into the receiving stream, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (4), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011337001, Permit Conditions No. 2.d, as documented during an investigation conducted on August 4, 2010. Specifically, approximately three to six inches of settled sludge was noted 100 to 150 feet downstream of the outfall. The sludge was discharged on or about June 8, 2010, as the result of a blower failure at the Facility.

8. Failed to report an unauthorized discharge either orally or by facsimile transmission within 24 hours of becoming aware of the discharge, and in writing within five working days of the discharge, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9) and TPDES Permit No. WQ0011337001, Monitoring and Reporting Requirements No. 7.a, as documented during an investigation conducted on August 4, 2010. Specifically, the discharge of sludge that occurred on or about June 8, 2010, was not reported to the regional office.

9. Failed to comply with permitted effluent limitations for chlorine residual, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011337001, Effluent Limitations and Monitoring Requirements No. 2, as documented during an investigation conducted on August 4, 2010. Specifically, a grab sample taken during the investigation showed a chlorine residual of greater than 8.8 milligrams per liter ("mg/L"). The permitted maximum chlorine residual is 4.0 mg/L.

10. Failed to submit correct and accurate information in a report to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 305.125(1), (12), and (19) and TPDES Permit No. WQ0011337001, Permit Conditions No. 1.a, as documented during an investigation conducted on August 4, 2010. Specifically, the DMR submitted for May 2010 had a reporting error for maximum chlorine residual. The operations log showed a maximum of 3.8 mg/L, but 3.5 mg/L was reported on the DMR.

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: WESTWOOD WATER SUPPLY CORPORATION, Docket No. 2010-1713-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. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twenty-One Thousand Three Hundred Ninety-Two Dollars ($21,392) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. 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.

4. 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.

5. 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.

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

_____ 3/28/2011
For the Executive Director 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.

_____ 12-21-10
Signature Date

D. J. ROBBINS President
Name (Printed or typed) Title
Authorized Representative of
WESTWOOD WATER SUPPLY CORPORATION

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.

Attachment A
Docket Number: 2010-1713-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

The Respondent:	**Westwood Water Supply Corporation**
Penalty Amount:	**Twenty-One Thousand Three Hundred Ninety-Two Dollars ($21,392)**
SEP Offset Amount:	**Twenty-One Thousand Three Hundred Ninety-Two Dollars ($21,392)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation & Development Areas, Inc. ("RC&D")** ***Pulling Underground Storage Tanks***
Location of SEP:	**Jasper County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP offset amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The SEP contribution will be to the Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D") to be used for the pulling of underground storage tanks as set forth in an agreement between the Third-Party Recipient and the TCEQ.

The Third-Party Recipient shall coordinate with public or private entities to remove underground storage tanks. The project will provide tank removal at sites where there is no responsible party or the responsible party is financially unable to remove the tanks. The Third-Party Recipient shall work with TCEQ as well as other entities to identify the responsible party (or parties) and the reason the party is not able to remove the tanks. The Third-Party Recipient shall request TCEQ approval of these sites prior to any work at the site.

Once the site is approved by TCEQ, the Third-Party Recipient shall coordinate with authorized representatives to perform the tank removal in accordance with the applicable portions of TCEQ's guidance that covers removal of underground storage tanks, specifically RG-411. This shall include:

1. Removal and proper disposal of any liquids found in the tanks;
2. Removal of tanks;
3. Soil sampling and notification of the TCEQ SEP Coordinator and the appropriate TCEQ Regional Office within 5 business days as to the results of the sampling and a determination as to whether the tanks have leaked;

4. Any necessary remediation;
5. Backfill; and
6. Compilation of a UST closure report for each UST system removed and submittal of the report to the TCEQ.

The project will be administered in accordance with TCEQ guidance and in compliance with federal, state, and local environmental laws and regulations. Any SEP offset amount remaining after completion of this project may, upon approval of the Executive Director, be applied to another approved RC&D project.

B. Environmental Benefit

The project will show discernible environmental benefit by reducing the potential threat of leaking underground storage tanks which could contaminate both the soil and the groundwater.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP offset amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the SEP offset amount to the Third-Party Recipient. The Respondent shall make the contribution check payable to "Texas Association of RC&D" and mail the check with a copy of the Agreed Order, to:

Texas Association of Resource Conservation
and Development Areas, Inc. (RC&D)
1716 Briarcrest Drive, Suite 507
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP offset amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP offset amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP offset amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP offset amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.