

Executive Summary – Enforcement Matter – Case No. 40452
J&S Water Company, L.L.C.
RN101613479
Docket No. 2010-1581-MWD-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:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Woodland Acres, located south of Woodland Lane, approximately 1,000 feet west of Farm-to-Market Road 1409 and approximately 500 feet north of Old River Road, Chambers 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: March 30, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$39,325

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,104

Total Due to General Revenue: \$38,221

Payment Plan: 34 payments of \$1,092 each and one final payment of \$1,093

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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RN101613479
Docket No. 2010-1581-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 20, 2010

Date(s) of NOE(s): September 17, 2010

Violation Information

1. Failed to provide timely notification for noncompliances which may endanger human health or the environment and for effluent violations which exceed permit limits by more than 40 percent [30 TEX. ADMIN. CODE § 305.125(1) and (9), and TPDES Permit No. WQ0011720001, Monitoring and Reporting Requirements Nos. 7.a. and c.].
2. Failed to prevent unauthorized discharges of wastewater [30 TEX. ADMIN. CODE § 305.125(4) and (5), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0011720001, Permit Conditions No. 2.g. and Operational Requirements No. 1].
3. Failed to properly operate and maintain the Facility and all systems of collection, treatment, and disposal [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0011720001, Operational Requirements No. 1].
4. Failed to accurately accomplish measurements, tests, and calculations in a representative manner [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0011720001, Monitoring and Reporting Requirements No. 2.a.].
5. Failed to have all required monitoring and reporting records available for review upon request [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and TPDES Permit No. WQ0011720001, Monitoring and Reporting Requirements 3.b.].
6. Failed to sign monitoring results reported on approved self-report forms [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0011720001, Monitoring and Reporting Requirements No. 1 and 10].
7. Failed to comply with permitted effluent limitations for E. Coli [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011720001, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On September 29, 2011, the Respondent has implemented the following corrective measures at the Facility:

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- a. Submitted the revised signed discharge monitoring reports for May, June, and October 2009 and June 2010; and
- b. Submitted documentation that the staff gauge had been mounted in the proper location.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Develop and implement procedures to ensure that all oral and written noncompliance notifications for effluent violations that deviate from the permit limit by more than 40 percent and for unauthorized wastewater discharges from the collection system are timely submitted;
 - ii. Develop a system for keeping all required monitoring and reporting records, including signatory authority forms, available for review; and
- b. Within 45 days, submit written certification of compliance with Ordering Provision a.
- c. Within 60 days:
 - i. Develop and implement a collection system monitoring program to address all existing and potential causes of overflows; and
 - ii. Remove excess sludge from the chlorine contact basin and have it transported by a licensed hauler and disposed of properly.
- d. Within 75 days, submit written certification of compliance with Ordering Provision c.
- e. Within 120 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011720001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

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

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jorge Ibarra, P.E., Enforcement Division,
Enforcement Team 3, MC R-04, (817) 588-5890; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Jerry Nowling, Owner, J&S Water Company, L.L.C., P.O. Box 1165,
Highlands, Texas 77562

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	20-Sep-2010	Screening	23-Sep-2010	EPA Due	
	PCW	27-Sep-2010				

RESPONDENT/FACILITY INFORMATION

Respondent	J&S Water Company, L.L.C.		
Reg. Ent. Ref. No.	RN101613479		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	40452	No. of Violations	9
Docket No.	2010-1581-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jorge Ibarra
		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	\$29,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	60.0% Enhancement	Subtotals 2, 3, & 7	\$17,700
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Notes: Enhancement for nine months of self-reported effluent data and three NOV's with same/similar violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,256
Approx. Cost of Compliance	\$13,240

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$47,200
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-16.7%	Adjustment	-\$7,875
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction so that monthly self-reported effluent violations and noncompliance notification violations do not overly impact the penalty amount.

Final Penalty Amount	\$39,325
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$39,325
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$39,325
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Screening Date 23-Sep-2010

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PCW

Respondent J&S Water Company, L.L.C.

Policy Revision 2 (September 2002)

Case ID No. 40452

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101613479

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra

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>)	12	60%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 60%

>> 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 nine months of self-reported effluent data and three NOVs with same/similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 60%

Screening Date 23-Sep-2010

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PCW

Respondent J&S Water Company, L.L.C.

Policy Revision 2 (September 2002)

Case ID No. 40452

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101613479

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (9), and TPDES Permit No. WQ0011720001, Monitoring and Reporting Requirements Nos. 7.a. and c.

Violation Description

Failed to provide timely notification for noncompliances which may endanger human health or the environment and for effluent violations which exceed permit limits by more than 40 percent. Specifically, oral notifications of unauthorized wastewater discharges which occurred on October 9 and 22, 2009 from the collection system were not submitted within 24 hours and noncompliance notification reports for exceeding effluent permit limits by more than 40 percent during October and December 2009 and February, March, and June 2010 were submitted after five working days of becoming aware of the noncompliances.

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 7

348 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$7,000

Seven single events are 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 \$7,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$9,331

This violation Final Assessed Penalty (adjusted for limits) \$9,331

Economic Benefit Worksheet

Respondent J&S Water Company, L.L.C.
Case ID No. 40452
Reg. Ent. Reference No. RN101613479
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$200	20-Jul-2010	3-May-2012	1.79	\$18	n/a	\$18

Notes for DELAYED costs

Estimated cost to develop and implement procedures to ensure that noncompliance notifications are submitted timely. The date required is the investigation date and the final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$18

Screening Date 23-Sep-2010

Docket No. 2010-1581-MWD-E

PCW

Respondent J&S Water Company, L.L.C.

Policy Revision 2 (September 2007)

Case ID No. 40452

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101613479

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(4) and (5), Tex. Water Code § 26.121(a), and TPDES Permit No. WQ0011720001, Permit Conditions No. 2.g. and Operational Requirements No. 1

Violation Description

Failed to prevent unauthorized discharges of wastewater. Specifically, an unknown amount of wastewater discharged from the collection system near 4820 Woodland Lane on October 9 and 22, 2009 caused by electrical failures of the on-site lift station pump.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

2 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,000

Two quarterly events (one event per discharge) are 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 \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$273

Violation Final Penalty Total \$2,666

This violation Final Assessed Penalty (adjusted for limits) \$2,666

Economic Benefit Worksheet

Respondent J&S Water Company, L.L.C.
Case ID No. 40452
Reg. Ent. Reference No. RN101613479
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
<small>No commas or \$</small>							

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)	\$2,000	9-Oct-2009	3-Jul-2012	2.73	\$273	n/a	\$273

Notes for DELAYED costs

Estimated cost to develop and implement a monitoring program to address all existing and potential causes of overflows. The date required is the date of the first discharge and the final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$273

Screening Date 23-Sep-2010

Docket No. 2010-1581-MWD-E

PCW

Respondent J&S Water Company, L.L.C.

Policy Revision 2 (September 2002)

Case ID No. 40452

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101613479

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0011720001, Operational Requirements No. 1

Violation Description Failed to properly operate and maintain the Facility and all systems of collection, treatment, and disposal. Specifically, the chlorine contact basin contained two feet of sludge in seven feet of water depth.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 130

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 July 20, 2010 investigation until case screening on September 23, 2010.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$72

Violation Final Penalty Total \$1,333

This violation Final Assessed Penalty (adjusted for limits) \$1,333

Economic Benefit Worksheet

Respondent J&S Water Company, L.L.C.
Case ID No. 40452
Reg. Ent. Reference No. RN101613479
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$800	20-Jul-2010	3-May-2012	1.79	\$72	n/a	\$72

Notes for DELAYED costs

Estimated cost to remove two feet of sludge from the chlorine contact basin. The date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$800

TOTAL

\$72

Screening Date 23-Sep-2010

Docket No. 2010-1581-MWD-E

PCW

Respondent J&S Water Company, L.L.C.

Policy Revision 2 (September 2002)

Case ID No. 40452

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101613479

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0011720001, Monitoring and Reporting Requirements No. 2.a.

Violation Description

Failed to accurately accomplish measurements, tests, and calculations in a representative manner. Specifically, the effluent head was not being measured at the proper location because the staff gauge was mounted on the weir blade instead of four to six times the measuring head upstream from the center of the weir blade as recommended in Chapter 5, Section 11(a) of the Water Measurement Manual published by the United States Department of the Interior Bureau of Reclamation.

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 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

1 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 \$6

Violation Final Penalty Total \$667

This violation Final Assessed Penalty (adjusted for limits) \$667

Economic Benefit Worksheet

Respondent J&S Water Company, L.L.C.
Case ID No. 40452
Reg. Ent. Reference No. RN101613479
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
<small>No commas or \$</small>							

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	29-Sep-2011	1.19	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to mount the staff gauge in the proper location. The date required is the investigation date 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 \$6

Screening Date 23-Sep-2010

Docket No. 2010-1581-MWD-E

PCW

Respondent J&S Water Company, L.L.C.

Policy Revision 2 (September 2006)

Case ID No. 40452

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101613479

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (11)(B) and TPDES Permit No. WQ0011720001, Monitoring and Reporting Requirements 3.b

Violation Description Failed to have all required monitoring and reporting records available for review upon request. Specifically, the address and signatory authority form for discharge monitoring reports ("DMR") was not available during the July 20, 2010 investigation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

		1	1	Number of violation days
mark only one with an x	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	X		

Violation Base Penalty \$100

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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$133

This violation Final Assessed Penalty (adjusted for limits) \$133

Economic Benefit Worksheet

Respondent J&S Water Company, L.L.C.
Case ID No. 40452
Reg. Ent. Reference No. RN101613479
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	20-Jul-2010	3-May-2012	1.79	\$9	n/a	\$9
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 costs to develop a system for keeping all required records available for review. The date required is the investigation date and the final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$9

Screening Date 23-Sep-2010

Docket No. 2010-1581-MWD-E

PCW

Respondent J&S Water Company, L.L.C.

Policy Revision 2 (September 2002)

Case ID No. 40452

PCW Revision October 30, 2005

Reg. Ent. Reference No. RN101613479

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0011720001, Monitoring and Reporting Requirements No. 1 and 10

Violation Description Failed to sign monitoring results reported on approved self-report forms. Specifically, revised DMRs submitted to correct E. coli bacteria concentrations for May, June, and October 2009 and June 2010 were not signed.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
			X	1%

Matrix Notes: Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 4 Number of violation days 4

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

Violation Base Penalty \$400

Four single events are 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 \$400

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$533

This violation Final Assessed Penalty (adjusted for limits) \$533

Economic Benefit Worksheet

Respondent J&S Water Company, L.L.C.
Case ID No. 40452
Reg. Ent. Reference No. RN101613479
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$40	20-Jul-2010	29-Sep-2011	1.19	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to sign and resubmit the four DMRs. The date required is the investigation date and the final date is the 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

\$40

TOTAL

\$2

Screening Date 23-Sep-2010

Docket No. 2010-1581-MWD-E

PCW

Respondent J&S Water Company, L.L.C.

Policy Revision 2 (September 2002)

Case ID No. 40452

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101613479

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra

Violation Number 7

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011720001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations (see attached table).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	X		
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 2

62 Number of violation days

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

Violation Base Penalty \$10,000

Two monthly events are recommended for March and May 2010.

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 \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$875

Violation Final Penalty Total \$13,331

This violation Final Assessed Penalty (adjusted for limits) \$13,331

Economic Benefit Worksheet

Respondent J&S Water Company, L.L.C.
Case ID No. 40452
Reg. Ent. Reference No. RN101613479
Media Water Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$10,000	31-Oct-2009	1-Aug-2011	1.75	\$875	n/a	\$875

Notes for DELAYED costs

Estimated cost to evaluate the causes of the effluent violations and to implement necessary rehabilitation to the wastewater treatment system. The date required is the month the first non-compliant excursion was documented and the final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$10,000	TOTAL	\$875
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Screening Date 23-Sep-2010

Docket No. 2010-1581-MWD-E

PCW

Respondent J&S Water Company, L.L.C.

Policy Revision 2 (September 2003)

Case ID No. 40452

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101613479

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra

Violation Number 8

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011720001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations (see attached table).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
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 which do not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3

89 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

Three monthly events are recommended for October 2009 and February and June 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$9,998

This violation Final Assessed Penalty (adjusted for limits) \$9,998

Economic Benefit Worksheet

Respondent J&S Water Company, L.L.C.
Case ID No. 40452
Reg. Ent. Reference No. RN101613479
Media Water Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for violation no. 7.

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 \$0

TOTAL \$0

Screening Date 23-Sep-2010

Docket No. 2010-1581-MWD-E

PCW

Respondent J&S Water Company, L.L.C.

Policy Revision 2 (September 2002)

Case ID No. 40452

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101613479

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra

V12 9

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011720001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations (see attached table).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

31 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,000

One quarterly event is recommended for December 2009.

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 \$0

Violation Final Penalty Total \$1,333

This violation Final Assessed Penalty (adjusted for limits) \$1,333

Economic Benefit Worksheet

Respondent J&S Water Company, L.L.C.
Case ID No. 40452
Reg. Ent. Reference No. RN101613479
Media Water Quality
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for violation no. 7.

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 \$0

TOTAL \$0

Compliance History Report

Customer/Respondent/Owner-Operator: CN602975252 J&S Water Company, L. L. C. Classification: AVERAGE Rating: 0.62

Regulated Entity: RN101613479 WOODLAND ACRES Classification: AVERAGE Site Rating:0.92

ID Number(s): WASTEWATER PERMIT WQ0011720001
WASTEWATER EPA ID TX0068926
WASTEWATER LICENSING LICENSE WQ0011720001

Location: S of Woodland Lane, approx 1000 ft W of FM 1409 & approx 500 ft N of Old River Road, Chambers Co

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 22, 2010

Agency Decision Requiring Compliance Enforcement

Compliance Period: September 22, 2005 to September 22, 2010

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

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

Site Compliance History Components

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

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	10/07/2005	(474684)
2	10/24/2005	(474685)
3	12/07/2005	(474686)
4	12/27/2005	(474687)
5	01/26/2006	(474688)
6	03/08/2006	(474683)
7	04/03/2006	(502421)
8	05/22/2006	(502422)
9	06/12/2006	(502423)
10	06/30/2006	(464662)
11	07/10/2006	(524738)
12	08/24/2006	(524739)
13	09/12/2006	(524740)
14	10/23/2006	(583704)
15	11/08/2006	(583705)
16	12/01/2006	(583706)

17	12/29/2006	(583707)
18	01/10/2007	(583708)
19	02/22/2007	(583699)
20	03/19/2007	(583700)
21	04/23/2007	(583701)
22	05/22/2007	(583702)
23	06/14/2007	(583703)
24	07/23/2007	(604023)
25	08/22/2007	(604024)
26	09/24/2007	(604025)
27	11/26/2007	(622912)
28	01/17/2008	(674355)
29	01/21/2008	(674356)
30	03/03/2008	(618213)
31	03/10/2008	(692698)
32	04/23/2008	(692700)
33	05/19/2008	(671289)
34	06/10/2008	(692699)
35	06/10/2008	(692701)
36	06/30/2008	(713833)
37	07/21/2008	(713834)
38	08/25/2008	(713835)
39	12/01/2008	(729842)
40	12/08/2008	(729843)
41	12/08/2008	(729844)
42	01/08/2009	(753077)
43	04/02/2009	(741049)
44	06/26/2009	(811667)
45	06/26/2009	(811668)
46	07/21/2009	(811669)
47	08/28/2009	(811670)
48	09/23/2009	(811671)
49	10/05/2009	(777604)
50	10/22/2009	(811672)
51	11/25/2009	(811673)
52	01/21/2010	(811674)
53	01/22/2010	(811675)
54	02/19/2010	(811666)
55	04/19/2010	(833291)
56	05/07/2010	(833292)
57	05/28/2010	(833293)
58	05/31/2010	(861503)
59	07/27/2010	(861504)
60	09/17/2010	(841947)

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

Date:	03/31/2007	(583701)	CN602975252
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:	03/03/2008	(618213)	
Self	NO		Classification Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Operational Requirements No. 1 PERMIT		
Description:	Failure to properly maintain the wastewater collection system to prevent inflow and infiltration.		

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)
30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to provide the 2007 annual sludge report. During the investigation, the investigator requested a copy of the annual sludge report. The report was not provided.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
ELMR No. 2 PERMIT
Description: Failure to comply with the permitted total chlorine residual effluent limits.
Date 03/31/2008 (692700)

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 06/22/2009 (726742) CN602975252

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Operational Requirements No. 1 PERMIT
Description: Failure to properly maintain the wastewater collection system to prevent inflow and infiltration.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)
30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to provide the 2007 annual sludge report. During the investigation, the investigator requested a copy of the annual sludge report. The report was not provided.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 317 317.4(b)(4)
Description: Failure to properly store the bar screen screenings.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 317 317.7(e)
Operational Requirements, P. 9, No. 1 PERMIT
Description: Failure to maintain an intruder-resistant fence around the wastewater treatment plant.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 317 317.3(b)(1)
30 TAC Chapter 317 317.4(g)(4)(B)
Description: Failure to provide a backup blower and pump as required.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)
Description: Failure to provide accurate flow measurements.
Date 06/30/2009 (811669)

Self Report? YES Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date 10/31/2009 (811673) CN602975252

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 12/14/2009 (784941) CN602975252

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)
30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to provide the 2007 annual sludge report. During the investigation, the investigator requested a copy of the annual sludge report. The report was not provided.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 317 317.7(e)

Operational Requirements, P. 9, No. 1 PERMIT

Description: Failure to maintain an intruder-resistant fence around the wastewater treatment plant.

Self Report? NO Classification Minor

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

Description: Failure to properly store the bar screen screenings.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 317 317.3(b)(1)
30 TAC Chapter 317 317.4(g)(4)(A)
30 TAC Chapter 317 317.4(g)(4)(B)

Description: Failure to provide a backup blower and pump as required.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Operational Requirements, P. 9, No. 1. PERMIT

Description: Failure to properly maintain the wastewater treatment plant.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
M&RR, P. 5, No. 7 PERMIT

Description: Failure to report unauthorized discharges (UD) of wastewater from the collection system within twenty-four hours by phone or facsimile.

Self Report? NO Classification Moderate

Citation: Permit Conditions, P. 7, No. 2g PERMIT
TWC Chapter 26 26.121

Description: Failure to prevent the unauthorized discharge (UD) of wastewater from the collection system.

Date 12/31/2009 (811675) CN602975252

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 02/28/2010 (833291)

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 03/31/2010 (833292) CN602975252

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 05/31/2010 (861503) CN602975252

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 06/30/2010 (861504) CN602975252

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

2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. During an investigation on July 20, 2010, TCEQ staff determined that oral notifications of unauthorized wastewater discharges which occurred on October 9 and 22, 2009 from the collection system were not submitted within 24 hours and noncompliance notification reports for exceeding effluent permit limits by more than 40 percent during October and December 2009 and February, March, and June 2010 were submitted after five working days of becoming aware of the noncompliances.
4. During an investigation on July 20, 2010, TCEQ staff determined that an unknown amount of wastewater discharged from the collection system near 4820 Woodland Lane on October 9 and 22, 2009 caused by electrical failures of the on-site lift station pump.
5. During an investigation on July 20, 2010, TCEQ staff observed the chlorine contact basin contained two feet of sludge in seven feet of water depth.
6. During an investigation on July 20, 2010, TCEQ staff observed that the effluent head was not being measured at the proper location because the staff gauge was mounted on the weir blade instead of four to six times the measuring head upstream from the center of the weir blade as recommended in Chapter 5, Section 11(a) of the Water Measurement Manual published by the United States Department of the Interior Bureau of Reclamation.
7. During an investigation on July 20, 2010, TCEQ staff determined that the address and signatory authority form for discharge monitoring reports ("DMR") was not available.
8. During an investigation on July 20, 2010, TCEQ staff determined that revised DMRs submitted to correct E. coli bacteria concentrations for May, June, and October 2009 and June 2010 were not signed.
9. During an investigation on July 20, 2010, TCEQ staff documented that permitted effluent limitations were exceeded as shown in the following table:

	E. coli (Daily Average)	E. coli (Single Grab)
Date \ Limit	126 MPN/100mL	394 MPN/100mL
October 2009	compliant	1011.2
December 2009	compliant	560.9
February 2010	823.69	1011.2
March 2010	compliant	2419.6
May 2010	133.87	2419.6
June 2010	compliant	1986.3

MPN/100mL = most probable number per 100 milliliters

10. The Respondent received notice of the violations on September 20, 2010.
11. The Executive Director recognizes that on September 29, 2011, the Respondent has implemented the following corrective measures at the Facility:
 - a. Submitted the revised signed DMRs for May, June, and October 2009 and June 2010; and
 - b. Submitted documentation that the staff gauge had been mounted in the proper location.

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 provide timely notification for noncompliances which may endanger human health or the environment and for effluent violations which exceed permit limits by more than 40 percent, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9), and TPDES Permit No. WQ0011720001, Monitoring and Reporting Requirements Nos. 7.a. and c.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized discharges of wastewater, in violation of 30 TEX. ADMIN. CODE § 305.125(4) and (5), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0011720001, Permit Conditions No. 2.g. and Operational Requirements No. 1.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to properly operate and maintain the Facility and all systems of collection, treatment, and disposal, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0011720001, Operational Requirements No. 1.

5. As evidenced by Findings of Fact No. 6, the Respondent failed to accurately accomplish measurements, tests, and calculations in a representative manner, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0011720001, Monitoring and Reporting Requirements No. 2.a.
6. As evidenced by Findings of Fact No. 7, the Respondent failed to have all required monitoring and reporting records available for review upon request, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and TPDES Permit No. WQ0011720001, Monitoring and Reporting Requirements 3.b.
7. As evidenced by Findings of Fact No. 8, the Respondent failed to sign monitoring results reported on approved self-report forms, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0011720001, Monitoring and Reporting Requirements No. 1 and 10.
8. As evidenced by Findings of Fact No. 9, 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 TPDES Permit No. WQ0011720001, Effluent Limitations and Monitoring Requirements No. 1.
9. 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.
10. An administrative penalty in the amount of Thirty-Nine Thousand Three Hundred Twenty-Five Dollars (\$39,325) 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 One Thousand One Hundred Four Dollars (\$1,104) of the administrative penalty. The remaining amount of Thirty-Eight Thousand Two Hundred Twenty-One Dollars (\$38,221) of the administrative penalty shall be payable in 34 monthly payments of One Thousand Ninety-Two Dollars (\$1,092) each and one payment of One Thousand Ninety-Three Dollars (\$1,093). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

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 Thirty-Nine Thousand Three Hundred Twenty-Five Dollars (\$39,325) as set forth in Section II, Paragraph 10 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: J&S Water Company, L.L.C., Docket No. 2010-1581-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 undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Develop and implement procedures to ensure that all oral and written noncompliance notifications for effluent violations that deviate from the permit limit by more than 40 percent and for unauthorized wastewater discharges from the collection system are timely submitted, in accordance with TPDES Permit No. WQ0011720001, Monitoring and Reporting Requirements Nos. 7.a. and c.; and
 - ii. Develop a system for keeping all required monitoring and reporting records, including signatory authority forms, available for review, in accordance with TPDES Permit No. WQ0011720001, Monitoring and Reporting Requirements, Section 3.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a., in accordance with Ordering Provision No. 2.e. below.
 - c. Within 60 days after the effective date of this Agreed Order:

- i. Develop and implement a collection system monitoring program to address all existing and potential causes of overflows, in accordance with TPDES Permit No. WQ0011720001, Permit Conditions No. 2.g.; and
 - ii. Remove excess sludge from the chlorine contact basin and have it transported by a licensed hauler and disposed of properly, in accordance with TPDES Permit No. WQ0011720001, Operational Requirements No. 1.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.c., in accordance with Ordering Provision No. 2.e. below.
- e. Within 120 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011720001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Houston Regional Office

Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

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. 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.
7. 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.
8. 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.
9. 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.

10. 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.

J&S Water Company, L.L.C.
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Dawin Jr

For the Executive Director

9/25/12

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of J&S Water Company, L.L.C. I am authorized to agree to the attached Agreed Order on behalf of J&S Water Company, L.L.C., 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, J&S Water Company, L.L.C. 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.

Jerry Nowling

Signature

9-12-12

Date

Jerry Nowling
Name (Printed or typed)
Authorized Representative of
J&S Water Company, L.L.C.

Owner

Title

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