

Executive Summary – Enforcement Matter – Case No. 46038
HUFFSMITH-KOHRVILLE, INC.
RN101526044
Docket No. 2013-0162-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Red River Dance Hall and Saloon, located approximately 1,300 feet east of Farm-to-Market ("FM") Road 149 and 3,500 feet north of the intersection of FM Road 149 and Spring Cypress Road, Harris County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 19, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$19,288

Amount Deferred for Expedited Settlement: \$3,857

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$15,431

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

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HUFFSMITH-KOHRVILLE, INC.
RN101526044
Docket No. 2013-0162-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 30, November 1 and November 4, 2012 and January 23, 2013

Date(s) of NOE(s): December 20, 2012 and January 31, 2013

Violation Information

1. Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the walls surrounding the Facility and between the basins were severely rusted; the clarifier weir trough, chlorine contact chamber baffles, and the support beams were severely rusted or broken; part of the catwalk above the aeration basin and digester was very unstable due to rust and another catwalk had fallen into the chlorine contact chamber; and the results of a dye test conducted on November 4, 2012 were indicative of a leak between the clarifier effluent trough and the clarifier in addition to short circuiting between the first and second baffles of the chlorine contact chamber [30 TEX. ADMIN. CODE §§ 217.152(i), 217.153(a), 217.281(b)(2), and 305.125(1) and (5), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0014923001, Operational Requirements No. 1].
2. Failed to comply with permitted effluent limits. Specifically, the chlorine residual grab samples collected during the November 4, 2012 investigation did not comply with the minimum permitted limit of 1.0 milligrams per liter (“mg/L”). The chlorine residual grab samples were 0.22 mg/L and 0.24 mg/L [TEX. WATER CODE §§ 26.121(a)(1) and 305.125(1), and TPDES Permit No. WQ0014923001, Effluent Limitations and Monitoring Requirements No. 2].
3. Failed to provide a primary flow measuring device. Specifically, an effluent weir was provided; however, a non-corrosive ruler (staff gauge) graduated in no greater than ¼ inch increments was not provided. In addition, the V-notch weir was severely corroded with pieces of metal missing [30 TEX. ADMIN. CODE §§ 217.33(c)(1) and (c)(2)(C), 305.125(1), and 319.11(d), and TPDES Permit No. WQ0014923001, Operational Requirements No. 5].
4. Failed to secure the Facility with an intruder-resistant fence. Specifically, there was a fallen section of the six foot fence on the east side of the the Facility; missing fence pickets around the fence perimeter; none of the three required barbed wire outriggers were provided; and the entrance gate did not have a lock [30 TEX. ADMIN. CODE § 217.328(a) and (c)].

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5. Failed to secure the off-site lift station with an intruder-resistant fence. Specifically, the fence was approximately four feet high and did not have a lockable access gate [30 TEX. ADMIN. CODE § 217.59(b)(2) and (3)].
6. Failed to timely submit effluent monitoring results as specified in the permit. Specifically, the discharge monitoring reports ("DMRs") for the monitoring periods ending October 31, 2011; November 30, 2011; December 31, 2011; June 30, 2012; August 31, 2012; October 31, 2012; November 30, 2012; and December 31, 2012 were not submitted by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(d), and TPDES Permit No. WQ0014923001, Monitoring and Reporting Requirements No. 1].
7. Failed to monitor effluent at the frequency specified in the permit. Specifically, during an investigation conducted on November 4, 2012, the investigator documented flow discharging from the Facility. The November 2012 DMR received by the TCEQ Compliance Monitoring Section was coded as "No Discharge" and Respondent did not collect or analyze effluent samples for the monitoring period ending November 30, 2012 [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(A), and 319.5(b), and TPDES Permit No. WQ0014923001, Monitoring and Reporting Requirements No. 1].
8. Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, excessive floating solids were on the surface of the clarifier and approximately one foot of sludge was present in a 2.25 foot water depth in the chlorine contact chamber [30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0014923001, Operational Requirements No. 1].
9. Failed to install an approved disinfection system. Specifically, chlorine tablets were placed in the clarifier launder. In addition, the chlorine tablets were not approved for use in wastewater treatment [30 TEX. ADMIN. CODE §§ 217.279(a), 217.282, 305.125(1) and (5), and TPDES Permit No. WQ0014923001, Operational Requirements No. 1].
10. Failed to submit to the TCEQ Wastewater Permitting Section a summary transmittal letter for the Facility within 60 days from the date of permit issuance [30 TEX. ADMIN. CODE §§ 217.6(c), and 305.125(1), and TPDES Permit No. WQ0014923001, Other Requirements No. 8].
11. Failed to submit a DMR Address and Signatory Authority Update Form [30 TEX. ADMIN. CODE §§ 305.44(a) and 305.128(a)].
12. Failed to provide a secondary flow measurement device. Specifically, a secondary measuring device capable of measuring the liquid level in the primary measuring device and converting this liquid level into a flow rate that is integrated to a totalized flow was not provided [30 TEX. ADMIN. CODE § 217.33(c)(4)(A)].

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13. Failed to provide the required alarm system. Specifically, the off-site lift station only had a visual alarm. An auditory alarm system and an auto-dialer system, Supervisory Control and Data Acquisition system, or telemetering system connected to a continuously monitored location was not provided, as required [30 TEX. ADMIN. CODE § 217.63(b)].

14. Failed to provide a coarse screening device. Specifically, no coarse screening device was provided at the headworks of the Facility to screen the influent [30 TEX. ADMIN. CODE § 217.121(a)].

15. Failed to provide the hopper bottom clarifier with mechanical sludge collection equipment. Specifically, the Facility has a permitted daily average flow limit of 10,000 gallons per day and has a hopper bottom clarifier without mechanical sludge collection equipment [30 TEX. ADMIN. CODE § 217.152(h)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. By August 27, 2012, submitted the DMR for the monitoring period ending June 30, 2012;
- b. By November 30, 2012, secured the off-site lift station in an intruder resistant manner and provided a non-corrosive ruler (staff gauge) as a means of primary effluent flow measurement at the Facility;
- c. By December 9, 2011, submitted the DMR for the monitoring period ending October 31, 2011;
- d. By February 7, 2012, submitted the DMRs for the monitoring periods ending November 30, 2011 and December 31, 2011;
- e. By October 24, 2012, submitted the DMR for the monitoring period ending August 31, 2012; and
- f. By March 7, 2013, submitted the DMRs for the monitoring periods ending October 31, 2012, November 30, 2012, and December 31, 2012.

Technical Requirements:

The Order will require Respondent to:

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c. Within 30 days:

i. Remove and properly dispose of the solids in the clarifier and chlorine contact chamber at the Facility;

ii. Install an intruder-resistant fence at the Facility; and

iii. Submit a completed DMR Address and Signatory Authority Update Form.

d. Within 45 days, submit written certification of compliance with Ordering Provisions c.i. through c.iii.

e. Within 60 days, develop and begin implementing a plan to evaluate the Facility's structural integrity. The plan shall be prepared by a registered Texas Professional Engineer or a TCEQ certified Class A wastewater operator. The rehabilitation schedule shall include, but not be limited to:

i. The removal and proper disposal of the wastes in the off-site lift station and the Facility;

ii. The repairs required to restore the structural integrity of the Facility; and

iii. A repair/rehabilitation schedule with a completion date not to exceed 240 days from the effective date of this Agreed Order.

f. Within 60 days:

i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished and the timely submittal of signed and certified monthly DMRs;

ii. Update operational procedures and conduct employee training to ensure that effluent is monitored at the intervals specified in the permit. Develop and submit a standard operating procedure describing how effluent samples and data will be collected and reported to the TCEQ in a representative manner of daily plant operations; and

iii. Install the required alarm system at the off-site lift station.

g. Within 75 days, submit written certification of compliance with Ordering Provisions f.i. through f.iii.

h. Within 90 days:

i. Install a coarse screening device for the influent at the headworks of the Facility;

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Docket No. 2013-0162-MWD-E

h. Within 90 days:

i. Install a coarse screening device for the influent at the headworks of the Facility;

ii. Install a secondary flow measuring device at the Facility;

iii. Install an approved disinfection system at the Facility;

iv. Install mechanical sludge collection equipment in the hopper bottom clarifier of the Facility; and

v. Replace the Facility's effluent V-notch weir.

i. Within 105 days, submit written certification of compliance with Ordering Provisions h.i. through h.v.

j. Within 255 days, submit written certification that the rehabilitation plan for the Facility initiated under Ordering Provision e. has been completed.

k. Within 270 days, submit a summary transmittal letter for the Facility.

l. Within 285 days, submit written certification of compliance with Ordering Provision k.

m. Within 365 days, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0014931001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limits.

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: Christopher Bost, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4575; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

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HUFFSMITH-KOHRVILLE, INC.

RN101526044

Docket No. 2013-0162-MWD-E

TCEQ SEP Coordinator: N/A

Respondent: David Garcia, Manager, HUFFSMITH-KOHRVILLE, INC., 602 Sawyer Street, Suite 205, Houston, Texas 77007

Juan Pena, President, HUFFSMITH-KOHRVILLE, INC., 602 Sawyer Street, Suite 205, Houston, Texas 77007

Jamie Greene, Manager, HUFFSMITH-KOHRVILLE, INC., 602 Sawyer Street, Suite 205, Houston, Texas 77007

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	4-Feb-2013			
	PCW	6-Feb-2013	Screening	5-Feb-2013	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	HUFFSMITH-KOHRVILLE, INC.
Reg. Ent. Ref. No.	RN101526044
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	46038	No. of Violations	1
Docket No.	2013-0162-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Christopher Bost
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	<i>Subtotal 1</i>	\$1,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0% Enhancement		<i>Subtotals 2, 3, & 7</i>	-\$100
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Notes: Reduction for high performer classification.

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

Good Faith Effort to Comply Total Adjustments		<i>Subtotal 5</i>	\$0
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Economic Benefit	0.0% Enhancement*		<i>Subtotal 6</i>	\$0
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Total EB Amounts: \$12
 Approx. Cost of Compliance: \$50
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$900
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%		<i>Adjustment</i>	\$0
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Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes:

	<i>Final Penalty Amount</i>	\$900
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STATUTORY LIMIT ADJUSTMENT		<i>Final Assessed Penalty</i>	\$900
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DEFERRAL	20.0%	Reduction	<i>Adjustment</i>	-\$180
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Reduces the Final Assessed Penalty by the Indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$720
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Screening Date 5-Feb-2013

Docket No. 2013-0162-MWD-E

PCW

Respondent HUFFSMITH-KOHRVILLE, INC.

Policy Revision 2 (September 2002)

Case ID No. 46038

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101526044

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an Intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for high performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) -10%

Screening Date 5-Feb-2013

Docket No. 2013-0162-MWD-E

PCW

Respondent HUFFSMITH-KOHRVILLE, INC.

Policy Revision 2 (September 2002)

Case ID No. 46038

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101526044

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 217.6(c), and 305.125(1) and Texas Pollutant Discharge Elimination System Permit No. WQ0014923001, Other Requirements No. 8

Violation Description

Failed to submit to the TCEQ Wastewater Permitting Section a summary transmittal letter for the Facility within 60 days from the date of permit issuance, as documented during a record review conducted on January 23, 2013.

Base Penalty \$10,000

Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the permit requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

1,374 Number of violation days

mark only one with an x

Daily	
Weekly	
Monthly	
Quarterly	
Semiannual	
Annual	
Single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0%

\$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 \$12

Violation Final Penalty Total \$900

This violation Final Assessed Penalty (adjusted for limits) \$900

Economic Benefit Worksheet

Respondent: HUFFSMITH-KOHRVILLE, INC.
Case ID No.: 46038
Reg. Ent. Reference No.: RN101526044
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	Overtime Costs	EB Amount
<i>No commas or %</i>							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime 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				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)	\$50	3-May-2009	30-Apr-2014	4.99	\$12		\$12

Notes for DELAYED costs

Estimated cost to submit a summary transmittal letter for the Facility and collection system. The date required is 60 days after the effective date of the current permit (March 4, 2009). The final date is the estimated 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	Overtime 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

\$50

TOTAL

\$12



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

DATES	Assigned	7-Jan-2013	Screening	15-Jan-2013	EPA Due	
	PCW	17-Jan-2013				

RESPONDENT/FACILITY INFORMATION	
Respondent	HUFFSMITH-KOHRVILLE, INC.
Reg. Ent. Ref. No.	RN101526044
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	
Enf./Case ID No.	46038	Order Type	1660
Docket No.	2013-0162-MWD-E	Government/Non-Profit	No
Media Program(s)	Water Quality	Enf. Coordinator	Christopher Bost
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$12,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the Indicated percentage.		
Compliance History	-10.0% Enhancement	Subtotals 2, 3, & 7
		-\$1,200

Notes: Reduction for high performer classification.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$312
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$4,580	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$54,725		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,488
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.2%	Adjustment	\$25
Reduces or enhances the Final Subtotal by the indicated percentage.			

Notes: Enhancement to capture the avoided cost associated with Violation No. 7.

Final Penalty Amount	\$10,513
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,513
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,102
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	\$8,411
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Screening Date 15-Jan-2013

Docket No. 2013-0162-MWD-E

PCW

Respondent HUFFSMITH-KOHRVILLE, INC.

Policy Revision 3 (September 2011)

Case ID No. 46038

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101526044

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for high performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 15-Jan-2013

Docket No. 2013-0162-MWD-E

PCW

Respondent HUFFSMITH-KOHRVILLE, INC.

Policy Revision 3 (September 2011)

Case ID No. 46038

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101526044

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 217.152(l), 217.153(a), 217.281(b)(2), and 305.125(1) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014923001, Operational Requirements No. 1

Violation Description Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted on October 30; November 1; and November 4, 2012. Specifically, the walls surrounding the Facility and between the basins were severely rusted; the clarifier weir trough, chlorine contact chamber baffles, and the support beams were severely rusted or broken; part of the catwalk above the aeration basin and digester was very unstable due to rust and another catwalk had fallen into the chlorine contact chamber; and the results of a dye test conducted on November 4, 2012 were indicative of a leak between the clarifier effluent trough and the clarifier in addition to short circuiting between the first and second baffles of the chlorine contact chamber.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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 the environment as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 77

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

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (October 30, 2012) to the screening date (January 15, 2013).

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,813

Violation Final Penalty Total \$1,128

This violation Final Assessed Penalty (adjusted for limits) \$1,128

Economic Benefit Worksheet

Respondent: HUFFSMITH-KOHRVILLE, INC.
Case ID No.: 46038
Reg. Ent. Reference No.: RN101526044
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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$30,000	30-Oct-2012	3-Mar-2014	1.34	\$134	\$2,679	\$2,813
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 for a registered Texas Professional Engineer or a Texas Commission on Environmental Quality certified Class A wastewater operator to develop and implement a plan to evaluate the structural integrity of the Facility and make the necessary repairs. Date required is the investigation date. Final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$30,000

TOTAL

\$2,813

Screening Date 15-Jan-2013
 Respondent HUFFSMITH-KOHRVILLE, INC.
 Case ID No. 46038

Docket No. 2013-0162-MWD-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101526044

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 2

Rule Cite(s) Tex. Water Code §§ 26.121(a)(1) and 305.125(1), and TPDES Permit No. WQ0014923001, Effluent Limitations and Monitoring Requirements No. 2

Violation Description Failed to comply with permitted effluent limits, as documented during an investigation conducted on November 4, 2012. Specifically, the chlorine residual grab samples collected during the November 4, 2012 investigation did not comply with the minimum permitted limit of 1.0 milligrams per liter ("mg/L"). The chlorine residual grab samples were 0.22 mg/L and 0.24 mg/L.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	5.0%
Potential				

>> Programmatic Matrix

Matrix Notes	Harm			Percent
	Major	Moderate	Minor	
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 the violation.				0.0%

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 72

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (November 4, 2012) to the screening date (January 15, 2013).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$834

Violation Final Penalty Total \$1,128

This violation Final Assessed Penalty (adjusted for limits) \$1,128

Economic Benefit Worksheet

Respondent HUFFSMITH-KOHRVILLE, INC.

Case ID No. 46038

Reg. Ent. Reference No. RN101526044

Media Water Quality

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	4-Nov-2012	6-Jul-2014	1.67	\$834	n/a	\$834

Notes for DELAYED costs

Estimated costs to determine the cause of non-compliance and implement corrective actions. Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$834

Screening Date 15-Jan-2013
Respondent HUFFSMITH-KOHRVILLE, INC.
Case ID No. 46038
Reg. Ent. Reference No. RN101526044
Media [Statute] Water Quality
Enf. Coordinator Christopher Bost

Docket No. 2013-0162-MWD-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Violation Number

Rule Cite(s)

30 Tex. Admin. Code §§ 217.33(c)(1) and (c)(2)(C), 305.125(1), and 319.11(d), and TPDES Permit No. WQ0014923001, Operational Requirements No. 5

Violation Description

Failed to provide a primary flow measuring device, as documented during an investigation conducted on November 4, 2012. Specifically, an effluent weir was provided; however, a non-corrosive ruler (staff gauge) graduated in no greater than 1/4 inch increments was not provided. In addition, the V-notch weir was severely corroded with pieces of metal missing.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

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 the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended from the investigation date (November 4, 2012) to the screening date (January 15, 2013).

Good Faith Efforts to Comply

Reduction

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

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

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 HUFFSMITH-KOHRVILLE, INC.
Case ID No. 46038
Reg. Ent. Reference No. RN101526044
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	One-time Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$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)	\$500	4-Nov-2012	4-Oct-2013	0.92	\$23	\$0	\$23

Notes for DELAYED costs

Estimated costs to correctly install a primary flow measuring device and replace the V-notch weir. 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

\$500

TOTAL

\$23

Screening Date 15-Jan-2013
 Respondent HUFFSMITH-KOHRVILLE, INC.
 Case ID No. 46038

Docket No. 2013-0162-MWD-E

PCW
 Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101526044

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 217.328(a) and (c)

Violation Description

Failed to secure the Facility with an intruder-resistant fence, as documented during an investigation conducted on November 1 and November 4, 2012. Specifically, there was a fallen section of the six foot fence on the east side of the the Facility; missing fence pickets around the fence perimeter; none of the three required barbed wire outriggers were provided; and the entrance gate did not have a lock.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					5.0%
Potential			x		

>>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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 the environment as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 75

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

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (November 1, 2012) to the screening date (January 15, 2013).

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$106

Violation Final Penalty Total \$1,128

This violation Final Assessed Penalty (adjusted for limits) \$1,128

Economic Benefit Worksheet

Respondent: HUFFSMITH-KOHRVILLE, INC.

Case ID No.: 46038

Reg. Ent. Reference No.: RN101526044

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
<i>No commas or \$</i>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,000	1-Nov-2012	5-Aug-2013	0.76	\$5	\$101	\$106
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 install an intruder resistant fence. Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$106

Screening Date 15-Jan-2013
Respondent HUFFSMITH-KOHRVILLE, INC.
Case ID No. 46038
Reg. Ent. Reference No. RN101526044
Media [Statute] Water Quality
Enf. Coordinator Christopher Bost

Docket No. 2013-0162-MWD-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 217.59(b)(2) and (3)

Violation Description

Failed to secure the off-site lift station with an intruder-resistant fence, as documented during an investigation conducted on October 30 and November 4, 2012. Specifically, the fence was approximately four feet high and did not have a lockable access gate.

Base Penalty \$25,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		X		

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

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 the environment as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 31

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

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (October 30, 2012) to the date of compliance (November 30, 2012).

Good Faith Efforts to Comply

25.0% Reduction

\$312

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

Notes The Respondent returned to compliance by November 30, 2012.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$815

This violation Final Assessed Penalty (adjusted for limits) \$815

Economic Benefit Worksheet

Respondent HUFFSMITH-KOHRVILLE, INC.
Case ID No. 46038
Reg. Ent. Reference No. RN101526044
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	Overtime 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	\$1,000	30-Oct-2012	30-Nov-2012	0.08	\$0	\$6	\$6
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 secure the off-site lift station with an intruder resistant fence. 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

\$1,000	TOTAL	\$6
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Screening Date 15-Jan-2013
 Respondent HUFFSMITH-KOHRVILLE, INC.
 Case ID No. 46038

Docket No. 2013-0162-MWD-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101526044

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.7(d) and TPDES Permit No. WQ0014923001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to timely submit effluent monitoring results as specified in the permit, as documented during an investigation conducted on October 30; November 1; and November 4, 2012 and a record review conducted on January 23, 2013. Specifically, the discharge monitoring reports ("DMRs") for the monitoring periods ending October 31, 2011; November 30, 2011; December 31, 2011; June 30, 2012; August 31, 2012; October 31, 2012; November 30, 2012; and December 31, 2012 were not submitted by the 20th day of the following month.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1.0%

Matrix Notes More than 70% of permit requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 8 413 Number of violation days

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

Violation Base Penalty \$2,000

Eight single events are recommended, one for each late report.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$41

Violation Final Penalty Total \$1,804

This violation Final Assessed Penalty (adjusted for limits) \$1,804

Economic Benefit Worksheet

Respondent HUFFSMITH-KOHRVILLE, INC.
Case ID No. 46038
Reg. Ent. Reference No. RN101526044
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
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	20-Nov-2011	7-Mar-2013	1.30	\$1	\$17	\$18
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling	\$250	20-Nov-2011	4-Sep-2013	1.79	\$22	\$0	\$22
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

The first delayed cost includes the estimated amount to submit each late DMR. The date required is the date the first DMR was due. The final date is the date of compliance.

Notes for DELAYED costs

The second delayed cost is the estimated amount to update operational procedures and conduct employee training to ensure that all reports required by the permit are submitted as required. Date required is the date the first DMR was due. Final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$450

TOTAL

\$41

Screening Date 15-Jan-2013
 Respondent HUFFSMITH-KOHRVILLE, INC.
 Case ID No. 46038

Docket No. 2013-0162-MWD-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101526044

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (11)(A), and 319.5(b) and TPDES Permit No. WQ0014923001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to monitor effluent at the frequency specified in the permit. Specifically, during an investigation conducted on November 4, 2012, the investigator documented flow discharging from the Facility. The November 2012 DMR received by the TCEQ Compliance Monitoring Section was coded as "No Discharge" and the Respondent did not collect or analyze effluent samples for the monitoring period ending November 30, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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 the environment as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 72

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

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (November 4, 2012) to the screening date (January 15, 2013).

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$35

Violation Final Penalty Total \$1,128

This violation Final Assessed Penalty (adjusted for limits) \$1,128

Economic Benefit Worksheet

Respondent HUFFSMITH-KOHRVILLE, INC.
Case ID No. 46038
Reg. Ent. Reference No. RN101526044
Media Water Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$250	30-Nov-2012	4-Sep-2013	0.76	\$10	n/a	\$10
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 update operational procedures and to develop and submit a standard operating procedure describing how effluent samples and data will be collected and reported to the TCEQ in a representative manner of daily plant operations. Date required is the final date of the monitoring period. Final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$25	1-Nov-2012	30-Nov-2012	0.00	\$0	\$25	\$25
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost that was avoided by failing to analyze the effluent for the November 2012 monitoring period at \$25 per sample.

Approx. Cost of Compliance

\$275

TOTAL

\$35

Screening Date 15-Jan-2013
Respondent HUFFSMITH-KOHRVILLE, INC.
Case ID No. 46038

Docket No. 2013-0162-MWD-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101526044

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 8

Rule Cite(s) 30 Tex. Adm. Code § 305.125(1) and (5), and TPDES Permit No. WQ0014923001, Operational Requirements No. 1

Violation Description Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted on November 4, 2012. Specifically, excessive floating solids were on the surface of the clarifier and approximately one foot of sludge was present in a 2.25 foot water depth in the chlorine contact chamber.

Base Penalty \$25,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		x		

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

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 the environment as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 72 Number of violation days

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

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (November 4, 2012) to the screening date (January 15, 2013).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$19

Violation Final Penalty Total \$1,128

This violation Final Assessed Penalty (adjusted for limits) \$1,128

Economic Benefit Worksheet

Respondent HUFFSMITH-KOHRVILLE, INC.
Case ID No. 46038
Reg. Ent. Reference No. RN101526044
Media Water Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$500	4-Nov-2012	5-Aug-2013	0.75	\$19	N/A	\$19
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 properly dispose of the solids from the clarifier and chlorine contact chamber. Date required is the investigation date. Final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$19

Screening Date 15-Jan-2013
 Respondent HUFFSMITH-KOHRVILLE, INC.
 Case ID No. 46038

Docket No. 2013-0162-MWD-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101526044
 Media [Statute] Water Quality
 Enf. Coordinator Christopher Bost
 Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code §§ 217.279(a), 217.282, 305.125(1) and (5), and TPDES Permit No. WQ0014923001, Operational Requirements No. 1

Violation Description Failed to install an approved disinfection system, as documented during an investigation conducted on October 30; November 1; and November 4, 2012 and a record review conducted on January 23, 2013. Specifically, chlorine tablets were placed in the clarifier launder. In addition, the chlorine tablets were not approved for use in wastewater treatment.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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 the environment as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 77

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

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (October 30, 2012) to the screening date (January 15, 2013).

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$704

Violation Final Penalty Total \$1,128

This violation Final Assessed Penalty (adjusted for limits) \$1,128

Economic Benefit Worksheet

Respondent HUFFSMITH-KOHRVILLE, INC.

Case ID No. 46038

Reg. Ent. Reference No. RN101526044

Media Water Quality

Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$10,000	30-Oct-2012	1-Nov-2013	1.01	\$34	\$670	\$704
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 install an approved disinfection system. Date required is the October 30, 2012 investigation date. Final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$704



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

DATES	Assigned	4-Feb-2013		
	PCW	6-Feb-2013	Screening	5-Feb-2013
			EPA Due	

RESPONDENT/FACILITY INFORMATION			
Respondent	HUFFSMITH-KOHRVILLE, INC.		
Reg. Ent. Ref. No.	RN101526044		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	46038	No. of Violations	5
Docket No.	2013-0162-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Christopher Bost
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0% Enhancement	Subtotals 2, 3, & 7	-\$875
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Notes	Reduction for high performer classification.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$729	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$14,025	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,875
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$7,875
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,875
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,575
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$6,300
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Screening Date 5-Feb-2013

Docket No. 2013-0162-MWD-E

PCW

Respondent HUFFSMITH-KOHRVILLE, INC.

Policy Revision 3 (September 2011)

Case ID No. 46038

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101526044

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

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)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for high performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 5-Feb-2013
Respondent HUFFSMITH-KOHRVILLE, INC.
Case ID No. 46038
Reg. Ent. Reference No. RN101526044
Media [Statute] Water Quality
Enf. Coordinator Christopher Bost

Docket No. 2013-0162-MWD-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.44(a) and 305.128(a)

Violation Description Failed to submit a discharge monitoring report ("DMR") Address and Signatory Authority Update Form, as documented during a record review conducted on January 23, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			5.0%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 13 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
immediately	
single	X
single event	

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply 0.0% \$0

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

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$1 **Violation Final Penalty Total** \$1,125

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

Economic Benefit Worksheet

Respondent: HUFFSMITH-KOHRVILLE, INC.
Case ID No.: 46038
Reg. Ent. Reference No.: RN101526044
Media: Water Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$25	23-Jan-2013	2-Sep-2013	0.61	\$1	\$0	\$1

Notes for DELAYED costs

Estimated cost to complete and submit a DMR Address and Signatory Authority Update Form. The date required is the record review date. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25	TOTAL	\$1
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Screening Date: 5-Feb-2013

Docket No.: 2013-0162-MWD-E

PCW

Respondent: HUFFSMITH-KOHRVILLE, INC.

Policy Revision 3 (September 2011)

Case ID No.: 46038

PCW Revision August 3, 2011

Reg. Ent. Reference No.: RN101526044

Media [Statute]: Water Quality

Enf. Coordinator: Christopher Bost

Violation Number: 2

Rule Cite(s):

30 Tex. Admin. Code § 217.33(c)(4)(A)

Violation Description:

Failed to provide a secondary flow measurement device, as documented during a record review conducted on January 23, 2013. Specifically, a secondary measuring device capable of measuring the liquid level in the primary measuring device and converting this liquid level into a flow rate that is integrated to a totalized flow was not provided.

Base Penalty: \$25,000

Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		X		

Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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 the violation.

Adjustment: \$23,750

\$1,250

Violation Events

Number of Violation Events: 1 Number of violation days: 13

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
annually	
once	
single event	

Violation Base Penalty: \$1,250

One quarterly event is recommended from the record review date (January 23, 2013) to the screening date (February 5, 2013).

Good Faith Efforts to Comply

0.0% (penalty)

\$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: \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$270

Violation Final Penalty Total: \$1,125

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

Economic Benefit Worksheet

Respondent: HUFFSMITH-KOHRVILLE, INC.
Case ID No.: 46038
Reg. Ent. Reference No.: RN101526044
Media: Water Quality
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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	\$5,000	23-Jan-2013	1-Nov-2013	0.77	\$13	\$258	\$270
Land				0.00	\$0		\$0
Record Keeping System				0.00	\$0		\$0
Training/Sampling				0.00	\$0		\$0
Remediation/Disposal				0.00	\$0		\$0
Permit Costs				0.00	\$0		\$0
Other (as needed)				0.00	\$0		\$0

Notes for DELAYED costs

Estimated costs to install a secondary flow measurement device. Date required is the record review date. Final date is the estimated 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

\$5,000

TOTAL

\$270

Screening Date 5-Feb-2013

Docket No. 2013-0162-MWD-E

PCW

Respondent HUFFSMITH-KOHRVILLE, INC.

Policy Revision 3 (September 2011)

Case ID No. 46038

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101526044

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 217.63(b)

Violation Description

Failed to provide the required alarm system, as documented during a record review conducted on January 23, 2013. Specifically, the off-site lift station only had a visual alarm. An auditory alarm system and an auto-dialer system, Supervisory Control and Data Acquisition system, or telemetering system connected to a continuously monitored location was not provided, as required.

Base Penalty \$25,000

Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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 the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

13 Number of violation days

mark only one with an x

Monthly	
Quarterly	x
Semi-Annual	
Annual	
Other	

Violation Base Penalty \$3,750

One monthly event is recommended from the record review date (January 23, 2013) to the screening date (February 5, 2013).

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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$242

Violation Final Penalty Total \$3,375

This violation Final Assessed Penalty (adjusted for limits) \$3,375

Economic Benefit Worksheet

Respondent: HUFFSMITH-KOHRVILLE, INC.
Case ID No.: 46038
Reg. Ent. Reference No.: RN101526044
Media: Water Quality
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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	\$5,000	23-Jan-2013	2-Oct-2013	0.69	\$12	\$230	\$242
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 costs to install the required alarm system at the off-site lift station. Date required is the record review date. Final date is the estimated 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

\$5,000

TOTAL

\$242

Screening Date 5-Feb-2013
Respondent HUFFSMITH-KOHRVILLE, INC.
Case ID No. 46038
Reg. Ent. Reference No. RN101526044
Media [Statute] Water Quality
Enf. Coordinator Christopher Bost
Violation Number 4

Docket No. 2013-0162-MWD-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Rule Cite(s) 30 Tex. Admin. Code § 217.121(a)
Violation Description Failed to provide a coarse screening device, as documented during a record review conducted on January 23, 2013. Specifically, no coarse screening device was provided at the headworks of the Facility to screen the Influent.

Base Penalty \$25,000

Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		x		

Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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 the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
slacks event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the record review date (January 23, 2013) to the screening date (February 5, 2013).

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$108

Violation Final Penalty Total \$1,125

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

Economic Benefit Worksheet

Respondent: HUFFSMITH-KOHRVILLE, INC.
Case ID No.: 46038
Reg. Ent. Reference No.: RN101526044
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,000	23-Jan-2013	1-Nov-2013	0.77	\$5	\$103	\$108
Land				0.00	\$0		\$0
Record Keeping System				0.00	\$0		\$0
Training/Sampling				0.00	\$0		\$0
Remediation/Disposal				0.00	\$0		\$0
Permit Costs				0.00	\$0		\$0
Other (as needed)				0.00	\$0		\$0

Notes for DELAYED costs

Estimated costs to install the required coarse screening device at the headworks of the Facility. Date required is the record review date. Final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$108

Screening Date 5-Feb-2013

Docket No. 2013-0162-MWD-E

PCW

Respondent HUFFSMITH-KOHRVILLE, INC.

Policy Revision 3 (September 2011)

Case ID No. 46038

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101526044

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 217.152(h)(1)

Violation Description

Failed to provide the hopper bottom clarifier with mechanical sludge collection equipment, as documented during a record review conducted on January 23, 2013. Specifically, the Facility has a permitted daily average flow limit of 10,000 gallons per day and has a hopper bottom clarifier without mechanical sludge collection equipment.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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 the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 13 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the record review date (January 23, 2013) to the screening date (February 5, 2013).

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$108

Violation Final Penalty Total \$1,125

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

Economic Benefit Worksheet

Respondent: HUFFSMITH-KOHRVILLE, INC.
Case ID No: 46038
Req. Ent. Reference No.: RN101526044
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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	\$2,000	23-Jan-2013	1-Nov-2013	0.77	\$5	\$103	\$108
Land				0.00	\$0		\$0
Record Keeping System				0.00	\$0		\$0
Training/Sampling				0.00	\$0		\$0
Remediation/Disposal				0.00	\$0		\$0
Permit Costs				0.00	\$0		\$0
Other (as needed)				0.00	\$0		\$0

Notes for DELAYED costs

Estimated costs to install the required mechanical sludge collection equipment. Date required is the record review date. Final date is the estimated 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

\$2,000

TOTAL

\$108

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN601481914, RN101526044, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN601481914, Huffsmith-Kohrville, Inc. **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN101526044, Red River Dance Hall and Saloon **Classification:** HIGH **Rating:** 0.00

Complexity Points: 8 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: Located approximately 1,300 feet east of Farm-to-Market Road 149 and 3,500 feet north of the intersection Farm-to-Market Road 149 and Spring Cypress Road in Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

WASTEWATER EPA ID TX0092894

WASTEWATER PERMIT WQ0014923001

WASTEWATER EPA ID TX0092894

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: March 15, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 15, 2008 to March 15, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Christopher Bost

Phone (512) 239-4575

Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 04, 2008	(694218)
Item 2	June 06, 2008	(694219)
Item 3	July 22, 2008	(715591)
Item 4	January 20, 2009	(731307)
Item 5	January 27, 2009	(815624)
Item 6	February 25, 2009	(754613)
Item 7	July 01, 2009	(815619)

Item 8	October 23, 2009	(815621)
Item 9	April 15, 2010	(815618)
Item 10	May 24, 2010	(834687)
Item 11	July 31, 2010	(875210)
Item 12	August 31, 2010	(875214)
Item 13	September 10, 2010	(875213)
Item 14	November 10, 2010	(889224)
Item 15	January 6, 2011	(903497)
Item 16	January 24, 2011	(903498)
Item 17	March 21, 2011	(917631)
Item 18	May 23, 2011	(939337)
Item 19	July 14, 2011	(954002)
Item 20	August 22, 2011	(960593)
Item 21	November 3, 2011	(1032868)
Item 22	December 9, 2011	(985639)
Item 23	February 7, 2012	(999289)
Item 24	March 22, 2012	(1004797)
Item 25	May 14, 2012	(1017744)
Item 26	August 27, 2012	(1039365)
Item 27	October 24, 2012	(1067626)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HUFFSMITH-KOHRVILLE, INC.
RN101526044

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2013-0162-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding HUFFSMITH-KOHRVILLE, INC. ("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 together stipulate that:

1. The Respondent owns a wastewater treatment plant located approximately 1,300 feet east of Farm-to-Market Road 149 and 3,500 feet north of the intersection of Farm-to-Market Road 149 and Spring Cypress Road in Harris County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 25, 2012 and on or about February 5, 2013.
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 Nineteen Thousand Two Hundred Eighty-Eight Dollars (\$19,288) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fifteen Thousand Four

Hundred Thirty-One Dollars (\$15,431) of the administrative penalty and Three Thousand Eight Hundred Fifty-Seven Dollars (\$3,857) 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 and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By August 27, 2012, submitted the discharge monitoring report ("DMR") for the monitoring period ending June 30, 2012;
 - b. By November 30, 2012, secured the off-site lift station in an intruder resistant manner and provided a non-corrosive ruler (staff gauge) as a means of primary effluent flow measurement at the Facility;
 - c. By December 9, 2011, submitted the DMR for the monitoring period ending October 31, 2011;
 - d. By February 7, 2012, submitted the DMRs for the monitoring periods ending November 30, 2011 and December 31, 2011;
 - e. By October 24, 2012, submitted the DMR for the monitoring period ending August 31, 2012; and
 - f. By March 7, 2013, submitted the DMRs for the monitoring periods ending October 31, 2012, November 30, 2012, and December 31, 2012.
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 of the Facility, the Respondent is alleged to have:

1. Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 217.152(i), 217.153(a), 217.281(b)(2), and 305.125(1) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014923001, Operational Requirements No. 1, as documented during an investigation conducted on October 30; November 1; and November 4, 2012. Specifically, the walls surrounding the Facility and between the basins were severely rusted; the clarifier weir trough, chlorine contact chamber baffles, and the support beams were severely rusted or broken; part of the catwalk above the aeration basin and digester was very unstable due to rust and another catwalk had fallen into the chlorine contact chamber; and the results of a dye test conducted on November 4, 2012 were indicative of a leak between the clarifier effluent trough and the clarifier in addition to short circuiting between the first and second baffles of the chlorine contact chamber.
2. Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE §§ 26.121(a)(1) and 305.125(1), and TPDES Permit No. WQ0014923001, Effluent Limitations and Monitoring Requirements No. 2, as documented during an investigation conducted on November 4, 2012. Specifically, the chlorine residual grab samples collected during the November 4, 2012 investigation did not comply with the minimum permitted limit of 1.0 milligrams per liter ("mg/L"). The chlorine residual grab samples were 0.22 mg/L and 0.24 mg/L.
3. Failed to provide a primary flow measuring device, in violation of 30 TEX. ADMIN. CODE §§ 217.33(c)(1) and (c)(2)(C), 305.125(1), and 319.11(d), and TPDES Permit No. WQ0014923001, Operational Requirements No. 5, as documented during an investigation conducted on November 4, 2012. Specifically, an effluent weir was provided; however, a non-corrosive ruler (staff gauge) graduated in no greater than 1/4 inch increments was not provided. In addition, the V-notch weir was severely corroded with pieces of metal missing.
4. Failed to secure the Facility with an intruder-resistant fence, in violation of 30 TEX. ADMIN. CODE § 217.328(a) and (c), as documented during an investigation conducted on November 1 and November 4, 2012. Specifically, there was a fallen section of the six foot fence on the east side of the the Facility; missing fence pickets around the fence perimeter; none of the three required barbed wire outriggers were provided; and the entrance gate did not have a lock.
5. Failed to secure the off-site lift station with an intruder-resistant fence, in violation of 30 TEX. ADMIN. CODE § 217.59(b)(2) and (3), as documented during an investigation conducted on October 30 and November 4, 2012. Specifically, the fence was approximately four feet high and did not have a lockable access gate.
6. Failed to timely submit effluent monitoring results as specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(d) and TPDES Permit No. WQ0014923001, Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on October 30; November 1; and November 4, 2012 and a

record review conducted on February 23, 2013. Specifically, the DMRs for the monitoring periods ending October 31, 2011; November 30, 2011; December 31, 2011; June 30, 2012; August 31, 2012; October 31, 2012; November 30, 2012; and December 31, 2012 were not submitted by the 20th day of the following month.

7. Failed to monitor effluent at the frequency specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(A), and 319.5(b) and TPDES Permit No. WQ0014923001, Monitoring and Reporting Requirements No. 1. Specifically, during an investigation conducted on November 4, 2012, the investigator documented flow discharging from the Facility. The November 2012 DMR received by the TCEQ Compliance Monitoring Section was coded as "No Discharge" and the Respondent did not collect or analyze effluent samples for the monitoring period ending November 30, 2012.
8. Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0014923001, Operational Requirements No. 1, as documented during an investigation conducted on November 4, 2012. Specifically, excessive floating solids were on the surface of the clarifier and approximately one foot of sludge was present in a 2.25 foot water depth in the chlorine contact chamber.
9. Failed to install an approved disinfection system, in violation of 30 TEX. ADMIN. CODE §§ 217.279(a), 217.282, 305.125(1) and (5), and TPDES Permit No. WQ0014923001, Operational Requirements No. 1, as documented during an investigation conducted on October 30; November 1; and November 4, 2012 and a record review conducted on January 23, 2013. Specifically, chlorine tablets were placed in the clarifier launder. In addition, the chlorine tablets were not approved for use in wastewater treatment.
10. Failed to submit to the TCEQ Wastewater Permitting Section a summary transmittal letter for the Facility within 60 days from the date of permit issuance, in violation of 30 TEX. ADMIN. CODE §§ 217.6(c), and 305.125(1) and TPDES Permit No. WQ0014923001, Other Requirements No. 8, as documented during a record review conducted on January 23, 2013.
11. Failed to submit a DMR Address and Signatory Authority Update Form, in violation of 30 TEX. ADMIN. CODE §§ 305.44(a) and 305.128(a), as documented during a record review conducted on January 23, 2013.
12. Failed to provide a secondary flow measurement device, in violation of 30 TEX. ADMIN. CODE § 217.33(c)(4)(A), as documented during a record review conducted on January 23, 2013. Specifically, a secondary measuring device capable of measuring the liquid level in the primary measuring device and converting this liquid level into a flow rate that is integrated to a totalized flow was not provided.
13. Failed to provide the required alarm system, in violation of 30 TEX. ADMIN. CODE § 217.63(b), as documented during a record review conducted on January 23, 2013. Specifically, the off-site lift station only had a visual alarm. An auditory alarm system and an auto-dialer system, Supervisory Control and Data Acquisition system, or telemetering system connected to a continuously monitored location was not provided, as required.

14. Failed to provide a coarse screening device, in violation of 30 TEX. ADMIN. CODE § 217.121(a), as documented during a record review conducted on January 23, 2013. Specifically, no coarse screening device was provided at the headworks of the Facility to screen the influent.
15. Failed to provide a hopper bottom clarifier with mechanical sludge collection equipment, in violation of 30 TEX. ADMIN. CODE § 217.152(h)(1), as documented during a record review conducted on January 23, 2013. Specifically, the Facility has a permitted daily average flow limit of 10,000 gallons per day and has a hopper bottom clarifier without mechanical sludge collection equipment.

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: HUFFSMITH-KOHRVILLE, INC., Docket No. 2013-0162-MWD-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately after the effective date of this Agreed Order, begin using chlorine tablets approved for wastewater disinfection at the Facility until an approved disinfection system is installed at the Facility in accordance with Ordering Provision No. 2.h.iii below;
 - b. Within 15 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.n below;

- c. Within 30 days after the effective date of this Agreed Order:
- i. Remove and properly dispose of the solids in the clarifier and chlorine contact chamber at the Facility;
 - ii. Install an intruder-resistant fence at the Facility, in accordance with 30 TEX. ADMIN. CODE § 217.328; and
 - iii. Submit a completed DMR Address and Signatory Authority Update Form to the address listed below:

Compliance Monitoring Section
Enforcement Division, MC 224
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
- d. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.c.i through 2.c.iii, in accordance with Ordering Provision No. 2.n below;
- e. Within 60 days after the effective date of this Agreed Order, develop and begin implementing a plan to evaluate the Facility's structural integrity. The plan shall be prepared by a registered Texas Professional Engineer or a TCEQ certified Class A wastewater operator. The rehabilitation schedule shall include, but not be limited to:
- i. The removal and proper disposal of the wastes in the off-site lift station and the Facility;
 - ii. The repairs required to restore the structural integrity of the Facility; and
 - iii. A repair/rehabilitation schedule with a completion date not to exceed 240 days from the effective date of this Agreed Order. A copy of the repair/rehabilitation schedule shall be sent to the addresses listed in Ordering Provision No. 2.n below.
- f. Within 60 days after the effective date of this Agreed Order:
- i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished and the timely submittal of signed and certified monthly DMRs in accordance with TPDES Permit No. WQ0014923001, Monitoring and Reporting Requirements No. 1;
 - ii. Update operational procedures and conduct employee training to ensure that effluent is monitored at the intervals specified in the permit. Develop and submit a standard operating procedure describing how effluent samples and data will be collected and reported to the TCEQ in a representative manner of daily plant operations; and

- iii. Install the required alarm system at the off-site lift station, in accordance with 30 TEX. ADMIN. CODE § 217.63.
- g. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.f.i through 2.f.iii, in accordance with Ordering Provision No. 2.n below;
- h. Within 90 days after the effective date of this Agreed Order:
 - i. Install a coarse screening device for the influent at the headworks of the Facility, in accordance with 30 TEX. ADMIN. CODE § 217.121;
 - ii. Install a secondary flow measuring device at the Facility in accordance with 30 TEX. ADMIN. CODE § 217.33;
 - iii. Install an approved disinfection system at the Facility in accordance with 30 TEX. ADMIN. CODE § 217.282;
 - iv. Install mechanical sludge collection equipment in the hopper bottom clarifier of the Facility in accordance with 30 TEX. ADMIN. CODE § 217.152(h); and
 - v. Replace the Facility's effluent V-notch weir in accordance with 30 TEX. ADMIN. CODE § 217.33(c)(2).
- i. Within 105 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.h.i through 2.h.v, in accordance with Ordering Provision No. 2.n below;
- j. Within 255 days after the effective date of this Agreed Order, submit written certification that the rehabilitation plan for the Facility initiated under Ordering Provision No. 2.e has been completed, in accordance with Ordering Provision No. 2.n below;
- k. Within 270 days after the effective date of this Agreed Order, submit a summary transmittal letter for the Facility in accordance with the requirements in 30 TEX. ADMIN. CODE § 217.6(c) for review and approval to:

Municipal Permits Team
Wastewater Permitting Section, MC 148
P.O. Box 13088
Austin, Texas 78711-3088

with a copy to:

Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas, 77023-1486

- l. Within 285 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.k, in accordance with Ordering Provision No. 2.n below; and
- m. Within 365 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0014931001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limits. The written certification shall be written in accordance with Order Provision No. 2.n below.
- n. The written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.b, 2.d, 2.g, 2.i, 2.j, 2.l, and 2.m. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Davis
For the Executive Director

8/22/13
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.

Signature

5/20/2013
Date

David Garcia
Name (Printed or typed)
Authorized Representative of
HUFFSMITH-KOHRVILLE, INC.

Manager
Title

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

