

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 40130  
Tawakoni Waste Water Corporation  
RN103014973  
Docket No. 2010-1255-MWD-E

**Order Type:**

Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

N/A

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

1,000 feet southwest of the intersection of Farm-to-Market ("FM") Road 429 and FM Road 721, on the northwest side of FM Road 429, between FM Road 429 and Lake Tawakoni, Quinlan, Hunt County

**Type of Operation:**

waste water treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

**Texas Register Publication Date:** December 21, 2012

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$22,935

**Total Paid to General Revenue:** \$640

**Total Due to General Revenue:** \$22,295

Payment Plan: 35 payments of \$637 each

**Compliance History Classifications:**

Person/CN – Average  
Site/RN – Average

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** September 2002

**Investigation Information**

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

**Date(s) of Investigation:** June 10, 2010

**Date(s) of NOV(s):** See Compliance History- (8) related NOVs

**Date(s) of NOE(s):** July 30, 2010

**Violation Information**

1. Failed to provide adequate safeguards to prevent the discharge of untreated or inadequately treated waste during electrical power failures [30 TEX. ADMIN. CODE § 305.125(5) and Texas Pollutant Discharge Elimination System Permit (“TPDES”) No. WQ0014297001, Operational Requirements No. 4].
2. Failed to timely submit monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE § 305.125(17) and TPDES No. WQ0014297001, Sludge Provisions].
3. Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(5) and TPDES No. WQ0014297001, Operational Requirements No. 1].
4. Failed to prevent unauthorized discharges from the wastewater collection system into or adjacent to water in the state [30 TEX. WATER CODE § 26.121(a) and TPDES No. WQ0014297001, Permit Conditions No. 2.g].
5. Failed to monitor the effluent characteristics at the frequency specified in the water quality permit [30 TEX. ADMIN. CODE § 319.5(b) and TPDES No. WQ0014297001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2].
6. Failed to maintain process control records at the Facility [30 TEX. ADMIN. CODE § 305.125(1) and TPDES No. WQ0014297001, Operational Requirements No. 1].
7. Failed to report effluent violations which deviate from the permitted effluent limitations by more than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance [30 TEX. ADMIN. CODE § 305.125(1) and TPDES No. WQ0014297001, Monitoring and Reporting Requirements No. 7.c].
8. Failed to conduct adequate quality controls for testing equipment [30 TEX. ADMIN. CODE § 319.7(a) and (c), and TPDES No. WQ0014297001, Monitoring and Reporting Requirements No. 3.b].
9. Failed to accurately complete and submit discharge monitoring reports (“DMRs”) [30 TEX. ADMIN. CODE § 319.7(c) and TPDES No. WQ0014297001, Monitoring and Reporting Requirements Nos. 1 and 2].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

1. Provided a signed agreement with an electrical generator company to provide ample back up electrical supply by July 14, 2010 (Violation No. 1);
2. Submitted the annual sludge report for the reporting period ending July 31, 2008, by July 23, 2010 (Violation No. 2);
3. Submitted a Water Quality Noncompliance Notification to the Dallas/Ft. Worth Regional Office in response to the March 25, 2010, discharge from a manhole near the Water’s Edge lift station at the Facility, removed the blockage in the sewer line which was the cause of the unauthorized discharge, and disinfected the contaminated area by March 30, 2010 (Violation No. 4); and
4. Transferred ownership of the Facility to a new owner on or about June 24, 2010.

**Technical Requirements:**

N/A

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 40130  
Tawakoni Waste Water Corporation  
RN103014973  
Docket No. 2010-1255-MWD-E

**Litigation Information**

**Date Petition(s) Filed:** November 11, 2011 (EDPRP); February 14, 2012 (EDFARP)  
**Date Answer(s) Filed:** March 5, 2012  
**SOAH Referral Date:** April 16, 2012  
**Hearing Date(s):**  
Preliminary hearing: May 24, 2012 (waived)  
Evidentiary hearing: November 16, 2012 (scheduled)  
**Settlement Date:** November 9, 2012

**Contact Information**

**TCEQ Attorneys:** Jim Sallans, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
James Murphy, Public Interest Counsel, (512) 239-6363  
**TCEQ SEP Coordinator:** N/A  
**TCEQ Enforcement Coordinator:** Jorge Ibarra, P.E., Enforcement Division, (817) 588-5890  
**TCEQ Regional Contact:** Sid Slocum, Dallas/Fort Worth Regional Office, (817) 588-5800  
**Respondent:** James Corbin, President, Tawakoni Waste Water Corporation, 10695 Lakeside Drive, Quinlan, Texas 75474  
**Respondent's Attorney:** Erich Birch, 4601 Spicewood Springs Road, Bldg 4, Suite 101, Austin, Texas 78759

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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	2-Aug-2010	<b>Screening</b>	2-Aug-2010	<b>EPA Due</b>	
	<b>PCW</b>	18-Oct-2012				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Tawakoni Waste Water Corporation
<b>Reg. Ent. Ref. No.</b>	RN103014973
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	40130	<b>No. of Violations</b>	9
<b>Docket No.</b>	2010-1255-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jorge Ibarra, P.E.
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$14,600
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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.

<b>Compliance History</b>	60.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$8,760
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Notes: Enhancement for one 1660 Agreed Order, for two NOVs with the same/similar type of violations, and for self reporting six months of effluent violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$1,500
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1,418
Approx. Cost of Compliance	\$22,400

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$21,860
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	4.9%	<b>Adjustment</b>	\$1,075
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost associated with Violation No. 5.

<b>Final Penalty Amount</b>	\$22,935
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$22,935
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral offered for non expedited settlement.

<b>PAYABLE PENALTY</b>	\$22,935
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**Screening Date** 2-Aug-2010

**Docket No.** 2010-1255-MWD-E

**PCW**

**Respondent** Tawakoni Waste Water Corporation

Policy Revision 2 (September 2002)

**Case ID No.** 40130

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN103014973

**Media [Statute]** Water Quality

**Enf. Coordinator** Jorge Ibarra, P.E.

**Compliance History Worksheet**

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	8	40%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 60%

>> **Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for one 1660 Agreed Order, for two NOVs with the same/similar type of violations, and for self reporting six months of effluent violations.

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

**Screening Date** 2-Aug-2010 **Docket No.** 2010-1255-MWD-E **PCW**  
**Respondent** Tawakoni Waste Water Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 40130 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN103014973  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Jorge Ibarra, P.E.

**Violation Number** 1  
**Rule Cite(s)** Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014297001, Operational Requirements No. 4 and 30 Tex. Admin. Code § 305.125(5)  
**Violation Description** Failed to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures. Specifically, the Facility did not have alternate power sources, standby generators, and/or a retention protocol for inadequately treated wastewater.

**Base Penalty** \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				25%
	Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes** Failure to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures could result in the exposure of significant amounts of pollutants which would exceed levels that are protective of human health or the environment as a result of this violation.

**Adjustment** \$7,500

\$2,500

Violation Events

Number of Violation Events 2 34 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$5,000

Two monthly events are recommended from the investigation date of June 10, 2010 to the compliance date of July 14, 2010.

Good Faith Efforts to Comply

	25.0%	Reduction
		Before NOV NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

**Notes** The Respondent achieved compliance by July 14, 2010 for this violation.

**Violation Subtotal** \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

**Estimated EB Amount** \$70

**Violation Final Penalty Total** \$7,082

**This violation Final Assessed Penalty (adjusted for limits)** \$7,082

## Economic Benefit Worksheet

**Respondent** Tawakoni Waste Water Corporation  
**Case ID No.** 40130  
**Reg. Ent. Reference No.** RN103014973  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$15,000	10-Jun-2010	14-Jul-2010	0.09	\$70	n/a	\$70

#### Notes for DELAYED costs

Estimated cost to provide a signed agreement with an electrical generator company to provide ample back up electrical supply in a timely manner. Date Required is the investigation date. Final Date is the compliance date.

### 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

\$15,000

**TOTAL**

\$70

**Screening Date** 2-Aug-2010 **Docket No.** 2010-1255-MWD-E **PCW**  
**Respondent** Tawakoni Waste Water Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 40130 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN103014973  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Jorge Ibarra, P.E.

**Violation Number**   
**Rule Cite(s)**   
**Violation Description**   
**Base Penalty**

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

OR	<b>Harm</b>			Percent <input type="text" value="0%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent <input type="text" value="1%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

**Matrix Notes**

**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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

**Violation Base Penalty**

**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 type="text" value="x"/>	(mark with x)

**Notes**

**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** Tawakoni Waste Water Corporation  
**Case ID No.** 40130  
**Reg. Ent. Reference No.** RN103014973  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	1-Sep-2008	23-Jul-2010	1.89	\$47	n/a	\$47

Notes for DELAYED costs

Estimated cost to prepare and submit the required sludge report. Date Required is the first day of non-compliance. Final Date is the date the report was submitted.

### 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**

\$47

**Screening Date** 2-Aug-2010 **Docket No.** 2010-1255-MWD-E **PCW**  
**Respondent** Tawakoni Waste Water Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 40130 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN103014973  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Jorge Ibarra, P.E.

**Violation Number**

**Rule Cite(s)** TPDES Permit No. WQ0014297001, Operational Requirements No. 1 and 30 Tex. Admin. Code § 305.125(5)

**Violation Description** Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, a large amount of foam was present in the aeration basin.

**Base Penalty**

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

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

**Matrix Notes** Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained could result in the release of significant amounts of pollutants as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One quarterly event is recommended from the investigation date of June 10, 2010 to the screening date of August 2, 2010.

**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** Tawakoni Waste Water Corporation  
**Case ID No.** 40130  
**Reg. Ent. Reference No.** RN103014973  
**Media** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,000	10-Jun-2010	1-May-2011	0.89	\$134	n/a	\$134

Notes for DELAYED costs

Estimated cost to pump out the aeration basin. Date Required is the investigation date. Final Date is the expected compliance date.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

**TOTAL**

\$134

**Screening Date** 2-Aug-2010 **Docket No.** 2010-1255-MWD-E **PCW**  
**Respondent** Tawakoni Waste Water Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 40130 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN103014973  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Jorge Ibarra, P.E.

**Violation Number**   
**Rule Cite(s)**   
**Violation Description**   
**Base Penalty**

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

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

**>> Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days  
 daily   
 weekly   
 monthly   
 quarterly   
 semiannual   
 annual   
 single event   
*mark only one with an x* **Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

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

**Notes**

**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** Tawakoni Waste Water Corporation  
**Case ID No.** 40130  
**Reg. Ent. Reference No.** RN103014973  
**Media** Water Quality  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	25-Mar-2010	30-Mar-2010	0.01	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to remove the blockage in the sewer line which was the cause of the March 25, 2010 unauthorized discharge and disinfect the contaminated area. Date Required is the date of the discharge. Final Date is the compliance date.

### 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**

\$1

**Screening Date** 2-Aug-2010 **Docket No.** 2010-1255-MWD-E **PCW**  
**Respondent** Tawakoni Waste Water Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 40130 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN103014973  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Jorge Ibarra, P.E.

**Violation Number** 5  
**Rule Cite(s)** TPDES Permit No. WQ0014297001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2 and 30 Tex. Admin. Code § 319.5(b)  
**Violation Description** Failed to monitor the effluent characteristics at the frequency specified in the permit. Specifically, based on a review of discharge monitoring reports from July 1, 2009 through January 31, 2010, total chlorine analysis and flow were being monitored four times per week instead of five times per week.

**Base Penalty** \$10,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				10%
	Potential		x		

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes** Failure to monitor the effluent characteristics at the frequency specified in the permit could result in the exposure of significant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

**Adjustment** \$9,000

\$1,000

**Violation Events**

Number of Violation Events 3 214 Number of violation days

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

**Violation Base Penalty** \$3,000

Three quarterly events are recommended for the period of July 1, 2009 through January 31, 2010.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$3,000

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

**Estimated EB Amount** \$1,075 **Violation Final Penalty Total** \$5,036

**This violation Final Assessed Penalty (adjusted for limits)** \$5,036

## Economic Benefit Worksheet

**Respondent** Tawakoni Waste Water Corporation  
**Case ID No.** 40130  
**Reg. Ent. Reference No.** RN103014973  
**Media** Water Quality  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	1-Jul-2009	31-Jan-2010	1.50	\$75	\$1,000	\$1,075

Notes for AVOIDED costs

Estimated cost to monitor the effluent characteristics at the frequency specified in the permit. Date Required is the first date of non-compliance based on submitted DMRs. Final Date is the last non-compliant DMR submitted.

Approx. Cost of Compliance

\$1,000

**TOTAL**

\$1,075

**Screening Date** 2-Aug-2010 **Docket No.** 2010-1255-MWD-E **PCW**  
**Respondent** Tawakoni Waste Water Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 40130 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN103014973  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Jorge Ibarra, P.E.

**Violation Number** 6  
**Rule Cite(s)** TPDES Permit No. WQ0014297001, Operational Requirements No. 1 and 30 Tex. Admin. Code § 305.125(1)  
**Violation Description** Failed to maintain process controls records at the Facility. Specifically, process control records were not readily available for review by a TCEQ representative.  
**Base Penalty** \$10,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		x			10%

**Matrix Notes** 100% of the rule requirement was not met.  
**Adjustment** \$9,000

\$1,000

**Violation Events**

1 1 Number of violation days  
 mark only one with an x  
 daily  
 weekly  
 monthly  
 quarterly  
 semiannual  
 annual  
 single event x  
**Violation Base Penalty** \$1,000

One single event is recommended.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

Before NOV NOV to EDRP/Settlement Offer  
 Extraordinary  
 Ordinary  
 N/A x (mark with x)  
**Notes** The Respondent does not meet the good faith criteria for this violation.  
**Violation Subtotal** \$1,000

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

**Estimated EB Amount** \$18 **Violation Final Penalty Total** \$1,679  
**This violation Final Assessed Penalty (adjusted for limits)** \$1,679

## Economic Benefit Worksheet

**Respondent** Tawakoni Waste Water Corporation  
**Case ID No.** 40130  
**Reg. Ent. Reference No.** RN103014973  
**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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	10-Jun-2010	1-Mar-2011	0.72	\$18	n/a	\$18
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain process controls records at the Facility. Date Required is the investigation date. Final Date is the expected compliance date.

### 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**

\$18

**Screening Date** 2-Aug-2010 **Docket No.** 2010-1255-MWD-E **PCW**  
**Respondent** Tawakoni Waste Water Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 40130 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN103014973  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Jorge Ibarra, P.E.

**Violation Number** 7

**Rule Cite(s)** TPDES Permit No. WQ0014297001, Monitoring and Reporting Requirements No. 7.c. and 30 Tex. Admin. Code § 305.125(1)

**Violation Description**  
 Failed to report effluent violations which deviate from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, the Respondent failed to submit written notification to the Regional Office and the Enforcement Division once becoming aware that the total suspended solids and the biochemical oxygen demand (5-day) effluent limits were exceeded by more than 40% in July and November 2009.

**Base Penalty** \$10,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		x			10%

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

**Adjustment** \$9,000

\$1,000

**Violation Events**

2 2 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$2,000

Two single events are recommended.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$2,000

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

**Estimated EB Amount** \$14 **Violation Final Penalty Total** \$3,357

**This violation Final Assessed Penalty (adjusted for limits)** \$3,357

## Economic Benefit Worksheet

**Respondent** Tawakoni Waste Water Corporation  
**Case ID No.** 40130  
**Reg. Ent. Reference No.** RN103014973  
**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	\$300	10-Jun-2010	1-Mar-2011	0.72	\$11	n/a	\$11
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	10-Jun-2010	1-Mar-2011	0.72	\$4	n/a	\$4

**Notes for DELAYED costs** Estimated cost to submit the required non-compliance notification and conduct employee training to ensure that self-reporting requirements are properly accomplished. Date required is the investigation date. Final Date is the expected compliance date.

### 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 \$400

**TOTAL** \$14

**Screening Date** 2-Aug-2010 **Docket No.** 2010-1255-MWD-E **PCW**  
**Respondent** Tawakoni Waste Water Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 40130 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN103014973  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Jorge Ibarra, P.E.

**Violation Number** 8  
**Rule Cite(s)** TPDES Permit No. WQ0014297001, Monitoring and Reporting Requirements No. 4 and 30 Tex. Admin. Code § 319.7(a) and (c)  
**Violation Description** Failed to conduct adequate quality controls for testing equipment. Specifically, adequate quality controls were not being performed for the colorimeter, pH and dissolved oxygen meters.  
**Base Penalty** \$10,000

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

OR	<b>Harm</b>			Percent
	Major	Moderate	Minor	
	Actual			
	Potential	x		10%

**>> Programmatic Matrix**

	Major	Moderate	Minor	Percent
Falsification				
				0%

**Matrix Notes** Failure to conduct quality assurance requirements for wastewater analyses could result in the release of significant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

**Adjustment** \$9,000  
**Subtotal** \$1,000

**Violation Events**

Number of Violation Events: 1      53 Number of violation days  
 mark only one with an x  
 daily:   
 weekly:   
 monthly:   
 quarterly:  **Violation Base Penalty** \$1,000  
 semiannual:   
 annual:   
 single event:

One quarterly event is recommended from the investigation date of June 10, 2010 to the screening date of August 2, 2010.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

Before NOV      NOV to EDRP/Settlement Offer  
 Extraordinary:         
 Ordinary:         
 N/A:  (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** \$20      **Violation Final Penalty Total** \$1,679  
**This violation Final Assessed Penalty (adjusted for limits)** \$1,679

## Economic Benefit Worksheet

**Respondent** Tawakoni Waste Water Corporation  
**Case ID No.** 40130  
**Reg. Ent. Reference No.** RN103014973  
**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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	10-Jun-2010	1-Apr-2011	0.81	\$20	n/a	\$20

Notes for DELAYED costs

Estimated cost to conduct quality assurance requirements for wastewater analyses. Date Required is the investigation date. Final Date is the expected compliance date.

### 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**

\$20

**Screening Date** 2-Aug-2010 **Docket No.** 2010-1255-MWD-E **PCW**  
**Respondent** Tawakoni Waste Water Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 40130 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN103014973  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Jorge Ibarra, P.E.

**Violation Number**   
**Rule Cite(s)** TPDES Permit No. WQ0014297001, Monitoring and Reporting Requirements Nos. 1 and 2 and 30 Tex. Admin. Code § 319.7(c)  
**Violation Description** Failed to accurately complete and submit discharge monitoring reports ("DMRs"). Specifically, the maximum and daily average flows were reported incorrectly for the months of July through October 2009 and for January 2010.  
**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="1%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days  
 mark only one with an x  
 daily   
 weekly   
 monthly   
 quarterly   
 semiannual   
 annual   
 single event   
**Violation Base Penalty**

**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 type="text" value="x"/> (mark with x)	

**Notes**   
**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** Tawakoni Waste Water Corporation  
**Case ID No.** 40130  
**Reg. Ent. Reference No.** RN103014973  
**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
No commas or \$							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	20-Aug-2009	1-Mar-2011	1.53	\$38	n/a	\$38

Notes for DELAYED costs

Estimated cost to accurately complete and submit DMRs, see economic benefit for violation No. 8 to address employee training. Date Required is the date of the first non-compliant DMR submitted. Final Date is the expected compliance date.

### 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**

\$38

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600789770 Tawakoni Waste Water Corporation Classification: AVERAGE Rating: 2.20  
 Regulated Entity: RN103014973 TAWAKONI WWTP Classification: AVERAGE Site Rating: 2.20  
 ID Number(s): WASTEWATER PERMIT WQ0014297001  
 WASTEWATER EPA ID TX0124397

Location: APPROXIMATELY 1000 FEET SOUTHWEST OF THE INTERSECTION OF FM429 AND FM721, ON THE NORTHWEST SIDE OF FM 429, BETWEEN FM 429 AND LAKE TAWAKONI IN HUNT COUNTY, TEXAS.

TCEQ Region: REGION 04 - DFW METROPLEX  
 Date Compliance History Prepared: August 02, 2010  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: August 02, 2005 to August 02, 2010  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

### Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

**Effective Date: 02/05/2006**

**ADMINORDER 2005-0598-MWD-E**

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

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

Classification: Moderate

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

Rqmt Prov: Self-reporting Requirements PERMIT

Description: Failure to submit monitoring results at the intervals specified in the permit as documented by a TCEQ record review.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

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

1	09/22/2005	(448047)	21	04/20/2007	(633020)	41	09/30/2008	(733422)
2	10/09/2005	(493546)	22	05/21/2007	(633021)	42	10/10/2008	(733423)
3	11/09/2005	(435840)	23	06/20/2007	(633022)	43	11/14/2008	(733424)
4	11/21/2005	(493547)	24	07/20/2007	(633023)	44	12/12/2008	(733425)
5	12/19/2005	(493548)	25	08/20/2007	(633024)	45	01/20/2009	(820727)
6	02/21/2006	(493544)	26	09/20/2007	(633025)	46	02/13/2009	(756571)
7	03/13/2006	(493545)	27	10/23/2007	(633027)	47	03/23/2009	(773476)
8	04/17/2006	(506829)	28	11/19/2007	(633029)	48	04/22/2009	(773477)
9	05/18/2006	(506830)	29	12/21/2007	(633031)	49	05/22/2009	(773478)
10	06/19/2006	(506831)	30	01/21/2008	(820726)	50	06/22/2009	(820718)
11	07/20/2006	(487596)	31	02/14/2008	(677698)	51	07/21/2009	(820719)
12	07/21/2006	(528986)	32	03/17/2008	(696473)	52	08/25/2009	(820720)
13	08/18/2006	(528987)	33	04/21/2008	(696474)	53	09/22/2009	(820721)
14	09/20/2006	(528988)	34	05/19/2008	(696475)	54	10/22/2009	(820722)
15	10/20/2006	(633026)	35	06/12/2008	(718156)	55	11/30/2009	(820723)
16	11/16/2006	(633028)	36	06/20/2008	(671368)	56	12/28/2009	(820724)
17	01/22/2007	(633030)	37	07/21/2008	(718157)	57	02/18/2010	(820728)
18	01/22/2007	(820725)	38	07/31/2008	(687851)	58	03/29/2010	(836520)
19	02/20/2007	(633018)	39	08/21/2008	(718158)	59	04/23/2010	(796109)
20	03/19/2007	(633019)	40	09/10/2008	(718159)	60	05/06/2010	(836521)

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

**Date: 11/10/2005**

**(435840)**

**CN603731399**

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 317 317.4(a)(5)  
 WQ0014297-001 PERMIT

Description: Failure to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)  
 WQ0014297-001 PERMIT

Description: Failure to document the times field parameter samples were collected and analyzed for TCR, DO, and pH; and, QAQC for TCR and DO.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 317 317.7(e)

Description: Failure to adequately secure the three Marina Park lift stations.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
 WQ0014297-001 PERMIT  
 Description: Failure to properly maintain the lift stations.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 WQ0014297-001 PERMIT  
 Description: Failure to ensure wastewater generated from the restaurant kitchen is routed through a grease trap.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 WQ0014297-001 PERMIT  
 Description: Failure to comply with permit limitations.

**Date: 11/30/2007 (633031) CN603731399**

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

**Date: 06/20/2008 (671368) CN603731399**

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)  
 Description: Failure to measure flow at the proper location.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to provide notification of effluent permit limit violations in excess of 40%.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.6  
 30 TAC Chapter 319, SubChapter A 319.9(c)  
 Description: Failure to perform duplicate samples for QA/Qc on the total chlorine residual.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 317 317.4(a)(8)  
 30 TAC Chapter 317 317.7(i)  
 Description: Failure to have a vacuum breaker on the hose bib at the WWTF.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to properly complete the sludge manifest.

**Date: 07/31/2009 (820720) CN603731399**

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

**Date: 08/31/2009 (820721) CN603731399**

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

**Date: 09/30/2009 (820722) CN603731399**

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

**Date: 10/31/2009 (820723) CN603731399**

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

**Date: 11/30/2009 (820724) CN603731399**

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

F. Environmental audits.  
 N/A

G. Type of environmental management systems (EMSs).  
 N/A

H. Voluntary on-site compliance assessment dates.  
 N/A

I. Participation in a voluntary pollution reduction program.  
 N/A

J. Early compliance.  
 N/A

Sites Outside of Texas  
 N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
TAWAKONI WASTE WATER  
CORPORATION;  
RN103014973**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

**DOCKET NO. 2010-1255-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Tawakoni Waste Water Corporation ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Erich Birch of the law firm Birch, Becker and Moorman, LLP, together stipulate that:

1. Respondent owned and operated a waste water treatment facility located approximately 1,000 feet southwest of the intersection of Farm-to-Market ("FM") Road 429 and FM Road 721, on the northwest side of FM Road 429, between FM Road 429 and Lake Tawakoni in Quinlan, Hunt County, Texas (the "Facility"). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 26.001(5).
2. This Agreed Order is entered into pursuant to Tex. Water Code §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to Tex. Water Code § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.
3. The Executive Director and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of twenty two thousand nine hundred thirty-five dollars (\$22,935.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid six hundred forty dollars (\$640.00) of the administrative penalty. The remaining amount of twenty-two thousand two hundred ninety-five dollars (\$22,295.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of six hundred thirty-seven dollars (\$637.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall

become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Agreed Order.

6. 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.
7. The Executive Director and Respondent agree on a settlement of the matters addressed in this Agreed Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
8. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility:
  - a. Provided a signed agreement with an electrical generator company to provide ample back up electrical supply by July 14, 2010 (Allegation No. 1.a.);
  - b. Submitted the annual sludge report for the reporting period ending July 31, 2008, by July 23, 2010 (Allegation No. 1.b.);
  - c. Submitted a Water Quality Noncompliance Notification to the Dallas/Ft. Worth Regional Office in response to the March 25, 2010, discharge from a manhole near the Water's Edge lift station at the Facility, removed the blockage in the sewer line which was the cause of the unauthorized discharge, and disinfected the contaminated area by March 30, 2010 (Allegation No. 1.d.);
  - d. Transferred ownership of the Facility to a new owner on or about June 24, 2010.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions contained in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

1. During an investigation conducted on June 10, 2010, a TCEQ Dallas/Ft. Worth Regional Office investigator documented that Respondent:
  - a. Failed to provide adequate safeguards to prevent the discharge of untreated or inadequately treated waste during electrical power failures, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and Texas Pollutant Discharge Elimination System Permit ("TPDES") No. WQ0014297001, Operational Requirements No. 4. Specifically, the Facility did not have alternate power sources, standby generators, and/or a retention protocol for inadequately treated wastewater;

- b. Failed to timely submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES No. WQ0014297001, Sludge Provisions. Specifically, Respondent failed to submit the annual sludge report for the reporting period ending July 31, 2008, by September 1, 2008;
- c. 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(5) and TPDES No. WQ0014297001, Operational Requirements No. 1. Specifically, a large amount of foam was present in the aeration basin;
- d. Failed to prevent unauthorized discharges from the wastewater collection system into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a) and TPDES No. WQ0014297001, Permit Conditions No. 2.g. Specifically, a clog in the line resulted in a discharge of approximately 200 gallons from the Facility's Waters Edge lift station on March 25, 2010;
- e. Failed to monitor the effluent characteristics at the frequency specified in the water quality permit, in violation of 30 TEX. ADMIN. CODE § 319.5(b) and TPDES No. WQ0014297001, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2. Specifically, the discharge monitoring reports ("DMRs") from July 1, 2009, through January 31, 2010, total chlorine analysis and flow were being monitored four times per week instead of five times per week;
- f. Failed to maintain process control records at the Facility, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES No. WQ0014297001, Operational Requirements No. 1. Specifically, process control records were not available at the Facility for review by a TCEQ representative;
- g. Failed to report effluent violations which deviate from the permitted effluent limitations by more than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES No. WQ0014297001, Monitoring and Reporting Requirements No. 7.c. Specifically, Respondent failed to submit written notification to the Regional Office and the Enforcement Division once becoming aware that the total suspended solids and the bio chemical oxygen demand (five-day) effluent limits were exceeded by more than 40% in July and November 2009;
- h. Failed to conduct adequate quality controls for testing equipment, in violation of 30 TEX. ADMIN. CODE § 319.7(a) and (c), and TPDES No. WQ0014297001, Monitoring and Reporting Requirements No. 3.b. Specifically, adequate quality controls were not being performed for the colorimeter, pH, and dissolved oxygen meters.
- i. Failed to accurately complete and submit DMRs, in violation of 30 TEX. ADMIN. CODE § 319.7(c) and TPDES No. WQ0014297001, Monitoring and Reporting Requirements Nos. 1 and 2. Specifically, the maximum and daily average flows were reported incorrectly for the months of July through October 2009 and for January 2010.

2. Respondent received notice of the violations on or about August 4, 2010.

### III. DENIALS

Respondent generally denies each Allegation in Section II.

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph 5, above. The payment of this administrative penalty and 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 considering or requiring corrective actions or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Tawakoni Waste Water Corporation, Docket No. 2010-1255-MWD-E" to:  

Financial Administration Division, Revenues Section  
Texas Commission on Environmental Quality  
Attention: Cashier's Office, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088
2. All relief not expressly granted in this Agreed Order is denied.
3. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent.
4. If 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, Respondent's failure to comply is not a violation of this Agreed Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until 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 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.

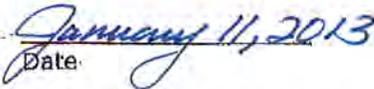
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by 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. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails a copy of the fully executed Agreed Order to Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

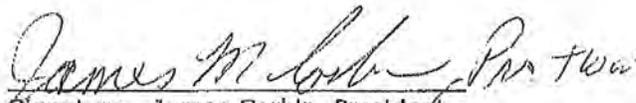
  
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Date

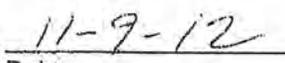
I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Tawakoni Waste Water Corporation, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature - James Corbin, President  
Tawakoni Waste Water Corporation

  
\_\_\_\_\_  
Date