

Executive Summary – Enforcement Matter – Case No. 41321
Horizon Regional Municipal Utility District
RN102329075
Docket No. 2011-0422-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Horizon Region MUD City Plant, located approximately 0.5 mile west of the intersection of Ashford Street and Horizon Boulevard and approximately two miles northeast of the intersection of United States Highway 10 and Farm-to-Market Road 1281 (Horizon Boulevard), El Paso 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: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: July 1, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$3,420

Amount Deferred for Expedited Settlement: \$684

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$2,736

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

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RN102329075
Docket No. 2011-0422-MWD-E

Investigation Information

Complaint Date(s): July 23, 2010

Complaint Information: A complaint was received alleging the holding pond was creating a nuisance.

Date(s) of Investigation: February 23, 2011

Date(s) of NOE(s): February 25, 2011

Violation Information

1. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, algae, organic material, and trash/debris were in the retention ponds utilized for disposal of treated effluent at the Emerald Springs Golf Course [30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0010795001, Operational Requirements No. 1].
2. Failed to install adequate equipment to determine the application rate and volume of effluent used for irrigation [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0010795001, Operational Requirements No. 1 and Other Requirements No. 10.f].
3. Failed to maintain a trace chlorine residual at the point of irrigation application. Specifically, the chlorine residual at the point of irrigation application was 0.00 milligrams per liter [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010795001, Other Requirements No. 10.n].
4. Failed to obtain a Reclaimed Water Use Authorization. Specifically, the Respondent is pumping effluent from the retention pond that is used for irrigation to a pond that is used for aesthetic purposes [30 TEX. ADMIN. CODE § 210.5(d)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Submit an application to obtain authorization for the use of reclaimed water;
 - ii. Remove and properly dispose of the algae, organic material, and trash/debris from the retention ponds located on the Emerald Springs Golf Course; and
 - iii. Develop and implement a plan to properly maintain the retention ponds.

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- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing;
- c. Within 45 days, submit written certification demonstrating compliance with Ordering Provisions a.i. through a.iii.;
- d. Within 60 days:
 - i. Install equipment to determine the application rate and volume of effluent applied to the Golf Course; and
 - ii. Begin maintaining a trace amount of chlorine at the point of irrigation at all times.
- e. Within 75 days, submit written certification demonstrating compliance with Ordering Provisions d.i. and d.ii.;
- f. Within 180 days, submit written certification that authorization to use reclaimed water has been obtained or cease the use of the second storage pond.

Litigation Information

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Heather Brister, Enforcement Division,
Enforcement Team 1, MC R-09, (254) 761-3034; Laurie Eaves, Enforcement Division,
MC 219, (512) 239-4495
TCEQ SEP Coordinator: N/A
Respondent: Toby Alvarado, Manager, Horizon Regional Municipal Utility District,
1539 Pawling Drive, Horizon City, Texas 79928
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	28-Feb-2011	Screening	14-Mar-2011	EPA Due	
	PCW	15-Mar-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	Horizon Regional Municipal Utility District
Reg. Ent. Ref. No.	RN102329075
Facility/Site Region	6-El Paso
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	41321	No. of Violations	4
Docket No.	2011-0422-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Heather Brister
		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** **\$3,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **14.0%** Enhancement **Subtotals 2, 3, & 7** **\$420**

Notes: Enhancement for two NOVs for same/similar violations and two NOVs for dissimilar 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** **\$0**

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

Total EB Amounts **\$1,634**
 Approx. Cost of Compliance **\$18,500**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$3,420**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$3,420**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$3,420**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$684**

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$2,736**

Screening Date 14-Mar-2011

Docket No. 2011-0422-MWD-E

PCW

Respondent Horizon Regional Municipal Utility District

Policy Revision 2 (September 2002)

Case ID No. 41321

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102329075

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

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>)	2	10%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

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) 14%

>> 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 two NOVs for same/similar violations and two NOVs for dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 14%

Screening Date 14-Mar-2011

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PCW

Respondent Horizon Regional Municipal Utility District

Policy Revision 2 (September 2002)

Case ID No. 41321

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102329075

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010795001, Operational Requirements No. 1

Violation Description Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, as documented during a record review conducted on February 23, 2011. Specifically, algae, organic material, and trash/debris were in the retention ponds utilized for disposal of treated effluent at the Emerald Springs Golf Course ("the Golf Course").

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 which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

19 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$237

Violation Final Penalty Total \$570

This violation Final Assessed Penalty (adjusted for limits) \$570

Economic Benefit Worksheet

Respondent Horizon Regional Municipal Utility District
Case ID No. 41321
Req. Ent. Reference No. RN102329075
Media Violation No. Water Quality
 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)	\$3,500	23-Jul-2010	30-Nov-2011	1.36	\$237	n/a	\$237

Notes for DELAYED costs

Estimated cost to remove and properly dispose of the algae, organic material, and trash/debris from the retention ponds located on the Golf Course and to develop and implement a maintenance plan for the retention ponds. Date required is the date the violation was first documented. Final date is the anticipated 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

\$3,500

TOTAL

\$237

Screening Date 14-Mar-2011

Docket No. 2011-0422-MWD-E

PCW

Respondent Horizon Regional Municipal Utility District

Policy Revision 2 (September 2002)

Case ID No. 41321

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102329075

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0010795001, Operational Requirements No. 1 and Other Requirements No. 10.f

Violation Description

Failed to install adequate equipment to determine the application rate and volume of effluent used for irrigation, as documented during a record review conducted on February 23, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

19 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

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$570

Violation Final Penalty Total \$570

This violation Final Assessed Penalty (adjusted for limits) \$570

Economic Benefit Worksheet

Respondent Horizon Regional Municipal Utility District
Case ID No. 41321
Req. Ent. Reference No. RN102329075
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$6,000	23-Jul-2010	30-Nov-2011	1.36	\$27	\$542	\$570
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 install equipment to determine the application rate and volume of effluent applied to the Golf Course. Date required is the date the violation was first documented. Final date is the anticipated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$6,000

TOTAL

\$570

Screening Date 14-Mar-2011

Docket No. 2011-0422-MWD-E

PCW

Respondent Horizon Regional Municipal Utility District

Policy Revision 2 (September 2002)

Case ID No. 41321

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102329075

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010795001, Other Requirements No. 10.n

Violation Description

Failed to maintain a trace chlorine residual at the point of irrigation application, as documented during a record review conducted on February 23, 2011. Specifically, the chlorine residual at the point of irrigation application was 0.00 milligrams per liter.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

19 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 record review date (February 23, 2011) to the screening date (March 14, 2011).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$759

Violation Final Penalty Total \$1,140

This violation Final Assessed Penalty (adjusted for limits) \$1,140

Economic Benefit Worksheet

Respondent Horizon Regional Municipal Utility District
Case ID No. 41321
Reg. Ent. Reference No. RN102329075
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$8,000	23-Jul-2010	30-Nov-2011	1.36	\$36	\$723	\$759
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 install equipment to maintain a trace amount of chlorine at all times. Date required is the date the violation was first documented. Final date is the anticipated 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

\$8,000

TOTAL

\$759

Screening Date 14-Mar-2011

Docket No. 2011-0422-MWD-E

PCW

Respondent Horizon Regional Municipal Utility District

Policy Revision 2 (September 2002)

Case ID No. 41321

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102329075

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 210.5(d)

Violation Description

Failed to obtain a Reclaimed Water Use Authorization, as documented during a record review conducted on February 23, 2011. Specifically, the Respondent is pumping effluent from the retention pond that is used for irrigation to a pond that is used for aesthetic purposes.

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 rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

19 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$68

Violation Final Penalty Total \$1,140

This violation Final Assessed Penalty (adjusted for limits) \$1,140

Economic Benefit Worksheet

Respondent Horizon Regional Municipal Utility District
Case ID No. 41321
Req. Ent. Reference No. RN102329075
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$1,000	23-Jul-2010	30-Nov-2011	1.36	\$68	n/a	\$68
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain a Reclaimed Water Use Authorization. Date required is the date the violation was first documented. Final date is the anticipated 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

\$1,000

TOTAL

\$68

Compliance History

Customer/Respondent/Owner-Operator:	CN601229560	Horizon Regional Municipal Utility District	Classification: AVERAGE	Rating: 2.34
Regulated Entity:	RN102329075	HORIZON REGIONAL MUD CITY PLANT	Classification: AVERAGE	Site Rating: 1.00
ID Number(s):	WASTEWATER	PERMIT		WQ0010795001
	WASTEWATER	EPA ID		TX0086045
	WASTEWATER LICENSING	LICENSE		WQ0010795001
Location:	Located approximately 0.5 mile west of the intersection of Ashford Street and Horizon Boulevard and approximately two miles northeast of the intersection of United States Highway 10 and Farm-to-Market Road 1281 (Horizon Boulevard) in El Paso County, Texas			
TCEQ Region:	REGION 06 - EL PASO			
Date Compliance History Prepared:	March 02, 2011			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 02, 2006 to March 02, 2011			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Heather Brister	Phone:	(254) 761-3034	

Site Compliance History Components

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

Components (Multimedia) for the Site :

- | | |
|---|-----|
| A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. | N/A |
| B. Any criminal convictions of the state of Texas and the federal government. | N/A |
| C. Chronic excessive emissions events. | N/A |
| D. The approval dates of investigations. (CCEDS Inv. Track. No.) | |
- | | | |
|----|------------|----------|
| 1 | 03/08/2006 | (476914) |
| 2 | 05/04/2006 | (503731) |
| 3 | 05/04/2006 | (503732) |
| 4 | 06/09/2006 | (503733) |
| 5 | 07/10/2006 | (526084) |
| 6 | 08/07/2006 | (526085) |
| 7 | 09/08/2006 | (526086) |
| 8 | 10/05/2006 | (550442) |
| 9 | 11/08/2006 | (550443) |
| 10 | 12/13/2006 | (550444) |
| 11 | 05/11/2007 | (555522) |
| 12 | 02/12/2007 | (586613) |
| 13 | 03/29/2007 | (586614) |
| 14 | 01/12/2007 | (586615) |
| 15 | 09/13/2007 | (594299) |
| 16 | 09/17/2007 | (604736) |
| 17 | 09/17/2007 | (604737) |
| 18 | 09/17/2007 | (604738) |
| 19 | 09/17/2007 | (604739) |
| 20 | 09/17/2007 | (604740) |
| 21 | 01/11/2008 | (675396) |
| 22 | 08/22/2008 | (699666) |
| 23 | 11/20/2008 | (702161) |
| 24 | 09/17/2008 | (715016) |
| 25 | 09/17/2008 | (715017) |
| 26 | 09/17/2008 | (715018) |
| 27 | 08/08/2008 | (715019) |
| 28 | 08/08/2008 | (715020) |
| 29 | 08/08/2008 | (715021) |
| 30 | 09/15/2008 | (715022) |
| 31 | 08/08/2008 | (715023) |
| 32 | 09/17/2008 | (715024) |

33 09/17/2008 (715025)
 34 09/17/2008 (715026)
 35 09/17/2008 (715027)
 36 08/14/2008 (720859)
 37 11/10/2008 (730875)
 38 11/10/2008 (730876)
 39 01/12/2009 (754118)
 40 01/12/2009 (754119)
 41 11/12/2009 (776911)
 42 02/08/2010 (814338)
 43 11/12/2009 (814339)
 44 01/04/2010 (814340)
 45 01/07/2010 (814341)
 46 03/31/2010 (834253)
 47 05/10/2010 (834254)
 48 07/06/2010 (845932)
 49 06/21/2010 (847306)
 50 07/14/2010 (861749)
 51 07/31/2010 (875078)
 52 02/09/2011 (895116)
 53 02/24/2011 (900262)

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

Date:	08/14/2008	(720859)	CN601229560
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		

Date **08/22/2008** (699666) CN601229560
Self Report? **NO** Classification **Moderate**
Citation: 30 TAC Chapter 317 317.4(a)(8)
30 TAC Chapter 317 317.7(i)
Description: Failure to test all backflow prevention devices on an annual basis. The test and maintenance report forms must also be retained for a minimum of three years.

Self Report? **NO** Classification **Moderate**
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to properly maintain all flow measuring devices on an annual basis.

Self Report? **NO** Classification **Moderate**
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to provide an adequate number of signs erected at the golf course stating that the irrigation water is from a non-potable water supply.

Self Report? **NO** Classification **Moderate**
Citation: 30 TAC Chapter 305, SubChapter F 305.126(a)
Description: Failure to obtain the necessary authorization from the commission to commence construction of the necessary additional treatment and/or collection facilities as a result of the average daily flow reaching 90% of the permitted average daily flow for three consecutive months for Outfall 001.

Self Report? **NO** Classification **Moderate**
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain the minimum residual for chlorine in the Aerated Lagoon, Outfall 001, in accordance with the levels that are specified in the permit.

Date **07/06/2010** (845932) CN601229560
Self Report? **NO** Classification **Moderate**
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

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

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

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

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

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

Date 09/03/2010 (841149) CN601229560
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to ensure that the facility and all of its systems of disposal were properly operated and maintained. Specifically, the entity was not maintaining the 2 effluent storage ponds utilized for disposal of treated effluent at the Emerald Springs Golf Course.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to provide equipment to determine application rates and maintain accurate records of the volume of effluent applied to the golf course. Specifically, the entity was diverting the treated effluent 2 ways after passing through the meter located at the Emerald Springs Golf Course. Readings for the meter at the Emerald Springs Golf Course account for the volume of effluent utilized for irrigation as well as the volume of effluent utilized for the Aesthetic Pond.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain a trace chlorine residual at the point of irrigation application. During the investigation conducted on July 23, 2010, it was noted that the chlorine residual of the effluent coming out of the discharge pipe at the Delivery Point (Irrigation Pond) was 0.32 mg/L. The chlorine residual at the point of intake for irrigation at the Irrigation Pond and at the Aesthetic Pond was 0.00 mg/L.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 210, SubChapter A 210.1
Description: Failure to obtain a Reclaimed Water Use Authorization for the utilization of the Aesthetic pond located at the Emerald Springs Golf Course.

- F. Environmental audits. N/A
- G. Type of environmental management systems (EMSs). N/A
- H. Voluntary on-site compliance assessment dates. N/A
- I. Participation in a voluntary pollution reduction program. N/A
- J. Early compliance. N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HORIZON REGIONAL
MUNICIPAL UTILITY DISTRICT
RN102329075**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2011-0422-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 Horizon Regional Municipal Utility District ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located approximately 0.5 mile west of the intersection of Ashford Street and Horizon Boulevard and approximately two miles northeast of the intersection of United States Highway 10 and Farm-to-Market Road 1281 (Horizon Boulevard) in El Paso County, Texas (the "Facility").
2. The Respondent has committed any other act or engaged in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of 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 March 2, 2011.

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 Three Thousand Four Hundred Twenty Dollars (\$3,420) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Seven Hundred Thirty-Six Dollars (\$2,736) of the administrative penalty and Six Hundred Eighty-Four Dollars (\$684) 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.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010795001, Operational Requirements No. 1, as documented during a record review conducted on February 23, 2011. Specifically, algae, organic material, and trash/debris were in the retention ponds utilized for disposal of treated effluent at the Emerald Springs Golf Course.
2. Failed to install adequate equipment to determine the application rate and volume of effluent used for irrigation, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0010795001, Operational Requirements No. 1 and Other Requirements No. 10.f, as documented during a record review conducted on February 23, 2011.

3. Failed to maintain a trace chlorine residual at the point of irrigation application, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010795001, Other Requirements No. 10.n, as documented during a record review conducted on February 23, 2011. Specifically, the chlorine residual at the point of irrigation application was 0.00 milligrams per liter.
4. Failed to obtain a Reclaimed Water Use Authorization, in violation of 30 TEX. ADMIN. CODE § 210.5(d), as documented during a record review conducted on February 23, 2011. Specifically, the Respondent is pumping effluent from the retention pond that is used for irrigation to a pond that is used for aesthetic purposes.

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: Horizon Regional Municipal Utility District, Docket No. 2011-0422-MWD-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Submit an application to obtain authorization for the use of reclaimed water, in accordance with 30 TEX. ADMIN. CODE § 210.5(d);
 - ii. Remove and properly dispose of the algae, organic material, and trash/debris from the retention ponds located on the Emerald Springs Golf Course; and
 - iii. Develop and implement a plan to properly maintain the retention ponds.

- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing;
- c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a.i through 2.a.iii, in accordance with Ordering Provision No. 2.g below;
- d. Within 60 days after the effective date of this Agreed Order:
 - i. Install equipment to determine the application rate and volume of effluent applied to the Golf Course; and
 - ii. Begin maintaining a trace amount of chlorine at the point of irrigation at all times.
- e. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.d.i and 2.d.ii, in accordance with Ordering Provision No. 2.g below;
- f. Within 180 days after the effective date of this Agreed Order, submit written certification that authorization to use reclaimed water has been obtained or cease the use of the second storage pond, in accordance with Ordering Provision No. 2.g below;
- g. The certification of compliance required by Ordering Provision Nos. 2.c, 2.e, and 2.f shall be notarized by a State of Texas Notary Public and include the following certification language and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
El Paso Regional Office
Texas Commission on Environmental Quality
401 East Franklin Avenue, Suite 560
El Paso, Texas 79901-1212

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures

may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szallie
For the Executive Director

7/18/2011
Date

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

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

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

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

Toby Alvarado
Signature

5/27/11
Date

Toby Alvarado
Name (Printed or typed)
Authorized Representative of
Horizon Regional Municipal Utility District

Manager - HRMUD
Title

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