

Executive Summary – Enforcement Matter – Case No. 41012

Wolf Hollow I, L.P.

RN100219195

Docket No. 2011-0110-IWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation/s.

Media:

IWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Located at the intersection of Wolf Hollow Court and Farm-to-Market Road 2425, approximately 1.1 miles east of the intersection of Farm-to-Market Road 2425 and State Highway 144, Hood County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 6, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$2,274

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$2,274

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

**Executive Summary – Enforcement Matter – Case No. 41012
Wolf Hollow I, L.P.
RN100219195
Docket No. 2011-0110-IWD-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: November 30, 2010
Date(s) of NOE(s): January 6, 2011

Violation Information

1. Failed to comply with permitted effluent limitations for ammonia nitrogen [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004288000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001].
2. Failed to submit complete effluent monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0004288000, Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:

- a. Reported compliant effluent data for the months of September, October, and November 2010 after updating operational guidance and implementing sampling procedures necessary to properly flush stagnant fluid from the sample collection line prior to sampling; and
- b. Updated operational reporting guidance and submitted revised DMRs with complete data by January 10, 2011.

Technical Requirements:

N/A

Litigation Information

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

Executive Summary – Enforcement Matter – Case No. 41012

Wolf Hollow I, L.P.

RN100219195

Docket No. 2011-0110-IWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mr. Thomas Jecha, P.G., Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2576; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

TCEQ SEP Coordinator: N/A

Respondent: Mr. Jeffrey E. Grundman, Manager, Wolf Hollow I, L.P., 9201 Wolf Hollow Court, Granbury, Texas 76048

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	10-Jan-2011	Screening	13-Jan-2011	EPA Due	
	PCW	14-Jan-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	Wolf Hollow I, L.P.		
Reg. Ent. Ref. No.	RN100219195		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	41012	No. of Violations	2
Docket No.	2011-0110-IWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Thomas Jecha, P.G.
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$1,200**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **117.0%** Enhancement **Subtotals 2, 3, & 7** **\$1,404**

Notes: Enhancement for 13 months of self-reported effluent violations, two NOV's with same or similar violations, one NOV with dissimilar violations, and two orders with a denial of liability.

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** **\$270**

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

Total EB Amounts \$15
 Approx. Cost of Compliance \$600
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$2,334**

OTHER FACTORS AS JUSTICE MAY REQUIRE **-2.6%** **Adjustment** **-\$60**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction to prevent double-enhancement of the penalty amount for same violations not self-reported.

Final Penalty Amount **\$2,274**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$2,274**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$2,274**

Screening Date 13-Jan-2011

Docket No. 2011-0110-IWD-E

PCW

Respondent Wolf Hollow I, L.P.

Policy Revision 2 (September 2002)

Case ID No. 41012

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219195

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha, P.G.

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	15	75%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 117%

>> 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 13 months of self-reported effluent violations, two NOVs with same or similar violations, one NOV with dissimilar violations, and two orders with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 117%

Screening Date 13-Jan-2011
Respondent Wolf Hollow I, L.P.
Case ID No. 41012
Reg. Ent. Reference No. RN100219195
Media [Statute] Water Quality
Enf. Coordinator Thomas Jecha, P.G.

Docket No. 2011-0110-IWD-E

PCW

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

Violation Number

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas
 Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004288000,
 Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001

Violation Description Failed to comply with permitted effluent limitations, as documented during a record
 review conducted on November 30, 2010 (see attached table).

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text" value="10%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged
 amounts of pollutants exceeded levels protective of human health or the environment. As a result
 of these discharges, human health or the environment has been exposed to insignificant amounts
 of pollutants.

Adjustment

Violation Events

Number of Violation Events: Number of violation days

mark only one with an x

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

Violation Base Penalty

One quarterly event is recommended.

Good Faith Efforts to Comply

Reduction

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

Notes Compliance was achieved by November 30, 2010.

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 Wolf Hollow I, L.P.
Case ID No. 41012
Reg. Ent. Reference No. RN100219195
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				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	30-Jun-2010	30-Nov-2010	0.42	\$10	n/a	\$10

Notes for DELAYED costs

Estimated cost to investigate the cause of the effluent violations and to implement necessary sampling procedures to properly flush stagnant fluid from the sample collection line prior to sampling. The date required is the month the first non-compliant excursion was documented and the final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$10
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Screening Date 13-Jan-2011

Docket No. 2011-0110-IWD-E

PCW

Respondent Wolf Hollow I, L.P.

Policy Revision 2 (September 2002)

Case ID No. 41012

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219195

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha, P.G.

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0004288000, Monitoring and Reporting Requirements No. 1

Violation Description Failed to submit complete effluent monitoring results at the intervals specified in the permit. Specifically, daily average 5-day carbonaceous biochemical oxygen demand data were not included in the discharge monitoring reports ("DMRs") submitted for the monitoring periods ending June and August, 2010 for outfall 001.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1%
Less than 30% of the rule requirement was not met.					

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2 Number of violation days 2

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

Violation Base Penalty \$200

Two single events are recommended.

Good Faith Efforts to Comply

10.0% Reduction \$20

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

Notes Compliance was achieved by January 10, 2011.

Violation Subtotal \$180

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$403

This violation Final Assessed Penalty (adjusted for limits) \$403

Economic Benefit Worksheet

Respondent Wolf Hollow I, L.P.
Case ID No. 41012
Reg. Ent. Reference No. RN100219195
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
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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)	\$100	20-Jul-2010	10-Jan-2011	0.48	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to update operational guidance and submit revised DMRs. The date required is the date the monitoring results were due and the final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$2

Wolf Hollow I, L.P.		
RN100219195; Docket 2011-0110-IWD-E;		
TPDES Permit No. WQ0004288000 (outfall 001)		
	ammonia nitrogen (DAV)	ammonia nitrogen (DMX)
Month/Year	2 mg/L	4 mg/L
June 2010	2.83	16.2
August 2010	3.568	17

DAV = Daily Average (concentration), DMX = Daily Maximum (concentration)
 mg/L = milligrams/liter

Compliance History

Customer/Respondent/Owner-Operator: CN600130132 Wolf Hollow I, L.P. Classification: AVERAGE Rating: 4.96
 Regulated RN100219195 WOLF HOLLOW I Classification: AVERAGE Site Rating: 6.92

ID Number(s):
 AIR OPERATING PERMITS ACCOUNT NUMBER HQ01120
 AIR OPERATING PERMITS PERMIT 2066
 WASTEWATER PERMIT WQ0004288000
 WASTEWATER EPA ID TX0123820
 AIR NEW SOURCE PERMITS AFS NUM 4822100690
 AIR NEW SOURCE PERMITS PERMIT 41166
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER HQ01120
 AIR NEW SOURCE PERMITS EPA ID PSDTX939
 AIR NEW SOURCE PERMITS REGISTRATION 54096
 AIR NEW SOURCE PERMITS PERMIT 83638
 AIR NEW SOURCE PERMITS EPA ID PSDTX1110
 AIR EMISSIONS INVENTORY ACCOUNT NUMBER HQ01120

Location: intersection of Wolf Hollow Court & FM 2425, approx 1.1 mi E
 of the intersection of FM 2425 & SH 144

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: January 10, 2011

Agency Decision Requiring Compliance Enforcement

Compliance Period: January 10, 2006 to January 10, 2011

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

Name: Thomas Jecha Phone: 239 - 2576

Site Compliance History Components

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

(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.

Effective Date: 05/28/2006 ADMINORDER 2005-1765-IWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Effective Date: 05/22/2008 ADMINORDER 2007-1802-IWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failed to comply with permit effluent limits.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: Self-reporting Requirements PERMIT

Description: Failed to submit DMR parameter data as specified in the permit. Specifically, DMR parameter data did not include TSS daily average and daily maximum and oil and grease daily average and daily maximum at Outfall 101 for the monitoring period ending July 31, 2006; temperature daily average and daily maximum, pH minimum and maximum, and flow daily average and daily maximum at outfall 001 for the monitoring period ending December 31, 2006; and flow daily average and daily maximum at outfall

101 for

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.)

		(465409)
1	5/10/06	
2	7/5/06	(482373)
3	7/5/06	(482959)
4	7/14/06	(486917)
5	2/22/06	(493434)
6	3/15/06	(506754)
7	4/24/06	(506755)
8	5/23/06	(506756)
9	6/20/06	(506757)
10	4/24/06	(506758)
11	9/27/06	(509358)
12	10/31/06	(516038)
13	8/24/06	(528900)
14	9/19/06	(528901)
15	3/1/07	(541878)
16	2/23/07	(552047)
17	10/23/06	(552048)
18	11/21/06	(552049)
19	12/14/06	(552050)
20	1/19/07	(552051)
21	5/30/07	(557492)
22	3/30/07	(589475)
23	4/24/07	(589476)
24	5/26/07	(589477)
25	6/25/07	(589478)
26	7/24/07	(589479)
27	11/1/07	(594948)
28	9/21/07	(595122)
29	11/30/07	(598264)
30	8/23/07	(605886)
31	9/25/07	(605887)
32	11/6/07	(632821)
33	11/20/07	(632822)

34	12/19/07	(632823)
35	1/15/08	(632824)
36	2/20/08	(677624)
37	3/10/08	(677625)
38	3/10/08	(677626)
39	3/10/08	(677627)
40	3/16/09	(688478)
41	5/9/08	(696405)
42	10/13/08	(703794)
43	11/6/08	(704871)
44	8/11/08	(718069)
45	9/12/08	(718070)
46	10/19/08	(718071)
47	10/19/08	(718072)
48	1/28/09	(723712)
49	11/12/08	(733360)
50	12/18/08	(733361)
51	4/29/09	(738842)
52	2/17/09	(756506)
53	3/13/09	(756507)
54	4/16/09	(756508)
55	5/12/09	(773424)
56	6/8/09	(773425)
57	12/2/09	(781244)
58	2/5/10	(788431)
59	2/18/10	(820538)
60	11/2/09	(820539)
61	8/24/09	(820540)
62	9/22/09	(820541)
63	10/22/09	(820542)
64	11/3/09	(820543)
65	12/15/09	(820544)
66	1/21/10	(820545)
67	3/22/10	(836459)
68	4/23/10	(836460)
69	5/17/10	(836461)
70	6/25/10	(847975)
71	8/23/10	(862410)
72	8/23/10	(869031)
73	9/24/10	(875875)
74	1/6/11	(879628)
75	10/22/10	(883471)
76	11/24/10	(889854)

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

Date: 02/28/2006 (506754)

CN600130132

Self	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2006 (506755)	CN600130132	
Self	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2006 (506758)	CN600130132	
Self	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	10/31/2006 (552049)	CN600130132	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2006 (552050)	CN600130132	
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 (552051)	CN600130132	
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 (552047)	CN600130132	
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	04/30/2007 (589477)	CN600130132	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/25/2007 (557492)	CN600130132	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations and Monitoring Requ OP		
Description:	Failure to meet permitted effluent limit requirements.		
Date	05/31/2007 (589478)	CN600130132	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/31/2007 (605886)	CN600130132	
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2007 (632823)	CN600130132	
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		

Description: Failure to meet the limit for one or more permit parameter
Date 12/06/2007 (598264) CN600130132
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to report to the executive director, in writing, all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for each emission unit addressed in the permit.
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.146(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to certify compliance with the terms and conditions of the permit at least each 12-month period following the initial permit issuance.
Date 05/01/2009 (738842) CN600130132
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0004288000 PERMIT
Description: Failure to comply with self-monitored effluent limitations.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(e)
WQ0004288000 PERMIT
Description: Failure to correctly report the chlorine daily maximum for April 2008.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0004288000 PERMIT
Description: Failure to comply with the permit limit for pH.
Date 06/30/2010 (862410) CN600130132
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 08/31/2010 (875875) CN600130132
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.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WOLF HOLLOW I, L.P.
RN100219195**

§
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§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2011-0110-IWD-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Wolf Hollow I, L.P. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment plant at the intersection of Wolf Hollow Court and Farm-to-Market Road 2425, approximately 1.1 miles east of the intersection of Farm-to-Market Road 2425 and State Highway 144 in Hood County, Texas (the "Facility").

2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on November 30, 2010, TCEQ staff documented exceedances of the permitted effluent limits as shown in the following table:

Outfall 001		
	ammonia nitrogen (DAV)	ammonia nitrogen (DMX)
Month/Year	2 mg/L	4 mg/L
June 2010	2.83	16.2
August 2010	3.568	17

DAV = Daily Average (concentration), DMX = Daily Maximum (concentration)
mg/L = milligrams/liter

4. During a record review on November 30, 2010, TCEQ staff documented that daily average 5-day carbonaceous biochemical oxygen demand data were not included in the discharge monitoring reports ("DMR") submitted for the monitoring periods ending June and August, 2010 for outfall 001.
5. The Respondent received notice of the violations on January 10, 2010.
6. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. Reported compliant effluent data for the months of September, October, and November 2010 after updating operational guidance and implementing sampling procedures necessary to properly flush stagnant fluid from the sample collection line prior to sampling; and
 - b. Updated operational reporting guidance and submitted revised DMRs with complete data by January 10, 2011.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004288000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to submit complete effluent monitoring results at the intervals specified in the permit, in violation of 30 TEX.

ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0004288000, Monitoring and Reporting Requirements No. 1.

4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Two Thousand Two Hundred Seventy-Four Dollars (\$2,274) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Two Thousand Two Hundred Seventy-Four Dollar (\$2,274) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Two Thousand Two Hundred Seventy-Four Dollars (\$2,274) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Wolf Hollow I, L.P., Docket No. 2011-0110-IWD-E" to:

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

2. 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.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

Wolf Hollow I, L.P.

DOCKET NO. 2011-0110-IWD-E

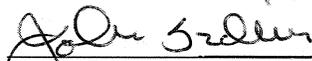
Page 4

4. 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.
5. 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.
6. 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.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 5/12/2011

I, the undersigned, have read and understand the attached Agreed Order in the matter of Wolf Hollow I, L.P. I am authorized to agree to the attached Agreed Order on behalf of Wolf Hollow I, L.P., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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

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



Signature

Date 4/5/11

Jeffrey E Grossman
Name (Printed or typed)
Authorized Representative of
Wolf Hollow I, L.P.

Title MANAGER

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