

**Executive Summary – Enforcement Matter – Case No. 43736**  
**C & R WATER SUPPLY INC.**  
**RN102763208**  
**Docket No. 2012-0595-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

Yes

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

Emerson Estates WWTP, located 2,000 feet east of Crocket-Martin Road and 3,000 feet south of State Highway 105, Montgomery County

**Type of Operation:**

Domestic wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** November 9, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$18,438

**Amount Deferred for Expedited Settlement:** \$3,687

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

**Total Paid to General Revenue:** \$675

**Total Due to General Revenue:** \$14,076

Payment Plan: 23 payments of \$612 each

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002 and September 2011

**Executive Summary – Enforcement Matter – Case No. 43736**  
**C & R WATER SUPPLY INC.**  
**RN102763208**  
**Docket No. 2012-0595-MWD-E**

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** November 29, 2011 and January 6, 2012

**Date(s) of NOE(s):** January 31, 2012 and February 9, 2012

***Violation Information***

1. Failed to properly operate and maintain the wastewater treatment plant resulting in a discharge of floating solids into the receiving stream. Specifically, settled sludge and sewage debris were noted from three feet upstream of the discharge pipe to 1,390 feet downstream of the discharge pipe in the receiving stream. In addition, settled solids were noted in the clarifier trough. A mixed liquor total suspended solids sample was collected from the aeration basin yielding a result of 11,000 milligrams per liter [30 TEX. ADMIN. CODE § 305.125(1), (4), and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014285001 Permit Conditions No. 2.d. and Effluent Limitations and Monitoring Requirements No. 4].
2. Failed to submit to the TCEQ a summary transmittal letter that includes, at a minimum, the project name, plan and specifications, prior to installing floats and a pump [30 TEX. ADMIN. CODE § 217.6(c)].
3. Failed to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastewater in the event of an electrical power failure by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0014285001, Operational Requirements No. 4].
4. Failed to comply with permitted effluent limits for ammonia nitrogen and total suspended solids [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014285001, Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

Respondent has implemented the following corrective measures at the Facility:

a. By September 30, 2011:

- i. Cleaned the clarifier and began providing more oxygen during treatment; and
- ii. Returned to compliance with permitted effluent limits.

**Executive Summary – Enforcement Matter – Case No. 43736  
C & R WATER SUPPLY INC.  
RN102763208  
Docket No. 2012-0595-MWD-E**

- b. On December 6, 2011, used vacuum truck to complete the removal of sewage sludge and debris from the receiving stream;
- c. By December 6, 2011, began implementing the solids management plan;
- d. On January 26, 2012, installed and made fully operational, a backup generator; and
- e. On May 3, 2012, submitted documentation demonstrating the floats and pump had been removed.

**Technical Requirements:**

N/A

***Litigation Information***

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

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Jeremy Escobar, Enforcement Division,  
Enforcement Team 3, MC R-14, (361) 825-3422; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Michael Pawalowski, Vice President, C & R WATER SUPPLY INC., P.O.  
Box 187, Willis, Texas 77378  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	6-Feb-2012			
	<b>PCW</b>	6-Mar-2012	<b>Screening</b>	6-Mar-2012	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	C & R WATER SUPPLY INC.
<b>Reg. Ent. Ref. No.</b>	RN102763208
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	43736	<b>No. of Violations</b>	1
<b>Docket No.</b>	2012-0595-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>	Jeremy Escobar
		<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>	<b>\$2,000</b>
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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>	50.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$1,000</b>
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Notes: Enhancement for nine months of self-reported effluent violations and one NOV with same/similar violations.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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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>	<b>\$500</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$50; Approx. Cost of Compliance: \$2,000; \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$2,500</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$2,500</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$2,500</b>
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	<b>-\$500</b>
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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.

<b>PAYABLE PENALTY</b>	<b>\$2,000</b>
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Screening Date 6-Mar-2012

Docket No. 2012-0595-MWD-E

PCW

Respondent C & R WATER SUPPLY INC.

Policy Revision 2 (September 2002)

Case ID No. 43736

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102763208

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

### 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> )	10	50%
	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) 50%

#### >> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

#### >> Compliance History Summary

Compliance History Notes

Enhancement for nine months of self-reported effluent violations and one NOV with same/similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 50%

Screening Date 6-Mar-2012

Docket No. 2012-0595-MWD-E

PCW

Respondent C & R WATER SUPPLY INC.

Policy Revision 2 (September 2002)

Case ID No. 43736

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102763208

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014285001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented in an investigation conducted on November 29, 2011 and a record review conducted on January 6, 2012, and shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids were also considered. As a result of these discharges, human health or the environment has been exposed to an insignificant amount of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

92 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$500

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

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

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$50

Violation Final Penalty Total \$2,500

This violation Final Assessed Penalty (adjusted for limits) \$2,500

# Economic Benefit Worksheet

**Respondent** C & R WATER SUPPLY INC.  
**Case ID No.** 43736  
**Reg. Ent. Reference No.** RN102763208  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	31-Mar-2011	30-Sep-2011	0.50	\$50	n/a	\$50

**Notes for DELAYED costs**  
 Estimated cost to clean the clarifier and provide more oxygen during treatment. Date required is the first date of non-compliance. The final date is the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**  
 (Empty box for notes)

Approx. Cost of Compliance	\$2,000	<b>TOTAL</b>	\$50
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C&R Water Supply, Inc.  
 TPDES Permit No. WQ0014285001  
 Docket No. 2012-0595-MWD-E; Case No. 43736

EFFLUENT VIOLATION TABLE			
Months	NH <sub>3</sub> -N Daily Avg. Conc.	NH <sub>3</sub> -N Single Grab Conc.	TSS Daily Avg. Conc.
	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 15 mg/L
March 2011	7.8	15.7	c
April 2011	c	c	15.21
August 2011	4.98	c	c

TSS = total suspended solids  
 NH<sub>3</sub>-N = ammonia nitrogen  
 c = compliant

Avg. = average  
 mg/L = milligrams per liter  
 Conc. = concentration





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	6-Feb-2012	<b>Screening</b>	6-Mar-2012	<b>EPA Due</b>	
	<b>PCW</b>	6-Mar-2012				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	C & R WATER SUPPLY INC.	
<b>Reg. Ent. Ref. No.</b>	RN102763208	
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b> Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	43736	<b>No. of Violations</b>	3
<b>Docket No.</b>	2012-0595-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>	Jeremy Escobar
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$12,500**

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

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

**Compliance History** **50.0%** Enhancement **Subtotals 2, 3, & 7** **\$6,250**

Notes: Enhancement for nine months of self-reported effluent violations and one NOV with same/similar violations.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$2,812**

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

Total EB Amounts \$304  
Approx. Cost of Compliance \$28,600  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$15,938**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$15,938**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$15,938**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$3,187**

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** **\$12,751**

**Screening Date** 6-Mar-2012

**Docket No.** 2012-0595-MWD-E

**PCW**

**Respondent** C & R WATER SUPPLY INC.

Policy Revision 3 (September 2011)

**Case ID No.** 43736

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN102763208

**Media [Statute]** Water Quality

**Enf. Coordinator** Jeremy Escobar

### 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> )	10	50%
	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)** 50%

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

No

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

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

Average Performer

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

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for nine months of self-reported effluent violations and one NOV with same/similar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 50%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 50%

Screening Date 6-Mar-2012

Docket No. 2012-0595-MWD-E

PCW

Respondent C & R WATER SUPPLY INC.

Policy Revision 3 (September 2011)

Case ID No. 43736

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102763208

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), (4), and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014285001, Permit Conditions No. 2.d. and Effluent Limitations and Monitoring Requirements No. 4

Violation Description

Failed to properly operate and maintain the wastewater treatment plant resulting in a discharge of floating solids into the receiving stream. Specifically, settled sludge and sewage debris were noted from three feet upstream of the discharge pipe to 1,390 feet downstream of the discharge pipe in the receiving stream. In addition, settled solids were noted in the clarifier trough. A mixed liquor total suspended solids sample was collected from the aeration basin yielding a result of 11,000 milligrams per liter.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which did not exceed levels protective of human health or environmental receptors.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

7 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One monthly event is recommended from the investigation date of November 29, 2011 to the compliance date of December 6, 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$937

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

Notes

The Respondent completed the cleanup of the discharge and debris on December 6, 2011.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$4,688

This violation Final Assessed Penalty (adjusted for limits) \$4,688

# Economic Benefit Worksheet

**Respondent** C & R WATER SUPPLY INC.

**Case ID No.** 43736

**Reg. Ent. Reference No.** RN102763208

**Media** Water Quality

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	29-Nov-2011	6-Dec-2011	0.02	\$1	n/a	\$1

**Notes for DELAYED costs**

Cost provided by the Respondent to use a vacuum truck to remove the sewage sludge and debris from the receiving stream, to clean the clarifier and to begin implementing a solids management plan. Date required is the date of the investigation. Final date is the date the Respondent completed the cleanup of the discharge and debris.

**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**

<b>Approx. Cost of Compliance</b>	\$1,500	<b>TOTAL</b>	\$1
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Screening Date 6-Mar-2012

Docket No. 2012-0595-MWD-E

PCW

Respondent C & R WATER SUPPLY INC.

Policy Revision 3 (September 2011)

Case ID No. 43736

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102763208

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 217.6(c)

Violation Description

Failed to submit to the TCEQ a summary transmittal letter that includes, at a minimum, the project name, plan and specifications, prior to installing floats and a pump.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

30 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$1,875

This violation Final Assessed Penalty (adjusted for limits) \$1,875

# Economic Benefit Worksheet

**Respondent** C & R WATER SUPPLY INC.

**Case ID No.** 43736

**Reg. Ent. Reference No.** RN102763208

**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)	\$100	29-Nov-2011	3-May-2012	0.43	\$2	n/a	\$2

**Notes for DELAYED costs**

Estimated cost to submit the Summary Transmittal Letter to the Executive Director. Date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$100	<b>TOTAL</b>	\$2
-------	--------------	-----

Screening Date 6-Mar-2012

Docket No. 2012-0595-MWD-E

PCW

Respondent C & R WATER SUPPLY INC.

Policy Revision 3 (September 2011)

Case ID No. 43736

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102763208

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014285001, Operational Requirements No. 4

Violation Description

Failed to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastewater in the event of an electrical power failure by means of alternate power sources, backup generators, and/or retention of inadequately treated wastewater.

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 2

58 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two monthly events are recommended from the November 29, 2011 investigation date to the January 26, 2012 compliance date.

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

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

Notes The Respondent achieved compliance by January 26, 2012.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$300

Violation Final Penalty Total \$9,375

This violation Final Assessed Penalty (adjusted for limits) \$9,375

# Economic Benefit Worksheet

**Respondent** C & R WATER SUPPLY INC.  
**Case ID No.** 43736  
**Reg. Ent. Reference No.** RN102763208  
**Media** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment	\$27,000	29-Nov-2011	26-Jan-2012	0.16	\$14	\$286
Buildings				0.00	\$0	\$0
Other (as needed)				0.00	\$0	\$0
Engineering/construction				0.00	\$0	\$0
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 cost provided by the Respondent for a backup generator installation and actions to make it operational. Date required is the investigation date and the final date is the date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$27,000

**TOTAL**

\$300

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600581672 C & R WATER SUPPLY INC. Classification: AVERAGE Rating: 1.90

Regulated Entity: RN102763208 EMERSON ESTATES WWTP Classification: AVERAGE Site Rating: 0.76

ID Number(s): WASTEWATER PERMIT WQ0014285001  
WASTEWATER EPA ID TX0124281

Location: 2,000 feet east of Crocket-Martin Road and 3,000 feet south of State Highway 105 in Montgomery County, Texas

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 20, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 06, 2007 to March 06, 2012

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

Name: Jeremy Escobar Phone: 825-3422

## 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. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	03/19/2007	(632962)
2	05/10/2007	(632963)
3	06/20/2007	(632964)
4	07/09/2007	(632965)
5	07/25/2007	(632967)
6	08/23/2007	(632969)
7	09/27/2007	(632970)
8	11/06/2007	(632972)
9	12/03/2007	(632974)
10	12/20/2007	(632976)
11	02/22/2008	(677680)
12	04/01/2008	(696457)
13	05/05/2008	(696458)
14	06/02/2008	(718139)
15	08/05/2008	(718140)
16	08/20/2008	(718141)
17	09/12/2008	(718142)
18	03/10/2008	(718143)
19	08/31/2008	(733403)
20	10/01/2008	(733404)
21	09/30/2008	(733405)
22	10/24/2008	(733406)
23	01/14/2009	(733407)
24	01/14/2009	(733408)

25	01/14/2009	(733409)
26	03/03/2009	(773465)
27	04/01/2009	(773466)
28	04/14/2009	(773467)
29	05/12/2009	(773468)
30	01/13/2010	(782995)
31	02/18/2010	(820661)
32	06/15/2009	(820662)
33	07/10/2009	(820663)
34	09/18/2009	(820664)
35	10/15/2009	(820665)
36	11/16/2009	(820666)
37	12/21/2009	(820667)
38	01/20/2010	(820668)
39	03/18/2010	(836504)
40	04/19/2010	(836505)
41	05/14/2010	(836506)
42	08/10/2010	(844905)
43	06/14/2010	(847990)
44	06/30/2010	(862428)
45	08/17/2010	(869048)
46	09/10/2010	(875906)
47	10/14/2010	(883488)
48	12/21/2010	(885425)
49	02/18/2011	(890668)
50	12/15/2010	(898272)
51	01/14/2011	(904130)
52	02/17/2011	(911003)
53	03/14/2011	(931031)
54	05/18/2011	(940007)
55	06/16/2011	(947408)
56	07/18/2011	(954663)
57	08/18/2011	(961246)
58	09/21/2011	(967351)
59	10/13/2011	(973300)
60	01/31/2012	(976659)
61	02/09/2012	(977097)
62	12/06/2011	(979430)
63	11/14/2011	(979431)
64	12/13/2011	(986275)
65	01/18/2011	(992654)

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

Date:	04/30/2007	(632964)	CN600581672
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2008	(718140)	CN600581672
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2009	(820662)	CN600581672
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2009 (820663) CN600581672  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2009 (820668) CN600581672  
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: 01/13/2010 (782995) CN600581672  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Other Requirements, P. 23, No. 6 PERMIT  
Description: Failure to comply with the Other Permit Requirements.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
EL&MR, P. 2, No. 1 PERMIT  
Operational Requirements, P. 10, No. 4. PERMIT  
Permit Conditions, P. 7, No. 2g. 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 317 317.3(e)(4)(D)  
Description: Failure to maintain the high level alarms at the off-site lift stations.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
Operational Requirements, P. 9, No. 1. PERMIT

Description: Failure to maintain the off-site lift stations.  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.3(a)  
30 TAC Chapter 317 317.3(e)(4)(C)  
Description: Failure to secure the off-site lift stations in an intruder-resistant manner.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to provide a backup blower as required.  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
Description: Failure to properly maintain the solids level in the wastewater treatment plant.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
Description: Failure to maintain the scales and the ventilation system in the chlorine room.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
M&RR, P. 4, No. 3 PERMIT

Operational Requirements, P. 9, No. 1. PERMIT

Description: Failure to maintain all of the flow measuring devices.

Self Report? NO Classification: Minor

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

M&RR, P. 5, No. 7c PERMIT

Description: Failure to provide adequate effluent violation notification letters in accordance with the permit requirements and applicable State regulations.

Self Report? NO Classification: Minor

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

EL&MR, P. 2, No. 4 PERMIT

Page 1 Description of Discharge Route. PERMIT

Description: Failure to locate the receiving stream.

Self Report? NO Classification: Minor

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

EL&MR, P. 2, No. 4 PERMIT

Page 1 Description of Discharge Route. PERMIT

Description: Failure to locate the receiving stream.

Self Report? NO Classification: Minor

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

EL&MR, P. 2, No. 4 PERMIT

Page 1 Description of Discharge Route. PERMIT

Description: Failure to locate the receiving stream.

Self Report? NO Classification: Minor

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2011 (931031) CN600581672  
 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: 04/30/2011 (940007) CN600581672  
 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: 08/31/2011 (967351) CN600581672  
 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  
C & R WATER SUPPLY INC.  
RN102763208**

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

## **AGREED ORDER DOCKET NO. 2012-0595-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 C & R WATER SUPPLY INC. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a domestic wastewater treatment facility located 2,000 feet east of Crocket-Martin Road and 3,000 feet south of State Highway 105 in Montgomery 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 February 5 and 14, 2012.
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 Eighteen Thousand Four Hundred Thirty-Eight Dollars (\$18,438) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Hundred Seventy-Five Dollars (\$675) of the administrative penalty and Three Thousand Six Hundred Eighty-Seven Dollars (\$3,687) 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. The remaining amount of Fourteen Thousand Seventy-Six Dollars (\$14,076) of the administrative penalty shall be payable in 23 monthly payments of Six Hundred Twelve Dollars (\$612) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent 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 September 30, 2011:
    - i. Cleaned the clarifier and began providing more oxygen during treatment; and
    - ii. Returned to compliance with permitted effluent limits.
  - b. On December 6, 2011, used vacuum truck to complete the removal of sewage sludge and debris from the receiving stream;
  - c. By December 6, 2011, began implementing the solids management plan;
  - d. On January 26, 2012, installed and made fully operational, a backup generator; and
  - e. On May 3, 2012, submitted documentation demonstrating the floats and pump had been removed.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

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

## II. ALLEGATIONS

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

1. Failed to properly operate and maintain the wastewater treatment plant resulting in a discharge of floating solids into the receiving stream, in violation of 30 TEX. ADMIN. CODE § 305.125(1), (4), and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014285001 Permit Conditions No. 2.d. and Effluent Limitations and Monitoring Requirements No. 4, as documented during an investigation conducted on November 29, 2011. Specifically, settled sludge and sewage debris were noted from three feet upstream of the discharge pipe to 1,390 feet downstream of the discharge pipe in the receiving stream. In addition, settled solids were noted in the clarifier trough. A mixed liquor total suspended solids sample was collected from the aeration basin yielding a result of 11,000 milligrams per liter.
2. Failed to submit to the TCEQ a summary transmittal letter that includes, at a minimum, the project name, plan and specifications, prior to installing floats and a pump, in violation of 30 TEX. ADMIN. CODE § 217.6(c), as documented during an investigation conducted on November 29, 2011.
3. Failed to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastewater in the event of an electrical power failure by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0014285001, Operational Requirements No. 4, as documented during an investigation conducted on November 29, 2011.
4. Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014285001, Effluent Limitations and Monitoring Requirements No. 1, as documented in a record review conducted on January 6, 2012 and shown in the table below:

EFFLUENT VIOLATION TABLE			
Months	NH <sub>3</sub> -N Daily Avg. Conc.	NH <sub>3</sub> -N Single Grab Conc.	TSS Daily Avg. Conc.
	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 15 mg/L
March 2011	7.8	15.7	c
April 2011	c	c	15.21
August 2011	4.98	c	c

TSS = total suspended solids  
 NH<sub>3</sub>-N = ammonia nitrogen  
 c= compliant

Avg. = average  
 mg/L = milligrams per liter  
 Conc. = concentration

### 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: C & R WATER SUPPLY INC., Docket No. 2012-0595-MWD-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. 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.
4. 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.
5. 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.

6. 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.
  
7. 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 Jenkins Jr  
For the Executive Director

4/18/13  
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.

MPawalowski  
Signature

July 31, 2012  
Date

Michael Pawalowski  
Name (Printed or typed)  
Authorized Representative of  
C & R WATER SUPPLY INC.

Vice President  
Title

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