

**Executive Summary – Enforcement Matter – Case No. 42458**  
**U.S. Army Corps of Engineers**  
**RN101715522, RN101701688, RN102185097, and RN101715456**  
**Docket No. 2011-1599-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Friendship Park Facility, located on the north side of Granger Lake, approximately one mile due southeast of the eastbound extension of Farm-to-Market ("FM") Road 971, Williamson County;

Granger Lake Project Facility, located near the Granger Lake Project Office adjacent to FM Road 971 at the north end of Granger Dam at a point approximately eight miles east of the intersection of State Highway 95 and FM Road 971, Williamson County;

Wilson H. Fox Park No. 1 Facility, located on the west side of Wilson H. Fox Park, on the south side of Granger Lake, approximately 1.5 miles north and three miles west of the intersection of FM Road 1063 and FM Road 1331, Williamson County; and

Wilson H. Fox Park No. 2 Facility, located on the east side of Wilson H. Fox Park, which is on the south side of Granger Lake, approximately 1.5 miles north and three miles west of the intersection of FM Road 1063 and FM Road 1331, Williamson County

**Type of Operation:**

Wastewater treatment plants

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** April 6, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$52,830

**Amount Deferred for Expedited Settlement:** \$10,566

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$42,264

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications (RN101715522):**

Person/CN - Average

Site/RN - High

**Compliance History Classifications (RN101701688):**

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Person/CN - Average

Site/RN - Average

**Compliance History Classifications (RN102185097):**

Person/CN - Average

Site/RN - High

**Compliance History Classifications (RN101715456):**

Person/CN - Average

Site/RN - High

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** April 7, 2011

**Date(s) of NOE(s):** July 27, 2011

***Violation Information***

At the Friendship Park Facility:

1. Failed to employ or contract a wastewater treatment facility operator holding the appropriate level of license. Specifically, the operator onsite during the investigation was not licensed [30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TCEQ Permit No. WQ0012254001, Special Provisions No. 2].
2. Failed to collect and analyze effluent samples at the frequency required by the permit. Specifically, sampling was not conducted for the monthly monitoring periods ending May 31, 2010 through March 31, 2011 [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012254001, Effluent Limitations and Monitoring Requirements B].
3. Failed to monitor and dispose of sludge at the frequency required by the permit. Specifically, records indicated that the septic tanks were not being monitored every six months and solids were not being removed at least once every two years [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012254001, Special Provisions No. 9].
4. Failed to maintain the evaporation pond. Specifically, the evaporation pond had tall vegetation and dead brush in areas [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012254001, Special Provisions No. 3].
5. Failed to monitor effluent flow five times per week. Specifically, no calculations were made to determine the amount of effluent flow based upon the water meter records and the readings were not done five times per week [30 TEX. ADMIN. CODE § 305.125(1) and

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TCEQ Permit No. WQ0012254001, Effluent Limitations and Monitoring Requirements B].

At the Granger Lake Project Facility:

6. Failed to employ or contract a wastewater treatment facility operator holding the appropriate level of license. Specifically, the operator onsite during the investigation was not licensed [30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TCEQ Permit No. WQ0012090001, Special Provisions No. 2].

7. Failed to collect and analyze effluent samples at the frequency required by the permit. Specifically, sampling was not conducted for the monthly monitoring periods ending May 31, 2010 through March 31, 2011 [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012090001, Effluent Limitations and Monitoring Requirements B].

8. Failed to monitor and dispose of sludge at the frequency required by the permit. Specifically, records indicated that the septic tanks were not being monitored every six months and solids were not being removed at least once every two years [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012090001, Special Provisions No. 9].

9. Failed to maintain the evaporation pond. Specifically, the evaporation pond had tall vegetation and dead brush, especially over the pipe from the septic tank to the pond [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012090001, Special Provisions No. 3].

10. Failed to monitor effluent flow five times per week. Specifically, no calculations were made to determine the amount of effluent flow based upon the water meter records and the readings were not done five times per week [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012090001, Effluent Limitations and Monitoring Requirements B].

At the Wilson H. Fox Park No. 1 Facility:

11. Failed to employ or contract a wastewater treatment facility operator holding the appropriate level of license. Specifically, the operator onsite during the investigation was not licensed [30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TCEQ Permit No. WQ0012254002, Special Provisions No. 2].

12. Failed to submit a noncompliance notification to the Executive Director when a permit limit is exceeded by more than 40%. Specifically, biochemical oxygen demand exceeded the permit limit by more than 40% during the sampling event on March 25, 2010, and a noncompliance notification was not submitted [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012254002, Monitoring Requirements No. 7(c)].

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13. Failed to monitor and dispose of sludge at the frequency required by the permit. Specifically, records indicated that the septic tanks were not being monitored every six months and solids were not being removed at least once every two years [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012254002, Special Provisions No. 9].

14. Failed to monitor effluent flow five times per week. Specifically, no calculations were made to determine the amount of effluent flow based upon the water meter records and the readings were not done five times per week [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012254002, Effluent Limitations and Monitoring Requirements B].

15. Failed to collect and analyze effluent samples at the frequency required by the permit. Specifically, sampling was not conducted for the quarterly monitoring periods ending December 31, 2010 and March 31, 2011 [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012254002, Effluent Limitations and Monitoring Requirements B].

16. Failed to comply with permitted effluent limits. Specifically, the biochemical oxygen demand was 216 milligrams per liter (“mg/L”) during the sampling event on March 25, 2010, exceeding the permit limit of 100 mg/L [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TCEQ Permit No. WQ0012254002, Effluent Limitations and Monitoring Requirements A].

At the Wilson H. Fox Park No. 2 Facility:

17. Failed to employ or contract a wastewater treatment facility operator holding the appropriate level of license. Specifically, the operator onsite during the investigation was not licensed [30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TCEQ Permit No. WQ0012254003, Special Provisions No. 2].

18. Failed to collect and analyze effluent samples at the frequency required by the permit. Specifically, sampling was not conducted for the monitoring periods ending September 30, 2010; December 31, 2010; and March 31, 2011 [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012254003, Effluent Limitations and Monitoring Requirements B].

19. Failed to monitor and dispose of sludge at the frequency required by the permit. Specifically, records indicated that the septic tanks were not being monitored every six months and solids were not being removed at least once every two years [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012254003, Special Provisions No. 9].

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***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures at the Facilities:

a. At the Friendship Park Facility:

- i. On April 27, 2011, began monitoring and disposing of sludge;
- ii. By April 30, 2011, began collecting and analyzing effluent samples at the frequency required by the permit;
- iii. On July 12, 2011, removed tall vegetation and dead brush from the evaporation pond;
- iv. On July 18, 2011, contracted with a licensed operator; and
- v. On August 22, 2011, installed a flow meter and began monitoring effluent flow five times per week.

b. At the Granger Lake Project Facility:

- i. On April 25, 2011, began monitoring and disposing of sludge;
- ii. By April 30, 2011, began collecting and analyzing effluent samples at the frequency required by the permit;
- iii. On July 18, 2011, contracted with a licensed operator;
- iv. On July 26, 2011, installed a flow meter and began monitoring effluent flow five times per week; and
- v. On August 8, 2011, removed tall vegetation and dead brush from the evaporation pond.

c. At the Wilson H. Park No. 1 Facility:

- i. On April 25, 2011, began monitoring and disposing of sludge;
- ii. On April 27, 2011, began collecting and analyzing effluent samples at the frequency required by the permit;
- iii. On July 18, 2011, contracted with a licensed operator;

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- iv. On September 16, 2011, installed a flow meter and began monitoring effluent flow five times per week; and
  - v. On September 29, 2010, the Respondent returned to compliance with the permitted effluent limits.
- d. At the Wilson H. Park No. 2 Facility:
- i. On April 25, 2011, began monitoring and disposing of sludge;
  - ii. On April 27, 2011, began collecting and analyzing effluent samples at the frequency required by the permit; and
  - iii. On July 18, 2011, contracted with a licensed operator.

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Steve Villatoro, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4930; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** N/A

**Respondent:** Ronald E. Miller, Operations Project Manager, U.S. Army Corps of Engineers, P.O. Box 17300, Fort Worth, Texas 76102

Charles Burger, Chief, Operations Division, U.S. Army Corps of Engineers, P.O. Box 17300, Fort Worth, Texas 76102

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

|                 |            |                  |            |                |  |
|-----------------|------------|------------------|------------|----------------|--|
| <b>Assigned</b> | 2-Aug-2011 | <b>Screening</b> | 5-Aug-2011 | <b>EPA Due</b> |  |
| <b>PCW</b>      | 9-Aug-2011 |                  |            |                |  |

|  |   |
|--|---|
| <b>RESPONDENT/FACILITY INFORMATION</b> |   |
| <b>Respondent</b>                      | U.S. Army Corps of Engineers (Friendship Park Facility) |
| <b>Reg. Ent. Ref. No.</b>              | RN101715522   |
| <b>Facility/Site Region</b>            | LI-Austin   |
| <b>Major/Minor Source</b>              | Minor   |

|  |                 |                              |                    |
|--|-----------------|------------------------------|--------------------|
| <b>CASE INFORMATION</b>                |                 | <b>No. of Violations</b>     | 5                  |
| <b>Enf./Case ID No.</b>                | 42458           | <b>Order Type</b>            | 1660               |
| <b>Docket No.</b>                      | 2011-1599-MWD-E | <b>Government/Non-Profit</b> | Yes                |
| <b>Media Program(s)</b>                | Water Quality   | <b>Enf. Coordinator</b>      | Steve Villatoro    |
| <b>Multi-Media</b>                     |                 | <b>EC's Team</b>             | Enforcement Team 1 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$0             | <b>Maximum</b>               | \$10,000           |

## Penalty Calculation Section

|   |                   |          |
|---|-------------------|----------|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b> | <b>Subtotal 1</b> | \$19,000 |
|---|-------------------|----------|

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

|                           |                  |                                |     |
|---------------------------|------------------|--------------------------------|-----|
| <b>Compliance History</b> | 0.0% Enhancement | <b>Subtotals 2, 3, &amp; 7</b> | \$0 |
|---------------------------|------------------|--------------------------------|-----|

Notes: No adjustment for compliance history.

|                    |    |                  |                   |     |
|--------------------|----|------------------|-------------------|-----|
| <b>Culpability</b> | No | 0.0% Enhancement | <b>Subtotal 4</b> | \$0 |
|--------------------|----|------------------|-------------------|-----|

Notes: The Respondent does not meet the culpability criteria.

|  |                   |         |
|--|-------------------|---------|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | \$4,675 |
|--|-------------------|---------|

|                         |                   |                   |     |
|-------------------------|-------------------|-------------------|-----|
| <b>Economic Benefit</b> | 0.0% Enhancement* | <b>Subtotal 6</b> | \$0 |
|-------------------------|-------------------|-------------------|-----|

|                            |          |                                   |
|----------------------------|----------|-----------------------------------|
| Total EB Amounts           | \$2,894  | *Capped at the Total EB \$ Amount |
| Approx. Cost of Compliance | \$40,950 |                                   |

|                             |                       |          |
|-----------------------------|-----------------------|----------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | \$14,325 |
|-----------------------------|-----------------------|----------|

|   |      |                   |     |
|---|------|-------------------|-----|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | 0.0% | <b>Adjustment</b> | \$0 |
|---|------|-------------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

|                             |          |
|-----------------------------|----------|
| <b>Final Penalty Amount</b> | \$14,325 |
|-----------------------------|----------|

|                                   |                               |          |
|-----------------------------------|-------------------------------|----------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | \$14,325 |
|-----------------------------------|-------------------------------|----------|

|                 |                 |                   |          |
|-----------------|-----------------|-------------------|----------|
| <b>DEFERRAL</b> | 20.0% Reduction | <b>Adjustment</b> | -\$2,865 |
|-----------------|-----------------|-------------------|----------|

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

Notes:

Deferral offered for expedited settlement.

|                        |          |
|------------------------|----------|
| <b>PAYABLE PENALTY</b> | \$11,460 |
|------------------------|----------|

Screening Date 5-Aug-2011

Docket No. 2011-1599-MWD-E

PCW

Respondent U.S. Army Corps of Engineers (Friendship Park Fa

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101715522

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

### 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> )  | 0                 | 0%      |
|                               | 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)** 0%

>> 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

No adjustment for compliance history.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

Screening Date 5-Aug-2011

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PCW

Respondent U.S. Army Corps of Engineers (Friendship Park Facility)

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101715522

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 1

Rule Cite(s) 30 Tex. Adm. Code §§ 30.350(d) and 305.125(1) and Texas Commission on Environmental Quality ("TCEQ") Permit No. WQ0012254001, Special Provisions No. 2

Violation Description Failed to employ or contract a wastewater treatment facility operator holding the appropriate level of license, as documented during an investigation conducted on April 7, 2011. Specifically, the operator onsite during the investigation was not licensed.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential | X     |          |       |

Percent 25%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4 102 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      | X |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event |   |

mark only one with an x

Violation Base Penalty \$10,000

Four monthly events are recommended from the date of the investigation (April 7, 2011) to the date of compliance (July 18, 2011).

Good Faith Efforts to Comply

25.0% Reduction

\$2,500

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

Notes The Respondent achieved compliance on July 18, 2011.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$685

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

# Economic Benefit Worksheet

**Respondent:** U.S. Army Corps of Engineers (Friendship Park Facility)  
**Case ID No.:** 42458  
**Req. Ent. Reference No.:** RN101715522  
**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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

| Delayed Costs  |          |            |             |      |      |       |       |
|--|----------|------------|-------------|------|------|-------|-------|
| Equipment  |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Buildings  |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Other (as needed)  | \$35,000 | 7-Apr-2011 | 18-Jul-2011 | 0.28 | \$33 | \$652 | \$685 |
| Engineering/construction   |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Land   |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Record Keeping System  |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Training/Sampling  |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Remediation/Disposal   |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Permit Costs   |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Other (as needed)  |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Notes for DELAYED costs: Estimated cost to hire a licensed operator to operate the facility at least five times per week. Date required is the investigation date. 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 | \$35,000 | <b>TOTAL</b> | \$685 |
|----------------------------|----------|--------------|-------|

Screening Date 5-Aug-2011

Docket No. 2011-1599-MWD-E

PCW

Respondent U.S. Army Corps of Engineers (Friendship Park Facility)

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101715522

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0012254001, Effluent Limitations and Monitoring Requirements B

Violation Description

Failed to collect and analyze effluent samples at the frequency required by the permit, as documented during an investigation conducted on April 7, 2011. Specifically, sampling was not conducted for the monthly monitoring periods ending May 31, 2010 through March 31, 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 | 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 this violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 11

121 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | X |

mark only one with an x

Violation Base Penalty \$5,500

Eleven single events are recommended for the monitoring periods ending May 31, 2010 through March 31, 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$1,375

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

Notes The Respondent returned to compliance by April 30, 2011.

Violation Subtotal \$4,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$598

Violation Final Penalty Total \$4,125

This violation Final Assessed Penalty (adjusted for limits) \$4,125

## Economic Benefit Worksheet

**Respondent** U.S. Army Corps of Engineers (Friendship Park Facility)  
**Case ID No.** 42458  
**Req. Ent. Reference No.** RN101715522  
**Media** Water Quality  
**Violation No.** 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### Delayed Costs

| Item Description         | Item Cost | Date Required | Final Date | Yrs  | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
| Equipment                |           |               |            | 0.00 | \$0            | \$0           | \$0       |
| Buildings                |           |               |            | 0.00 | \$0            | \$0           | \$0       |
| Other (as needed)        |           |               |            | 0.00 | \$0            | \$0           | \$0       |
| Engineering/construction |           |               |            | 0.00 | \$0            | \$0           | \$0       |
| Land                     |           |               |            | 0.00 | \$0            | n/a           | \$0       |
| Record Keeping System    |           |               |            | 0.00 | \$0            | n/a           | \$0       |
| Training/Sampling        |           |               |            | 0.00 | \$0            | n/a           | \$0       |
| Remediation/Disposal     |           |               |            | 0.00 | \$0            | n/a           | \$0       |
| Permit Costs             |           |               |            | 0.00 | \$0            | n/a           | \$0       |
| Other (as needed)        |           |               |            | 0.00 | \$0            | n/a           | \$0       |

Notes for DELAYED costs

### Avoided Costs

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

| 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]    | \$550     | 31-May-2010   | 31-Mar-2011 | 1.75 | \$48           | \$550         | \$598     |
| Other (as needed)             |           |               |             | 0.00 | \$0            | \$0           | \$0       |

Notes for AVOIDED costs

Estimated cost that was avoided by failing to analyze the required parameters at \$50 per month. Date required is the first date of noncompliance. Final date is the last date of noncompliance.

Approx. Cost of Compliance

\$550

TOTAL

\$598

|                                |   |                     |                 |   |
|--------------------------------|---|---------------------|-----------------|---|
| <b>Screening Date</b>          | 5-Aug-2011  | <b>Docket No.</b>   | 2011-1599-MWD-E | <b>PCW</b>                                |
| <b>Respondent</b>              | U.S. Army Corps of Engineers (Friendship Park Facility)   |                     |                 | <i>Policy Revision 2 (September 2002)</i> |
| <b>Case ID No.</b>             | 42458   |                     |                 | <i>PCW Revision October 30, 2008</i>      |
| <b>Reg. Ent. Reference No.</b> | RN101715522   |                     |                 |   |
| <b>Media [Statute]</b>         | Water Quality   |                     |                 |   |
| <b>Enf. Coordinator</b>        | Steve Villatoro   |                     |                 |   |
| <b>Violation Number</b>        | 3   |                     |                 |   |
| <b>Rule Cite(s)</b>            | 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0012254001, Special Provisions No. 9   |                     |                 |   |
| <b>Violation Description</b>   | Failed to monitor and dispose of sludge at the frequency required by the permit, as documented during an investigation conducted on April 7, 2011. Specifically, records indicated that the septic tanks were not being monitored every six months and solids were not being removed at least once every two years. |                     |                 |   |
|                                |   | <b>Base Penalty</b> | \$10,000        |   |

>> Environmental, Property and Human Health Matrix

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

|                        |                      |       |          |       |  |
|------------------------|----------------------|-------|----------|-------|--|
| >> Programmatic Matrix |                      | Major | Moderate | Minor |  |
|                        | <b>Falsification</b> |       |          |       | <b>Percent</b> <input type="text" value="0%"/> |

**Matrix Notes**  
Human health or the environment will or 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**

Violation Events

Number of Violation Events        Number of violation days

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

**Violation Base Penalty**

One quarterly event is recommended from the investigation date (April 7, 2011) to the date of compliance (April 27, 2011).

Good Faith Efforts to Comply  reduction

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

**Notes**  
The Respondent returned to compliance on April 27, 2011.

**Violation Subtotal**

Economic Benefit (EB) for this violation      Statutory Limit Test

Estimated EB Amount       Violation Final Penalty Total

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** U.S. Army Corps of Engineers (Friendship Park Facility)  
**Case ID No.** 42458  
**Reg. Ent. Reference No.** RN101715522  
**Media** Water Quality  
**Violation No.** 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yes | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

### Delayed Costs

|                          |       |            |             |      |     |     |     |
|--------------------------|-------|------------|-------------|------|-----|-----|-----|
| Equipment                |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Land                     |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling        |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal     | \$500 | 7-Apr-2011 | 27-Apr-2011 | 0.05 | \$1 | n/a | \$1 |
| Permit Costs             |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        |       |            |             | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to dispose of sludge. Date required is the investigation date. 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 | \$100 | 7-Apr-2010 | 27-Apr-2011 | 1.05 | \$5 | \$105 | \$111 |
| 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

Estimated avoided cost to monitor the septic tanks. Date required is one year prior to investigation date. Final date is the date of compliance.

|                            |       |              |       |
|----------------------------|-------|--------------|-------|
| Approx. Cost of Compliance | \$600 | <b>TOTAL</b> | \$112 |
|----------------------------|-------|--------------|-------|

Screening Date 5-Aug-2011

Docket No. 2011-1599-MWD-E

PCW

Respondent U.S. Army Corps of Engineers (Friendship Park Facility)

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101715522

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0012254001, Special Provisions No. 3

Violation Description Failed to maintain the evaporation pond, as documented during an investigation conducted on April 7, 2011. Specifically, the evaporation pond had tall vegetation and dead brush in areas.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential |       | X        |       |

Percent 10%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed 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 2

96 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 are recommended from the investigation date (April 7, 2011) to the date of compliance (July 12, 2011).

Good Faith Efforts to Comply

25.0% Reduction

\$500

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

Notes: The Respondent returned to compliance on July 12, 2011.

Violation Subtotal \$1,500

Economic Benefit (EB) for this Violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

## Economic Benefit Worksheet

**Respondent** U.S. Army Corps of Engineers (Friendship Park Facility)  
**Case ID No.** 42458  
**Reg. Ent. Reference No.** RN101715522  
**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

| 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     | \$1,500   | 7-Apr-2011    | 12-JUL-2011 | 0.2% | \$20           | n/a           | \$20      |
| Permit Costs             |           |               |             | 0.00 | \$0            | n/a           | \$0       |
| Other (as needed)        |           |               |             | 0.00 | \$0            | n/a           | \$0       |

Notes for DELAYED costs

Estimated cost to remove and dispose of tall vegetation and dead brush located in the evaporation pond.  
Date required is the investigation date. 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

\$1,500

**TOTAL**

\$20

Screening Date 5-Aug-2011

Docket No. 2011-1599-MWD-E

PCW

Respondent U.S. Army Corps of Engineers (Friendship Park Facility)

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101715522

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0012254001, Effluent Limitations and Monitoring Requirements B

Violation Description

Failed to monitor effluent flow five times per week, as documented during an investigation conducted on April 7, 2011. Specifically, no calculations were made to determine the amount of effluent flow based upon the water meter records and the readings were not done five times per week.

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 this violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

120 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

10.0% reduction

\$50

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

Notes The Respondent returned to compliance on August 22, 2011.

Violation Subtotal \$450

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,479

Violation Final Penalty Total \$450

This violation Final Assessed Penalty (adjusted for limits) \$450

## Economic Benefit Worksheet

**Respondent** U.S. Army Corps of Engineers (Friendship Park Facility)  
**Case ID No.** 42458  
**Req. Ent. Reference No.** RN101715522  
**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                | \$2,000 | 7-Apr-2011 | 22-Aug-2011 | 0.38 | \$3 | \$50 | \$53 |
| 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 | \$0  | \$0  |
| Record Keeping System    |         |            |             | 0.00 | \$0 | \$0  | \$0  |
| Training/Sampling        |         |            |             | 0.00 | \$0 | \$0  | \$0  |
| Remediation/Disposal     |         |            |             | 0.00 | \$0 | \$0  | \$0  |
| Permit Costs             |         |            |             | 0.00 | \$0 | \$0  | \$0  |
| Other (as needed)        |         |            |             | 0.00 | \$0 | \$0  | \$0  |

**Notes for DELAYED costs** Estimated delayed cost to install a flow meter to measure effluent flow five times per week. Date required is investigation date. 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)             | \$1,300 | 7-Apr-2010 | 7-Apr-2011 | 1.92 | \$125 | \$1,300 | \$1,425 |

**Notes for AVOIDED costs** Estimated cost that was avoided by failing to measure effluent flow five times per week at \$25 per week. Date required is one year prior to investigation date. Final date is the investigation date.

|                            |         |              |         |
|----------------------------|---------|--------------|---------|
| Approx. Cost of Compliance | \$3,300 | <b>TOTAL</b> | \$1,477 |
|----------------------------|---------|--------------|---------|

# Penalty Calculation Worksheet (PCW)

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

|             |              |                     |                      |         |
|-------------|--------------|---------------------|----------------------|---------|
| <b>TCEQ</b> | <b>DATES</b> | Assigned 1-Aug-2011 | Screening 3-Aug-2011 | EPA Due |
|             | <b>PCW</b>   | 12-Aug-2011         |                      |         |

| RESPONDENT/FACILITY INFORMATION |  |
|---------------------------------|--|
| <b>Respondent</b>               | U.S. Army Corps of Engineers (Wilson H. Fox Park No. 1 Facility) |
| <b>Reg. Ent. Ref. No.</b>       | RN102185097  |
| <b>Facility/Site Region</b>     | 11-Austin  |
| <b>Major/Minor Source</b>       | Minor  |

| CASE INFORMATION                       |                    |
|--|--------------------|
| <b>Enf./Case ID No.</b>                | 42458              |
| <b>Docket No.</b>                      | 2011-1599-MWD-E    |
| <b>Media Program(s)</b>                | Water Quality      |
| <b>Multi-Media</b>                     |                    |
| <b>No. of Violations</b>               | 6                  |
| <b>Order Type</b>                      | 1660               |
| <b>Government/Non-Profit</b>           | Yes                |
| <b>Enf. Coordinator</b>                | Steve Villatoro    |
| <b>EC's Team</b>                       | Enforcement Team 1 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$0                |
| <b>Maximum</b>                         | \$10,000           |

| Penalty Calculation Section  |  |
|--|--|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>  | <b>Subtotal 1</b> \$14,500                             |
| <b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>   |  |
| Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the Indicated percentage. |  |
| <b>Compliance History</b>  | <b>Subtotal 2, 3, &amp; 7</b> \$0                      |
| Notes  | No adjustment for compliance history.                  |
| <b>Culpability</b>   | <b>Subtotal 4</b> \$0                                  |
| Notes  | The Respondent does not meet the culpability criteria. |
| <b>Good Faith Effort to Comply Total Adjustments</b>   | <b>Subtotal 5</b> \$3,300                              |
| <b>Economic Benefit</b>  | <b>Subtotal 6</b> \$0                                  |
| Total EB Amounts \$2,594   | *Capped at the Total EB \$ Amount                      |
| Approx. Cost of Compliance \$44,025  |  |
| <b>SUM OF SUBTOTALS 1-7</b>  | <b>Final Subtotal</b> \$11,200                         |
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>  | <b>Adjustment</b> \$0                                  |
| Notes  |  |
|  | <b>Final Penalty Amount</b> \$11,200                   |
| <b>STATUTORY LIMIT ADJUSTMENT</b>  | <b>Final Assessed Penalty</b> \$11,200                 |
| <b>DEFERRAL</b>  | <b>Adjustment</b> -\$2,240                             |
| Notes  | Deferral offered for expedited settlement.             |
| <b>PAYABLE PENALTY</b>   | <b>\$8,960</b>   |

Screening Date 5-Aug-2011

Docket No. 2011-1599-MWD-E

PCW

Respondent U.S. Army Corps of Engineers (Wilson H. Fox Park)

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102185097

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

### 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> )  | 0                 | 0%      |
|                               | 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) 0%

>> 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

No adjustment for compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 5-Aug-2011

Docket No. 2011-1599-MWD-E

PCW

Respondent U.S. Army Corps of Engineers (Wilson H. Fox Park No. 1 Facility)

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102185097

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 30.350(d) and 305.125(1) and Texas Commission on Environmental Quality ("TCEQ") Permit No. WQ0012254002, Special Provisions No. 2

Violation Description Failed to employ or contract a wastewater treatment facility operator holding the appropriate level of license, as documented during an investigation conducted on April 7, 2011. Specifically, the operator onsite during the investigation was not licensed.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential | X     |          |       |

Percent 25%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4 102 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      | X |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event |   |

mark only one with an x

Violation Base Penalty \$10,000

Four monthly events are recommended from the date of the investigation (April 7, 2011) to the date of compliance (July 18, 2011).

Good Faith Efforts to Comply

25.0% Reduction Before NOV NOV to EDRP/Settlement Offer

\$2,500

|               |               |
|---------------|---------------|
| Extraordinary |               |
| Ordinary      | X             |
| N/A           | (mark with x) |

Notes The Respondent achieved compliance on July 18, 2011.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$685

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

# Economic Benefit Worksheet

**Respondent:** U.S. Army Corps of Engineers (Wilson H. Fox Park No. 1 Facility)  
**Case ID No.:** 42458  
**Req. Ent. Reference No.:** RN102185097  
**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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

### Delayed Costs

|                          |          |            |             |      |      |       |       |
|--------------------------|----------|------------|-------------|------|------|-------|-------|
| Equipment                |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Buildings                |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Other (as needed)        | \$35,000 | 7-Apr-2011 | 18-Jul-2011 | 0.28 | \$33 | \$652 | \$685 |
| Engineering/construction |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Land                     |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Record Keeping System    |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Training/Sampling        |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Remediation/Disposal     |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Permit Costs             |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Other (as needed)        |          |            |             | 0.00 | \$0  | \$0   | \$0   |

Notes for DELAYED costs

Estimated cost to hire a licensed operator to operate the Facility at least five times per week. Date required is the investigation date. 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 \$35,000

**TOTAL** \$685

Screening Date 5-Aug-2011

Docket No. 2011-1599-MWD-E

PCW

Respondent U.S. Army Corps of Engineers (Wilson H. Fox Park No. 1 Facility)

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102185097

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), and TCEQ Permit No. WQ0012254002, Monitoring Requirements No. 7(c)

Violation Description

Failed to submit a noncompliance notification to the Executive Director when a permit limit is exceeded by more than 40%. Specifically, biochemical oxygen demand exceeded the permit limit by more than 40% during the sampling event on March 25, 2010, and a noncompliance notification was not submitted.

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

120 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 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 \$25

Violation Final Penalty Total \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

## Economic Benefit Worksheet

**Respondent:** U.S. Army Corps of Engineers (Wilson H. Fox Park No. 1 Facility)  
**Case ID No.:** 42458  
**Reg. Ent. Reference No.:** RN102185097  
**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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

| 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 | \$0 | \$0 |
| Record Keeping System    |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Training/Sampling        |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Remediation/Disposal     |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Permit Costs             |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Notes for DELAYED costs  |  |  |  |      |     |     |     |

| Avoided Costs  |      |             |             |      |     |      |      |
|--|------|-------------|-------------|------|-----|------|------|
| ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) |      |             |             |      |     |      |      |
| Disposal   |      |             |             | 0.00 | \$0 | \$0  | \$0  |
| Personnel  |      |             |             | 0.00 | \$0 | \$0  | \$0  |
| Inspection/Reporting/Sampling  |      |             |             | 0.00 | \$0 | \$0  | \$0  |
| Supplies/equipment   |      |             |             | 0.00 | \$0 | \$0  | \$0  |
| Financial Assurance [2]  |      |             |             | 0.00 | \$0 | \$0  | \$0  |
| ONE-TIME avoided costs [3]   | \$25 | 30-Mar-2010 | 30-Mar-2010 | 0.00 | \$0 | \$25 | \$25 |
| Other (as needed)  |      |             |             | 0.00 | \$0 | \$0  | \$0  |
| Notes for AVOIDED costs  |      |             |             |      |     |      |      |
| Estimated avoided cost by not submitting noncompliance notification.                 |      |             |             |      |     |      |      |

Approx. Cost of Compliance \$25
**TOTAL** \$25

**Screening Date** 5-Aug-2011 **Docket No.** 2011-1599-MWD-E **PCW**  
**Respondent** U.S. Army Corps of Engineers (Wilson H. Fox Park No. 1 Facility) *Policy Revision 2 (September 2002)*  
**Case ID No.** 42458 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN102185097  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Steve Villatoro

**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0012254002, Special Provisions No. 9  
**Violation Description** Failed to monitor and dispose of sludge at the frequency required by the permit, as documented during an investigation conducted on April 7, 2011. Specifically, records indicated that the septic tanks were not being monitored every six months and solids were not being removed at least once every two years.

**Base Penalty** \$10,000

>> **Environmental, Property and Human Health Matrix**

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

>> **Programmatic Matrix**

|  | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
|  |               |       |          |       | 0%      |

**Matrix Notes** Human health or the environment will or 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 18 Number of violation days

mark only one with an x

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    | X |
| semiannual   |   |
| annual       |   |
| single event |   |

**Violation Base Penalty** \$1,000

One quarterly event is recommended from the investigation date (April 7, 2011) to the date of compliance (April 25, 2011).

**Good Faith Efforts to Comply** 25.0% Reduction \$250

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

**Notes** The Respondent returned to compliance on April 25, 2011.

**Violation Subtotal** \$750

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

**Estimated EB Amount** \$111 **Violation Final Penalty Total** \$750

**This violation Final Assessed Penalty (adjusted for limits)** \$750

## Economic Benefit Worksheet

**Respondent** U.S. Army Corps of Engineers (Wilson H. Fox Park No. 1 Facility)  
**Case ID No.** 42458  
**Reg. Ent. Reference No.** RN102185097  
**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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

### 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            | \$0           | \$0       |
| Record Keeping System    |           |               |             | 0.00 | \$0            | \$0           | \$0       |
| Training/Sampling        |           |               |             | 0.00 | \$0            | \$0           | \$0       |
| Remediation/Disposal     | \$500     | 7-Apr-2011    | 25-Apr-2011 | 0.05 | \$1            | \$1           | \$1       |
| Permit Costs             |           |               |             | 0.00 | \$0            | \$0           | \$0       |
| Other (as needed)        |           |               |             | 0.00 | \$0            | \$0           | \$0       |

**Notes for DELAYED costs**

Estimated cost to dispose of sludge. Date required is the investigation date. 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 | \$100     | 7-Apr-2010    | 25-Apr-2011 | 1.05 | \$5            | \$105         | \$110     |
| 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**

Estimated avoided cost to monitor the septic tanks. Date required is one year prior to the investigation date. Final date is the date of compliance.

Approx. Cost of Compliance \$600

**TOTAL** \$111

Screening Date 5-Aug-2011

Docket No. 2011-1599-MWD-E

PCW

Respondent U.S. Army Corps of Engineers (Wilson H. Fox Park No. 1 Facility)

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102185097

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0012254002, Effluent Limitations and Monitoring Requirements B

Violation Description

Failed to monitor effluent flow five times per week, as documented during an investigation conducted on April 7, 2011. Specifically, no calculations were made to determine the amount of effluent flow based upon the water meter records and the readings were not done five times per week.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential |       |          | X     |

Percent 5%

>> Programmatic Matrix

|               | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| Falsification |       |          |       |

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 this violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

120 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

10.0% Reduction

\$50

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

Notes The Respondent returned to compliance on September 16, 2011.

Violation Subtotal \$450

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,487

Violation Final Penalty Total \$450

This violation Final Assessed Penalty (adjusted for limits) \$450

## Economic Benefit Worksheet

**Respondent** U.S. Army Corps of Engineers (Wilson H. Fox Park No. 1 Facility)  
**Case ID No.** 42458  
**Reg. Ent. Reference No.** RN102185097  
**Media** Water Quality  
**Violation No.** 4

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 5.0                     | 15                           |

| Item Description | Item Cost | Date Required | Final Date | Yr's | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|------|----------------|---------------|-----------|

### Delayed Costs

| Item Description         | Item Cost | Date Required | Final Date  | Yr's | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|------|----------------|---------------|-----------|
| Equipment                | \$2,000   | 7-Apr-2011    | 16-Sep-2011 | 0.44 | \$3            | \$59          | \$62      |
| 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 delayed cost to install a flow meter to measure effluent flow five times per week. Date required is the investigation date. 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 | Yr's | 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)             | \$1,300   | 7-Apr-2010    | 7-Apr-2011 | 1.92 | \$125          | \$1,300       | \$1,425   |

Notes for AVOIDED costs

Estimated cost that was avoided by failing to measure effluent flow five times per week at \$25 per week. Date required is one year prior to the investigation date. Final date is the investigation date.

Approx. Cost of Compliance

\$3,300

**TOTAL**

\$1,487

Screening Date 5-Aug-2011

Docket No. 2011-1599-MWD-E

PCW

Respondent U.S. Army Corps of Engineers (Wilson H. Fox Park No. 1 Facility)

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102185097

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0012254002, Effluent Limitations and Monitoring Requirements B

Violation Description

Failed to collect and analyze effluent samples at the frequency required by the permit, as documented during an investigation conducted on April 7, 2011. Specifically, sampling was not conducted for the quarterly monitoring periods ending December 31, 2010 and March 31, 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 | 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 this violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 2

181 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | X |

mark only one with an x

Violation Base Penalty \$1,000

Two single events are recommended for the monitoring periods ending December 31, 2010 and March 31, 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$250

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

Notes

The Respondent returned to compliance on April 27, 2011.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$106

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

## Economic Benefit Worksheet

**Respondent** U.S. Army Corps of Engineers (Wilson H. Fox Park No. 1 Facility)  
**Case ID No.** 42458  
**Reg. Ent. Reference No.** RN102185097  
**Media** Water Quality  
**Violation No.** 5

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### Delayed Costs

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

### Avoided Costs

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

|                               |       |             |             |      |     |       |       |
|-------------------------------|-------|-------------|-------------|------|-----|-------|-------|
| Disposal                      |       |             |             | 0.00 | \$0 | \$0   | \$0   |
| Personnel                     |       |             |             | 0.00 | \$0 | \$0   | \$0   |
| Inspection/Reporting/Sampling |       |             |             | 0.00 | \$0 | \$0   | \$0   |
| Supplies/equipment            |       |             |             | 0.00 | \$0 | \$0   | \$0   |
| Financial Assurance [2]       |       |             |             | 0.00 | \$0 | \$0   | \$0   |
| ONE-TIME avoided costs [3]    | \$100 | 31-Dec-2010 | 31-Mar-2011 | 1.16 | \$6 | \$100 | \$106 |
| Other (as needed)             |       |             |             | 0.00 | \$0 | \$0   | \$0   |

### Notes for AVOIDED costs

Estimated cost that was avoided by failing to analyze the required parameters at \$50 per quarter. Date required is the first date of noncompliance. Final date is the last date of noncompliance.

Approx. Cost of Compliance

\$100

TOTAL

\$106

Screening Date 5-Aug-2011

Docket No. 2011-1599-MWD-E

PCW

Respondent U.S. Army Corps of Engineers (Wilson H. Fox Park No. 1 Facility)

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102185097

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 6

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TCEQ Permit No. WQ0012254002, Effluent Limitations and Monitoring Requirements A

Violation Description

Failed to comply with permitted effluent limits, as documented during an investigation conducted on April 7, 2011. Specifically, the biochemical oxygen demand was 216 milligrams per liter ("mg/L") during the sampling event on March 25, 2010, exceeding the permit limit of 100 mg/L.

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 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

6 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.

Good Faith Efforts to Comply

25.0% Reduction

\$250

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

Notes

The Respondent returned to compliance on September 29, 2010.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$180

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

## Economic Benefit Worksheet

**Respondent** U.S. Army Corps of Engineers (Wilson H. Fox Park No. 1 Facility)  
**Case ID No.** 42458  
**Req. Ent. Reference No.** RN102185097  
**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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

| Delayed Costs            |         |             |             |      |     |       |       |
|--------------------------|---------|-------------|-------------|------|-----|-------|-------|
| Equipment                |         |             |             | 0.00 | \$0 | \$0   | \$0   |
| Buildings                |         |             |             | 0.00 | \$0 | \$0   | \$0   |
| Other (as needed)        | \$5,000 | 25-Mar-2010 | 29-Sep-2010 | 0.52 | \$9 | \$172 | \$180 |
| 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 costs to determine the cause of noncompliance and to implement corrective actions. Date required is the first date of noncompliance. 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 | \$5,000 | <b>TOTAL</b> | \$180 |
|----------------------------|---------|--------------|-------|

# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

|              |          |             |           |
|--------------|----------|-------------|-----------|
| <b>TCEQ</b>  |          |             |           |
| <b>DATES</b> | Assigned | 5-Aug-2011  |           |
|              | PCW      | 15-Aug-2011 | Screening |
|              |          | 5-Aug-2011  | EPA Due   |

|  |  |                           |       |
|--|--|---------------------------|-------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |  |                           |       |
| <b>Respondent</b>                      | U.S. Army Corps of Engineers (Wilson H. Fox Park No. 2 Facility) |                           |       |
| <b>Reg. Ent. Ref. No.</b>              | RN101715456  |                           |       |
| <b>Facility/Site Region</b>            | 11-Austin  | <b>Major/Minor Source</b> | Minor |

|  |                 |                              |                    |
|--|-----------------|------------------------------|--------------------|
| <b>CASE INFORMATION</b>                |                 |                              |                    |
| <b>Enf./Case ID No.</b>                | 42458           | <b>No. of Violations</b>     | 3                  |
| <b>Docket No.</b>                      | 2011-1599-MWD-E | <b>Order Type</b>            | 1660               |
| <b>Media Program(s)</b>                | Water Quality   | <b>Government/Non-Profit</b> | Yes                |
| <b>Multi-Media</b>                     |                 | <b>Enf. Coordinator</b>      | Steve Villatoro    |
|  |                 | <b>EC's Team</b>             | Enforcement Team 1 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$0             | <b>Maximum</b>               | \$10,000           |

## Penalty Calculation Section

|   |                   |                 |
|---|-------------------|-----------------|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b> | <i>Subtotal 1</i> | <b>\$15,500</b> |
|---|-------------------|-----------------|

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

|                           |                  |                                |            |
|---------------------------|------------------|--------------------------------|------------|
| <b>Compliance History</b> | 0.0% Enhancement | <i>Subtotals 2, 3, &amp; 7</i> | <b>\$0</b> |
|---------------------------|------------------|--------------------------------|------------|

Notes: No adjustment for compliance history.

|                    |    |                  |                   |
|--------------------|----|------------------|-------------------|
| <b>Culpability</b> | No | 0.0% Enhancement | <i>Subtotal 4</i> |
|--------------------|----|------------------|-------------------|

Notes: The Respondent does not meet the culpability criteria.

|  |                   |                |
|--|-------------------|----------------|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <i>Subtotal 5</i> | <b>\$3,125</b> |
|--|-------------------|----------------|

|                            |                   |                                   |            |
|----------------------------|-------------------|-----------------------------------|------------|
| <b>Economic Benefit</b>    | 0.0% Enhancement* | <i>Subtotal 6</i>                 | <b>\$0</b> |
| Total EB Amounts           | \$1,550           | *Capped at the Total EB \$ Amount |            |
| Approx. Cost of Compliance | \$36,300          |                                   |            |

|                             |                       |                 |
|-----------------------------|-----------------------|-----------------|
| <b>SUM OF SUBTOTALS 1-7</b> | <i>Final Subtotal</i> | <b>\$12,375</b> |
|-----------------------------|-----------------------|-----------------|

|   |      |                   |            |
|---|------|-------------------|------------|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | 0.0% | <i>Adjustment</i> | <b>\$0</b> |
|---|------|-------------------|------------|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

|                             |                 |
|-----------------------------|-----------------|
| <b>Final Penalty Amount</b> | <b>\$12,375</b> |
|-----------------------------|-----------------|

|                                   |                               |                 |
|-----------------------------------|-------------------------------|-----------------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <i>Final Assessed Penalty</i> | <b>\$12,375</b> |
|-----------------------------------|-------------------------------|-----------------|

|                 |       |           |                   |
|-----------------|-------|-----------|-------------------|
| <b>DEFERRAL</b> | 20.0% | Reduction | <i>Adjustment</i> |
|-----------------|-------|-----------|-------------------|

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

Notes: Deferral offered for expedited settlement.

|                        |                |
|------------------------|----------------|
| <b>PAYABLE PENALTY</b> | <b>\$9,900</b> |
|------------------------|----------------|

Screening Date 5-Aug-2011

Docket No. 2011-1599-MWD-E

PCW

Respondent U.S. Army Corps of Engineers (Wilson H. Fox Park)

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101715456

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

### 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> )  | 0                 | 0%      |
|                               | 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%      |

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) 0%

>> 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

No adjustment for compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 5-Aug-2011

Docket No. 2011-1599-MWD-E

PCW

Respondent U.S. Army Corps of Engineers (Wilson H. Fox Park No. 2 Facility)

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101715456

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 30.350(d) and 305.125(1) and Texas Commission on Environmental Quality ("TCEQ") Permit No. WQ0012254003, Special Provisions No. 2

Violation Description Failed to employ or contract a wastewater treatment facility operator holding the appropriate level of license, as documented during an investigation conducted on April 7, 2011. Specifically, the operator onsite during the investigation was not licensed.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential | X     |          |       |

Percent 25%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4 102 Number of violation days

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

Violation Base Penalty \$10,000

Four monthly events are recommended from the date of the investigation (April 7, 2011) to the date of compliance (July 18, 2011).

Good Faith Efforts to Comply

25.0% Reduction

\$2,500

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

Notes The Respondent achieved compliance on July 18, 2011.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$685

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

# Economic Benefit Worksheet

**Respondent:** U.S. Army Corps of Engineers (Wilson H. Fox Park No. 2 Facility)  
**Case ID No.:** 42458  
**Reg. Ent. Reference No.:** RN101715456  
**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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

### Delayed Costs

|                          |          |            |             |      |      |       |       |
|--------------------------|----------|------------|-------------|------|------|-------|-------|
| Equipment                |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Buildings                |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Other (as needed)        | \$35,000 | 7-Apr-2011 | 18-Jul-2011 | 0.28 | \$33 | \$652 | \$685 |
| 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 hire a licensed operator to operate the Facility at least five times per week. Date required is the investigation date. 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

\$35,000

**TOTAL**

\$685

Screening Date 5-Aug-2011

Docket No. 2011-1599-MWD-E

PCW

Respondent U.S. Army Corps of Engineers (Wilson H. Fox Park No. 2 Facility)

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101715456

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 2

Rule Cite(s) 30-Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0012254003, Effluent Limitations and Monitoring Requirements B

Violation Description

Failed to collect and analyze effluent samples at the frequency required by the permit, as documented during an investigation conducted on April 7, 2011. Specifically, sampling was not conducted for the monitoring periods ending September 30, 2010; December 31, 2010; and March 31, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| Release   | Harm  |          |       | Percent |
|-----------|-------|----------|-------|---------|
|           | Major | Moderate | Minor |         |
| Actual    |       |          |       | 5%      |
| Potential |       |          | x     |         |

>> 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 this violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 3 Number of violation days 338

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

Violation Base Penalty \$1,500

Three single events are recommended for the monitoring periods ending September 30, 2010; December 31, 2010; and March 31, 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$375

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

Notes: The Respondent returned to compliance on April 27, 2011.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$161

Violation Final Penalty Total \$1,125

This violation Final Assessed Penalty (adjusted for limits) \$1,125

# Economic Benefit Worksheet

**Respondent:** U.S. Army Corps of Engineers (Wilson H. Fox Park No. 2 Facility)  
**Case ID No.:** 42458  
**Req. Ent. Reference No.:** RN101715456  
**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 |
|------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|------|----------------|---------------|-----------|

**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 | \$0 | \$0 |
| Record Keeping System    |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Training/Sampling        |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Remediation/Disposal     |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Permit Costs             |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |  |  |  | 0.00 | \$0 | \$0 | \$0 |

Notes for DELAYED costs

**Avoided Costs**

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

|                               |       |             |             |      |      |       |       |
|-------------------------------|-------|-------------|-------------|------|------|-------|-------|
| Disposal                      |       |             |             | 0.00 | \$0  | \$0   | \$0   |
| Personnel                     |       |             |             | 0.00 | \$0  | \$0   | \$0   |
| Inspection/Reporting/Sampling |       |             |             | 0.00 | \$0  | \$0   | \$0   |
| Supplies/equipment            |       |             |             | 0.00 | \$0  | \$0   | \$0   |
| Financial Assurance [2]       |       |             |             | 0.00 | \$0  | \$0   | \$0   |
| ONE-TIME avoided costs [3]    | \$150 | 30-Sep-2010 | 31-Mar-2011 | 1.42 | \$11 | \$150 | \$161 |
| Other (as needed)             |       |             |             | 0.00 | \$0  | \$0   | \$0   |

Notes for AVOIDED costs

Estimated cost that was avoided by failing to analyze the required parameters at \$50 per quarterly monitoring period. Date required is the first date of noncompliance. Final date is the last date of non-compliance.

Approx. Cost of Compliance \$150

**TOTAL** \$161

Screening Date 5-Aug-2011

Docket No. 2011-1599-MWD-E

PCW

Respondent U.S. Army Corps of Engineers (Wilson H. Fox Park No. 2 Facility)

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101715456

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0012254003, Special Provisions No. 9

Violation Description

Failed to monitor and dispose of sludge at the frequency required by the permit, as documented during an investigation conducted on April 7, 2011. Specifically, records indicated that the septic tanks were not being monitored every six months and solids were not being removed at least once every two years.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential |       | X        |       |

Percent 10%

>> Programmatic Matrix

| Falsification | Harm  |          |       |
|---------------|-------|----------|-------|
|               | Major | Moderate | Minor |
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed 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

18 Number of violation days

mark only one with an x

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    | X |
| semiannual   |   |
| annual       |   |
| single event |   |

Violation Base Penalty \$1,000

One quarterly event is recommended from the investigation date (April 7, 2011) to the date of compliance (April 25, 2011).

Good Faith Efforts to Comply

25.0% Reduction

\$250

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

Notes The Respondent returned to compliance on April 25, 2011.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$111

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

## Economic Benefit Worksheet

**Respondent** U.S. Army Corps of Engineers (Wilson H. Fox Park No. 2 Facility)  
**Case ID No.** 42458  
**Reg. Ent. Reference No.** RN101715456  
**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 |
|--------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <small>No columns or 8</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   | \$500 | 7-Apr-2011 | 25-Apr-2011 | 0.05 | \$1 | n/a | \$1 |
| Permit Costs   |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)  |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Notes for DELAYED costs: Estimated cost to dispose of sludge. Date required is the investigation date. 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   | \$100 | 7-Apr-2010 | 25-Apr-2011 | 1.05 | \$5 | \$105 | \$110 |
| 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: Estimated avoided cost to monitor the septic tanks. Date required is one year prior to the investigation date. Final date is the date of compliance. |       |            |             |      |     |       |       |

|                            |       |              |       |
|----------------------------|-------|--------------|-------|
| Approx. Cost of Compliance | \$600 | <b>TOTAL</b> | \$111 |
|----------------------------|-------|--------------|-------|



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

|              |                 |             |                  |            |
|--------------|-----------------|-------------|------------------|------------|
| <b>DATES</b> | <b>Assigned</b> | 25-Jul-2011 |                  |            |
|              | <b>PCW</b>      | 10-Aug-2011 | <b>Screening</b> | 5-Aug-2011 |
|              |                 |             | <b>EPA Due</b>   |            |

## RESPONDENT/FACILITY INFORMATION

|                             |  |                           |       |
|-----------------------------|--|---------------------------|-------|
| <b>Respondent</b>           | U.S. Army Corps of Engineers (Granger Lake Project Facility) |                           |       |
| <b>Reg. Ent. Ref. No.</b>   | RN101701688  |                           |       |
| <b>Facility/Site Region</b> | 11-Austin  | <b>Major/Minor Source</b> | Minor |

## CASE INFORMATION

|  |                 |                              |                    |
|--|-----------------|------------------------------|--------------------|
| <b>Enf./Case ID No.</b>                | 42458           | <b>No. of Violations</b>     | 5                  |
| <b>Docket No.</b>                      | 2011-1599-MWD-E | <b>Order Type</b>            | 1660               |
| <b>Media Program(s)</b>                | Water Quality   | <b>Government/Non-Profit</b> | Yes                |
| <b>Multi-Media</b>                     |                 | <b>Enf. Coordinator</b>      | Steve Villatoro    |
|  |                 | <b>EC's Team</b>             | Enforcement Team 1 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$0             | <b>Maximum</b>               | \$10,000           |

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$19,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **2.0%** Enhancement **Subtotals 2, 3, & 7** **\$380**

Notes: Enhancement for one NOV with 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** **\$4,450**

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

|                            |          |                                   |
|----------------------------|----------|-----------------------------------|
| Total EB Amounts           | \$2,886  | *Capped at the Total EB \$ Amount |
| Approx. Cost of Compliance | \$40,950 |                                   |

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$14,930**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$14,930**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$14,930**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$2,986**

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** **\$11,944**

Screening Date 5-Aug-2011

Docket No. 2011-1599-MWD-E

PCW

Respondent U.S. Army Corps of Engineers (Granger Lake Proj)

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101701688

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

### 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> )  | 0                 | 0%      |
|                               | Other written NOVs   | 1                 | 2%      |
| 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)** 2%

>> 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 one NOV with dissimilar violations.

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

Screening Date 5-Aug-2011

Docket No. 2011-1599-MWD-E

PCW

Respondent U.S. Army Corps of Engineers (Granger Lake Project Facility)

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101701688

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 30.350(d) and 305.125(1) and Texas Commission on Environmental Quality ("TCEQ") Permit No. WQ0012090001, Special Provisions No. 2

Violation Description Failed to employ or contract a wastewater treatment facility operator holding the appropriate level of license, as documented during an investigation conducted on April 7, 2011. Specifically, the operator onsite during the investigation was not licensed.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential | X     |          |       |

Percent 25%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4

102 Number of violation days

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

Violation Base Penalty \$10,000

Four monthly events are recommended from the date of the investigation (April 7, 2011) to the date of compliance (July 18, 2011).

Good Faith Efforts to Comply

25.0% Reduction

\$2,500

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

Notes The Respondent achieved compliance on July 18, 2011.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$685

Violation Final Penalty Total \$7,700

This violation Final Assessed Penalty (adjusted for limits) \$7,700

# Economic Benefit Worksheet

**Respondent:** U.S. Army Corps of Engineers (Granger Lake Project Facility)  
**Case ID No.:** 42458  
**Req. Ent. Reference No.:** RN101701688  
**Media:** Water Quality  
**Violation No.:** 1

|                          |                               |
|--------------------------|-------------------------------|
| <b>Percent Interest:</b> | <b>Years of Depreciation:</b> |
| 5.0                      | 15                            |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

| <b>Delayed Costs</b>     |          |            |             |      |      |       |       |
|--------------------------|----------|------------|-------------|------|------|-------|-------|
| Equipment                |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Buildings                |          |            |             | 0.00 | \$0  | \$0   | \$0   |
| Other (as needed)        | \$35,000 | 7-Apr-2011 | 18-Jul-2011 | 0.28 | \$33 | \$652 | \$685 |
| 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 hire a licensed operator to operate the Facility at least five times per week. Date required is the investigation date. Final date is the date of compliance.

| <b>Avoided Costs</b>  |  |  |  |      |     |     |     |
|---|--|--|--|------|-----|-----|-----|
| <b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b> |  |  |  |      |     |     |     |
| 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 | \$35,000 | <b>TOTAL</b> | \$685 |
|----------------------------|----------|--------------|-------|

Screening Date 5-Aug-2011

Docket No. 2011-1599-MWD-E

PCW

Respondent U.S. Army Corps of Engineers (Granger Lake Project Facility)

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101701688

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 2

Rule Cite(s) 30 Tex. Adm. Code § 305.125(1) and TCEQ Permit No. WQ0012090001, Effluent Limitations and Monitoring Requirements B

Violation Description

Failed to collect and analyze effluent samples at the frequency required by the permit, as documented during an investigation conducted on April 7, 2011. Specifically, sampling was not conducted for the monthly monitoring periods ending May 31, 2010 through March 31, 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 | 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 this violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 11

364 Number of violation days

mark only one with an x

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | x |

Violation Base Penalty \$5,500

Eleven single events are recommended for the monitoring periods ending May 31, 2010 through March 31, 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$1,375

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

Notes The Respondent returned to compliance by April 30, 2011.

Violation Subtotal \$4,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$598

Violation Final Penalty Total \$4,400

This violation Final Assessed Penalty (adjusted for limits) \$4,400

## Economic Benefit Worksheet

**Respondent** U.S. Army Corps of Engineers (Granger Lake Project Facility)  
**Case ID No.** 42458  
**Req. Ent. Reference No.** RN101701688  
**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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

### 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 | 0/3 | \$0 |
| Record Keeping System    |  |  |  | 0.00 | \$0 | 0/3 | \$0 |
| Training/Sampling        |  |  |  | 0.00 | \$0 | 0/3 | \$0 |
| Remediation/Disposal     |  |  |  | 0.00 | \$0 | 0/3 | \$0 |
| Permit Costs             |  |  |  | 0.00 | \$0 | 0/3 | \$0 |
| Other (as needed)        |  |  |  | 0.00 | \$0 | 0/3 | \$0 |

Notes for DELAYED costs

### Avoided Costs

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

|                                   |       |             |             |      |      |       |       |
|-----------------------------------|-------|-------------|-------------|------|------|-------|-------|
| Disposal                          |       |             |             | 0.00 | \$0  | \$0   | \$0   |
| Personnel                         |       |             |             | 0.00 | \$0  | \$0   | \$0   |
| Inspection/Reporting/Sampling     |       |             |             | 0.00 | \$0  | \$0   | \$0   |
| Supplies/equipment                |       |             |             | 0.00 | \$0  | \$0   | \$0   |
| Financial Assurance [2]           |       |             |             | 0.00 | \$0  | \$0   | \$0   |
| <b>ONE-TIME avoided costs [3]</b> | \$550 | 31-May-2010 | 31-Mar-2011 | 1.75 | \$48 | \$550 | \$598 |
| Other (as needed)                 |       |             |             | 0.00 | \$0  | \$0   | \$0   |

Notes for AVOIDED costs

Estimated cost that was avoided by failing to analyze the required parameters at \$50 per month. Date required is the first date of noncompliance. Final date is the last date of noncompliance.

Approx. Cost of Compliance

\$550

**TOTAL**

\$598

Screening Date 5-Aug-2011

Docket No. 2011-1599-MWD-E

PCW

Respondent U.S. Army Corps of Engineers (Granger Lake Project Facility)

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101701688

Media (Statute) Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0012090001, Special Provisions No. 9

Violation Description

Failed to monitor and dispose of sludge at the frequency required by the permit, as documented during an investigation conducted on April 7, 2011. Specifically, records indicated that the septic tanks were not being monitored every six months and solids were not being removed at least once every two years.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential |       | X        |       |

Percent 10%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed 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

18 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 from the investigation date (April 7, 2011) to the date of compliance (April 25, 2011).

Good Faith Efforts to Comply

25.0% Reduction

\$250

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

Notes

The Respondent returned to compliance on April 25, 2011.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$111

Violation Final Penalty Total \$800

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

## Economic Benefit Worksheet

**Respondent** U.S. Army Corps of Engineers (Granger Lake Project Facility)  
**Case ID No.** 42458  
**Reg. Ent. Reference No.** RN101701688  
**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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

### 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 | 0%  | \$0 |
| Record Keeping System    |       |            |             | 0.00 | \$0 | 0%  | \$0 |
| Training/Sampling        |       |            |             | 0.00 | \$0 | 0%  | \$0 |
| Remediation/Disposal     | \$500 | 7-Apr-2011 | 25-Apr-2011 | 0.05 | \$1 | 0%  | \$1 |
| Permit Costs             |       |            |             | 0.00 | \$0 | 0%  | \$0 |
| Other (as needed)        |       |            |             | 0.00 | \$0 | 0%  | \$0 |

Notes for DELAYED costs

Estimated cost to dispose of sludge. Date required is the investigation date. 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 | \$100 | 7-Apr-2010 | 25-Apr-2011 | 1.05 | \$5 | \$105 | \$110 |
| 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

Estimated avoided cost to monitor the septic tanks. Date required is one year prior to the investigation date. Final date is the date of compliance.

Approx. Cost of Compliance \$600

**TOTAL** \$111

Screening Date 5-Aug-2011

Docket No. 2011-1599-MWD-E

PCW

Respondent U.S. Army Corps of Engineers (Granger Lake Project Facility)

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101701688

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0012090001, Special Provisions No. 3

Violation Description Failed to maintain the evaporation pond, as documented during an investigation conducted on April 7, 2011. Specifically, the evaporation pond had tall vegetation and dead brush, especially over the pipe from the septic tank to the pond.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

|  | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
|  |               |       |          |       | 0%      |

Matrix Notes Human health or the environment will or 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 2 Number of violation days 123

|                         |              |   |
|-------------------------|--------------|---|
| mark only one with an x | daily        |   |
|                         | weekly       |   |
|                         | monthly      |   |
|                         | quarterly    | X |
|                         | semi-annual  |   |
|                         | annual       |   |
|                         | single event |   |

Violation Base Penalty \$2,000

Two quarterly events are recommended from the investigation date (April 7, 2011) to the date of screening (August 5, 2011).

Good Faith Efforts to Comply

10.0% (Required) \$200

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

Notes The Respondent returned to compliance on August 8, 2011.

Violation Subtotal \$1,800

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$1,840

This violation Final Assessed Penalty (adjusted for limits) \$1,840

## Economic Benefit Worksheet

**Respondent:** U.S. Army Corps of Engineers (Granger Lake Project Facility)  
**Case ID No.:** 42458  
**Reg. Ent. Reference No.:** RN101701688  
**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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

**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     | \$1,500   | 7-Apr-2011    | 6-Aug-2011 | 0.34 | \$25           | n/a           | \$25      |
| Permit Costs             |           |               |            | 0.00 | \$0            | n/a           | \$0       |
| Other (as needed)        |           |               |            | 0.00 | \$0            | n/a           | \$0       |

**Notes for DELAYED costs**

Estimated cost to remove and dispose of tall vegetation and dead brush located in the evaporation pond. Date required is the investigation date. 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 | \$1,500 | <b>TOTAL</b> | \$25 |
|----------------------------|---------|--------------|------|

Screening Date 5-Aug-2011

Docket No. 2011-1599-MWD-E

PCW

Respondent U.S. Army Corps of Engineers (Granger Lake Project Facility)

Policy Revision 2 (September 2002)

Case ID No. 42458

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101701688

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0012090001, Effluent Limitations and Monitoring Requirements B

Violation Description

Failed to monitor effluent flow five times per week, as documented during an investigation conducted on April 7, 2011. Specifically, no calculations were made to determine the amount of effluent flow based upon the water meter records and the readings were not done five times per week.

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 this violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

110 Number of violation days

mark only one with an x

|              |   |
|--------------|---|
| Daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | x |

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$125

|          | Before NOV    | NOV to EDFRP/Settlement Offer |
|----------|---------------|-------------------------------|
|          | Extraordinary |                               |
| Ordinary | x             |                               |
| N/A      |               | (mark with x)                 |

Notes The Respondent returned to compliance on July 26, 2011.

Violation Subtotal \$375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,467

Violation Final Penalty Total \$400

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

## Economic Benefit Worksheet

**Respondent:** U.S. Army Corps of Engineers (Granger Lake Project Facility)  
**Case ID No.:** 42458  
**Red. Ent. Reference No.:** RN101701688  
**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 |
|------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <i>No commas or \$</i> |           |               |            |     |                |               |           |

### Delayed Costs

|                          |         |            |             |      |     |      |      |
|--------------------------|---------|------------|-------------|------|-----|------|------|
| Equipment                | \$2,000 | 7-Apr-2011 | 26-Jul-2011 | 0.30 | \$2 | \$40 | \$42 |
| 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 | \$0  | \$0  |
| Record Keeping System    |         |            |             | 0.00 | \$0 | \$0  | \$0  |
| Training/Sampling        |         |            |             | 0.00 | \$0 | \$0  | \$0  |
| Remediation/Disposal     |         |            |             | 0.00 | \$0 | \$0  | \$0  |
| Permit Costs             |         |            |             | 0.00 | \$0 | \$0  | \$0  |
| Other (as needed)        |         |            |             | 0.00 | \$0 | \$0  | \$0  |

#### Notes for DELAYED costs

Estimated delayed cost to install a flow meter to measure effluent flow five times per week. Date required is the investigation date. 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)             | \$1,300 | 7-Apr-2010 | 7-Apr-2011 | 1.92 | \$125 | \$1,300 | \$1,425 |

#### Notes for AVOIDED costs

Estimated cost that was avoided by failing to measure effluent flow five times per week at \$25 per week. Date required is one year prior to investigation date. Final date is the investigation date.

Approx. Cost of Compliance

\$3,300

**TOTAL**

\$1,467

## Compliance History

|   |   |                              |                         |                              |
|---|---|------------------------------|-------------------------|------------------------------|
| Customer/Respondent/Owner-Operator:   | CN600918916   | U.S. Army Corps of Engineers | Classification: AVERAGE | Rating: 3.59                 |
| Regulated Entity:   | RN101715522   | FRIENDSHIP PARK              | Classification: HIGH    | Site Rating: 0.00            |
| ID Number(s):   | WASTEWATER<br>WASTEWATER LICENSING  | PERMIT<br>LICENSE            |                         | WQ0012254001<br>WQ0012254001 |
| Location:   | Friendship Park on the North side of Granger Lake Approx 1 Mile due Southeast of the eastbound extension of Farm-to-Market Rd. 971 in Williamson County |                              |                         |                              |
| TCEQ Region:  | REGION 11 - AUSTIN  |                              |                         |                              |
| Date Compliance History Prepared:   | October 14, 2011  |                              |                         |                              |
| Agency Decision Requiring Compliance History:   | Enforcement   |                              |                         |                              |
| Compliance Period:  | October 14, 2006 to October 14, 2011  |                              |                         |                              |
| TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History |   |                              |                         |                              |
| Name:   | Steve Villatoro   | Phone:                       | 512-239-4930            |                              |

### 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: 9/1/2011 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 | 12/21/2006 | (513794) |
| 2 | 06/08/2011 | (920988) |
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
  - 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

# Compliance History

Customer/Respondent/Owner-Operator: CN600918916 U.S. Army Corps of Engineers Classification: AVERAGE Rating: 3.59

Regulated Entity: RN102185097 WILSON H FOX PARK NO 1 Classification: HIGH Site Rating: 0.00

ID Number(s): WASTEWATER PERMIT WQ0012254002

Location: Located on the west side of Wilson H Fox Park on the south side of Granger Lake approx 1.5 miles north and 3 miles west of the intersection of Farm-to-Market Rd 1063 and Farm-to-Market Rd 1331 in Williamson County Texas

TCEQ Region: REGION 11 - AUSTIN

Date Compliance History Prepared: October 14, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 14, 2006 to October 14, 2011

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

Name: Steve Villatoro Phone: 512-239-4930

## 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: 9/1/2011 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 | 12/21/2006 | (513796) |
| 2 | 07/27/2011 | (920995) |
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
  - 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

# Compliance History

Customer/Respondent/Owner-Operator: CN600918916 U.S. Army Corps of Engineers Classification: AVERAGE Rating: 3.59

Regulated Entity: RN101716456 WILSON H FOX PARK NO 2 Classification: HIGH Site Rating: 0.00

ID Number(s): WASTEWATER PERMIT WQ0012254003

Location: Located on the East side of Wilson H Fox Park on the south side of Granger Lake approx 1.5 Miles North and 3 Miles West of the intersection of Farm-to-Market Rd 1063 and Farm-to-Market Rd 1331 in Williamson County Texas

TCEQ Region: REGION 11 - AUSTIN

Date Compliance History Prepared: October 14, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 14, 2006 to October 14, 2011

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

Name: Steve Villatoro Phone: 512-239-4930

### 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: 9/1/2011 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 | 12/21/2006 | (513797) |
| 2 | 08/01/2011 | (920998) |
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
  - 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

## Compliance History

|   |  |                              |                         |                              |
|---|--|------------------------------|-------------------------|------------------------------|
| Customer/Respondent/Owner-Operator:   | CN600918916  | U.S. Army Corps of Engineers | Classification: AVERAGE | Rating: 3.59                 |
| Regulated Entity:   | RN101701688  | GRANGER LAKE PROJECT         | Classification: AVERAGE | Site Rating: 0.75            |
| ID Number(s):   | WASTEWATER<br>WASTEWATER LICENSING   | PERMIT<br>LICENSE            |                         | WQ0012090001<br>WQ0012090001 |
| Location:   | near the Granger Lake Project Office adjacent to Farm-to-Market Rd 971 at the north end of Granger Dam at a point approx 8 miles east of the intersection of State Highway 95 and Farm-to-Market Rd 971 in Williamson County Texas |                              |                         |                              |
| TCEQ Region:  | REGION 11 - AUSTIN   |                              |                         |                              |
| Date Compliance History Prepared:   | October 14, 2011   |                              |                         |                              |
| Agency Decision Requiring Compliance History:   | Enforcement  |                              |                         |                              |
| Compliance Period:  | October 14, 2006 to October 14, 2011   |                              |                         |                              |
| TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History |  |                              |                         |                              |
| Name:   | Steve Villatoro  | Phone:                       | 512-239-4930            |                              |

### 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: 9/1/2011 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. (CEEDS Inv. Track. No.)
 

|   |            |          |
|---|------------|----------|
| 1 | 12/29/2006 | (513803) |
| 2 | 01/29/2007 | (537935) |
| 3 | 06/08/2011 | (920977) |
  - E. Written notices of violations (NOV). (CEEDS Inv. Track. No.)
 

|                 |   |          |             |
|-----------------|---|----------|-------------|
| Date:           | 12/29/2006  | (513803) | CN600918916 |
| Self Report?    | NO  |          |             |
| Classification: | Moderate  |          |             |
| Citation:       | 30 TAC Chapter 305, SubChapter F 305.125(1)                                     |          |             |
| Description:    | The facility had three BOD (five-day) exceedances since the last investigation. |          |             |
  - 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



|                                     |          |                              |
|-------------------------------------|----------|------------------------------|
| <b>IN THE MATTER OF AN</b>          | <b>§</b> | <b>BEFORE THE</b>            |
| <b>ENFORCEMENT ACTION</b>           | <b>§</b> |                              |
| <b>CONCERNING</b>                   | <b>§</b> |                              |
| <b>U.S. ARMY CORPS OF</b>           | <b>§</b> | <b>TEXAS COMMISSION ON</b>   |
| <b>ENGINEERS</b>                    | <b>§</b> |                              |
| <b>RN101715522, RN101701688,</b>    | <b>§</b> |                              |
| <b>RN102185097, AND RN101715456</b> | <b>§</b> | <b>ENVIRONMENTAL QUALITY</b> |

**AGREED ORDER**  
**DOCKET NO. 2011-1599-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 U.S. Army Corps of Engineers ("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 four wastewater treatment plants at the following locations ("the Facilities"):
  - a. In Friendship Park on the north side of Granger Lake, approximately one mile due southeast of the eastbound extension of Farm-to-Market Road 971 in Williamson County, Texas ("Friendship Park Facility");
  - b. Near the Granger Lake Project Office adjacent to Farm-to-Market Road 971 at the north end of Granger Dam at a point approximately eight miles east of the intersection of State Highway 95 and Farm-to-Market Road 971 in Williamson County, Texas ("Granger Lake Project Facility");
  - c. On the west side of Wilson H. Fox Park, on the south side of Granger Lake, approximately 1.5 miles north and three miles west of the intersection of Farm-to-Market Road 1063 and Farm-to-Market Road 1331 in Williamson County, Texas ("Wilson H. Fox Park No. 1 Facility"); and

- d. On the east side of Wilson H. Fox Park, which is on the south side of Granger Lake, approximately 1.5 miles north and three miles west of the intersection of Farm-to-Market Road 1063 and Farm-to-Market Road 1331 in Williamson County, Texas ("Wilson H. Fox Park No. 2 Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about August 1, 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 Fifty-Two Thousand Eight Hundred Thirty Dollars (\$52,830) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Forty-Two Thousand Two Hundred Sixty-Four Dollars (\$42,264) of the administrative penalty and Ten Thousand Five Hundred Sixty-Six Dollars (\$10,566) 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 recognizes that the Respondent has implemented the following corrective measures at the Facilities:
  - a. At the Friendship Park Facility:
    - i. On April 27, 2011, began monitoring and disposing of sludge;
    - ii. By April 30, 2011, began collecting and analyzing effluent samples at the frequency required by the permit;
    - iii. On July 12, 2011, removed tall vegetation and dead brush from the evaporation pond;

- iv. On July 18, 2011, contracted with a licensed operator; and
  - v. On August 22, 2011, installed a flow meter and began monitoring effluent flow five times per week.
- b. At the Granger Lake Project Facility:
- i. On April 25, 2011, began monitoring and disposing of sludge;
  - ii. By April 30, 2011, began collecting and analyzing effluent samples at the frequency required by the permit;
  - iii. On July 18, 2011, contracted with a licensed operator;
  - iv. On July 26, 2011, installed a flow meter and began monitoring effluent flow five times per week; and
  - v. On August 8, 2011, removed tall vegetation and dead brush from the evaporation pond.
- c. At the Wilson H. Park No. 1 Facility:
- i. On April 25, 2011, began monitoring and disposing of sludge;
  - ii. On April 27, 2011, began collecting and analyzing effluent samples at the frequency required by the permit;
  - iii. On July 18, 2011, contracted with a licensed operator;
  - iv. On September 16, 2011, installed a flow meter and began monitoring effluent flow five times per week; and
  - v. On September 29, 2010, the Respondent returned to compliance with the permitted effluent limits.
- d. At the Wilson H. Park No. 2 Facility:
- i. On April 25, 2011, began monitoring and disposing of sludge;
  - ii. On April 27, 2011, began collecting and analyzing effluent samples at the frequency required by the permit; and
  - iii. On July 18, 2011, contracted with a licensed operator.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. At the Friendship Park Facility:
  - a. Failed to employ or contract a wastewater treatment facility operator holding the appropriate level of license, in violation of 30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TCEQ Permit No. WQ0012254001, Special Provisions No. 2, as documented during an investigation conducted on April 7, 2011. Specifically, the operator onsite during the investigation was not licensed;
  - b. Failed to collect and analyze effluent samples at the frequency required by the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012254001, Effluent Limitations and Monitoring Requirements B, as documented during an investigation conducted on April 7, 2011. Specifically, sampling was not conducted for the monthly monitoring periods ending May 31, 2010 through March 31, 2011;
  - c. Failed to monitor and dispose of sludge at the frequency required by the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012254001, Special Provisions No. 9, as documented during an investigation conducted on April 7, 2011. Specifically, records indicated that the septic tanks were not being monitored every six months and solids were not being removed at least once every two years;
  - d. Failed to maintain the evaporation pond, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012254001, Special Provisions No. 3, as documented during an investigation conducted on April 7, 2011. Specifically, the evaporation pond had tall vegetation and dead brush in areas; and
  - e. Failed to monitor effluent flow five times per week, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012254001, Effluent Limitations and Monitoring Requirements B, as documented during an investigation conducted on April 7, 2011. Specifically, no calculations were made to determine the amount of effluent flow based upon the water meter records and the readings were not done five times per week.
2. At the Granger Lake Project Facility:
  - a. Failed to employ or contract a wastewater treatment facility operator holding the appropriate level of license, in violation of 30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TCEQ Permit No. WQ0012090001, Special Provisions No. 2,

as documented during an investigation conducted on April 7, 2011. Specifically, the operator onsite during the investigation was not licensed;

- b. Failed to collect and analyze effluent samples at the frequency required by the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012090001, Effluent Limitations and Monitoring Requirements B, as documented during an investigation conducted on April 7, 2011. Specifically, sampling was not conducted for the monthly monitoring periods ending May 31, 2010 through March 31, 2011;
  - c. Failed to monitor and dispose of sludge at the frequency required by the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012090001, Special Provisions No. 9, as documented during an investigation conducted on April 7, 2011. Specifically, records indicated that the septic tanks were not being monitored every six months and solids were not being removed at least once every two years;
  - d. Failed to maintain the evaporation pond, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012090001, Special Provisions No. 3, as documented during an investigation conducted on April 7, 2011. Specifically, the evaporation pond had tall vegetation and dead brush, especially over the pipe from the septic tank to the pond; and
  - e. Failed to monitor effluent flow five times per week, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012090001, Effluent Limitations and Monitoring Requirements B, as documented during an investigation conducted on April 7, 2011. Specifically, no calculations were made to determine the amount of effluent flow based upon the water meter records and the readings were not done five times per week.
3. At the Wilson H. Fox Park No. 1 Facility:
- a. Failed to employ or contract a wastewater treatment facility operator holding the appropriate level of license, in violation of 30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TCEQ Permit No. WQ0012254002, Special Provisions No. 2, as documented during an investigation conducted on April 7, 2011. Specifically, the operator onsite during the investigation was not licensed;
  - b. Failed to submit a noncompliance notification to the Executive Director when a permit limit is exceeded by more than 40%, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012254002, Monitoring Requirements No. 7(c), as documented during an investigation conducted on April 7, 2011. Specifically, biochemical oxygen demand exceeded the permit limit by more than 40% during the sampling event on March 25, 2010, and a noncompliance notification was not submitted;
  - c. Failed to monitor and dispose of sludge at the frequency required by the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012254002, Special Provisions No. 9, as documented during an investigation conducted on April 7, 2011. Specifically, records indicated that the

septic tanks were not being monitored every six months and solids were not being removed at least once every two years;

- d. Failed to monitor effluent flow five times per week, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012254002, Effluent Limitations and Monitoring Requirements B, as documented during an investigation conducted on April 7, 2011. Specifically, no calculations were made to determine the amount of effluent flow based upon the water meter records and the readings were not done five times per week;
  - e. Failed to collect and analyze effluent samples at the frequency required by the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012254002, Effluent Limitations and Monitoring Requirements B, as documented during an investigation conducted on April 7, 2011. Specifically, sampling was not conducted for the quarterly monitoring periods ending December 31, 2010 and March 31, 2011; and
  - f. Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TCEQ Permit No. WQ0012254002, Effluent Limitations and Monitoring Requirements A, as documented during an investigation conducted on April 7, 2011. Specifically, the biochemical oxygen demand was 216 milligrams per liter ("mg/L") during the sampling event on March 25, 2010, exceeding the permit limit of 100 mg/L.
4. At the Wilson H. Fox Park No. 2 Facility:
- a. Failed to employ or contract a wastewater treatment facility operator holding the appropriate level of license, in violation of 30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TCEQ Permit No. WQ0012254003, Special Provisions No. 2, as documented during an investigation conducted on April 7, 2011. Specifically, the operator onsite during the investigation was not licensed;
  - b. Failed to collect and analyze effluent samples at the frequency required by the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012254003, Effluent Limitations and Monitoring Requirements B, as documented during an investigation conducted on April 7, 2011. Specifically, sampling was not conducted for the monitoring periods ending September 30, 2010; December 31, 2010; and March 31, 2011; and
  - c. Failed to monitor and dispose of sludge at the frequency required by the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0012254003, Special Provisions No. 9, as documented during an investigation conducted on April 7, 2011. Specifically, records indicated that the septic tanks were not being monitored every six months and solids were not being removed at least once every two years.

### 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: U.S. Army Corps of Engineers, Docket No. 2011-1599-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 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 Facilities operations referenced in this Agreed Order.
3. 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.
4. 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.
5. 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

Pam Sawitz  
For the Executive Director

9/25/12  
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.

Ronald E. Miller  
Signature

01 FEB 2012  
Date

Ronald E. Miller  
Name (Printed or typed)  
Authorized Representative of  
U.S. Army Corps of Engineers

Operations Project Manager  
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.

