

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 43920
Meadowland Utility Corporation
RN102815198
Docket No. 2012-0750-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions over the prior five year period for the same violations.

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

approximately 7,600 feet west of the intersection of State Highway 35 and the American Canal, approximately 1.9 miles north of the intersection of State Highway 6 and McCormick Street, Brazoria County

Type of Operation:

wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	\$120,536.37 (2010-1767-MWD-E; referred to the AG)
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: January 31, 2014

Comments Received: None

Penalty Information

Total Penalty Assessed: \$5,325

Total Paid to General Revenue: \$180

Total Due to General Revenue: \$5,145

Payment Plan: 35 payments of \$147 each

Compliance History Classifications:

Person/CN –Average
Site/RN –Average

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2002 (PCW 1); September 2011 (PCW 2)

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: February 24, 2012; April 5, 2012

Date(s) of NOV(s): August 27, 2008; June 1, 2009; May 21, 2010

Date(s) of NOE(s): April 29, 2012

Meadowland Utility Corporation
RN102815198
Docket No. 2012-0750-MWD-E

Violation Information

1. Failed to timely submit monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(17), 319.1 and 319.7(d); and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0013632001, Monitoring and Reporting Requirements No. 1].
2. Failed to submit the annual sludge report for the monitoring period ending July 31, 2011, by September 30, 2011 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0013632001, Sludge Provisions].
3. Failed to pay outstanding consolidated water quality (“CWQ”) fees and associated late fees for TCEQ Financial Account No. 23004116 [30 TEX. ADMIN. CODE § 21.4 and TEX. WATER CODE § 5.702].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

1. Submitted the DMRs for the months of January 2011 through December 2011 on July 31, 2013; and
2. Paid outstanding CWQ fees and associated late fees for TCEQ Financial Account No. 23004116 for fiscal years 2011 and 2012 on October 16, 2013.

Technical Requirements:

1. Within 30 days:
 - a. Update the Facility’s operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DMRs and annual sludge reports, and
 - b. Submit the annual sludge report for the monitoring period ending July 31, 2011.
2. Within 45 days, submit written certification to demonstrate compliance.

Litigation Information

Date Petition(s) Filed: August 2, 2012
Date Answer(s) Filed: August 16, 2012
SOAH Referral Date: October 4, 2012
Hearing Date(s):
 Preliminary Hearing: December 6, 2012 (waived)
 Evidentiary Hearing: April 10, 2013 (continued); August 15, 2013 (continued);
 December 9, 2013 (scheduled)
Settlement Date: December 3, 2013

Contact Information

TCEQ Attorneys: Jeffrey J. Huhn, Litigation Division, (512) 239-3400
 Lena Roberts, Litigation Division, (512) 239-3400
 Blas Coy, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Jill Russell, Enforcement Division, (512) 239-4564
TCEQ Regional Contact: Steve Smith, Houston Regional Office, (713) 767-3581
Respondent Contact: Marshall Kus, President, Meadowland Utility Corporation, P.O. Box 2088, Alvin, Texas 77512
Respondent's Attorney: Helen S. Gilbert, 2206 Greenlee, Austin, Texas 78703



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	19-Mar-2012			
	PCW	31-Jul-2013	Screening	6-Apr-2012	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	Meadowland Utility Corporation				
Reg. Ent. Ref. No.	RN102815198				
Facility/Site Region	12-Houston	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	43920	No. of Violations	1		
Docket No.	2012-0750-MWD-E	Order Type	Findings		
Media Program(s)	Water Quality	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Stephen Thompson		
		EC's Team	Enforcement Team 3		
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000		

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History	42.0%	Enhancement	Subtotals 2, 3, & 7
			\$420

Notes: Enhancement for three NOV's with same/similar violations, one NOV with dissimilar violations and one default order.

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	\$0
--	-------------------	-----

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

Total EB Amounts: \$48
Approx. Cost of Compliance: \$500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,420
-----------------------------	-----------------------	---------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$1,420

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,420
-----------------------------------	-------------------------------	---------

DEFERRAL	0.0%	Reduction	Adjustment	\$0
-----------------	------	-----------	-------------------	-----

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

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$1,420
------------------------	---------

Screening Date 6-Apr-2012

Docket No. 2012-0750-MWD-E

PCW

Respondent Meadowland Utility Corporation

Policy Revision 2 (September 2002)

Case ID No. 43920

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102815198

Media [Statute] Water Quality

Enf. Coordinator Stephen Thompson

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>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
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) 42%

>> 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 three NOVs with same/similar violations, one NOV with dissimilar violations and one default order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 42%

Screening Date	6-Apr-2012	Docket No.	2012-0750-MWD-E	PCW
Respondent	Meadowland Utility Corporation			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	43920			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN102815198			
Media [Statute]	Water Quality			
Enf. Coordinator	Stephen Thompson			

Violation Number

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(17), 319.1 and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013632001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit discharge monitoring reports ("DMRs") for the months of January 2011 through July 2011 by the 20th day of the following month, and the quarterly DMRs for the monitoring period ending January 31, April 30 and July 31, 2011.

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**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

100% of the rule requirement was not met.

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

Ten single events (one for each DMR) are recommended.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/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: 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 Meadowland Utility Corporation
Case ID No. 43920
Reg. Ent. Reference No. RN102815198
Media Violation No. Water Quality
 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	\$250	24-Feb-2012	31-Jul-2013	1.43	\$18	n/a	\$18
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	20-Feb-2011	31-Jul-2013	2.44	\$31	n/a	\$31

Notes for DELAYED costs Estimated cost to prepare and submit the missing DMRs (\$25 per DMR), and to update the Facility's operational guidance and to conduct employee training (\$250). Dates required are the date of the record review and the date the first missing DMR was due. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$48



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	19-Mar-2012			
	PCW	31-Jul-2013	Screening	6-Apr-2012	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	Meadowland Utility Corporation		
Reg. Ent. Ref. No.	RN102815198		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	43920	No. of Violations	3
Docket No.	2012-0750-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Stephen Thompson
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$2,750**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **42.0%** Enhancement **Subtotals 2, 3, & 7** **\$1,155**

Notes: Enhancement for three NOV's with same/similar violations, one NOV with dissimilar violations and one default order.

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** **\$0**

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

Total EB Amounts **\$17**
 Approx. Cost of Compliance **\$200**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$3,905**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$3,905**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$3,905**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

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

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$3,905**

Screening Date 6-Apr-2012 **Docket No.** 2012-0750-MWD-E
Respondent Meadowland Utility Corporation
Case ID No. 43920
Reg. Ent. Reference No. RN102815198
Media [Statute] Water Quality
Enf. Coordinator Stephen Thompson

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

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>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
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) 42%

>> 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 three NOVs with same/similar violations, one NOV with dissimilar violations and one default order.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 42%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 42%

Screening Date	6-Apr-2012	Docket No.	2012-0750-MWD-E	PCW
Respondent	Meadowland Utility Corporation	<i>Policy Revision 3 (September 2011)</i>		
Case ID No.	43920	<i>PCW Revision August 3, 2011</i>		
Reg. Ent. Reference No.	RN102815198			
Media [Statute]	Water Quality			
Enf. Coordinator	Stephen Thompson			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(17), 319.1 and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013632001, Monitoring and Reporting Requirements No. 1			
Violation Description	Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit discharge monitoring reports ("DMRs") for the months of August 2011 through December 2011 by the 20th day of the following month, and the quarterly DMR for the monitoring period ending October 31, 2011.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual				
	Potential				0.0%

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
				x	
100% of the rule requirement was not met.					
Adjustment					\$24,750

\$250

Violation Events

Number of Violation Events	6	122	Number of violation days
<i>mark only one with an x</i>	daily		Violation Base Penalty
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
Six single events (one for each DMR) are recommended.			

Good Faith Efforts to Comply

		0.0% Reduction	\$0
		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary			
Ordinary			
N/A	x	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			\$1,500

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$14
Violation Final Penalty Total	\$2,130
This violation Final Assessed Penalty (adjusted for limits)	
\$2,130	

Economic Benefit Worksheet

Respondent Meadowland Utility Corporation
Case ID No. 43920
Reg. Ent. Reference No. RN102815198
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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)	\$150	20-Sep-2011	31-Jul-2013	1.86	\$14	n/a	\$14

Notes for DELAYED costs Estimated cost to prepare and submit the missing DMRs (\$25 per DMR). Date required is the date the first missing DMR was due. Final date is the date of compliance. (The cost of training is included in the economic benefit of violation no. 1 on PCW Revision 2.)

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 \$150

TOTAL \$14

Screening Date 6-Apr-2012	Docket No. 2012-0750-MWD-E	PCW
Respondent Meadowland Utility Corporation		<i>Policy Revision 3 (September 2011)</i>
Case ID No. 43920		<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No. RN102815198		
Media [Statute] Water Quality		
Enf. Coordinator Stephen Thompson		

Violation Number

Rule Cite(s)

Violation Description

Failed to submit the annual sludge report for the monitoring period ending July 31, 2011 by September 30, 2011.

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="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	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 checked="" type="checkbox"/>	

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/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

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 Meadowland Utility Corporation
Case ID No. 43920
Reg. Ent. Reference No. RN102815198
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)	\$50	30-Sep-2011	1-Nov-2012	1.09	\$3	n/a	\$3

Notes for DELAYED costs Estimated cost to prepare and submit the annual sludge report for the monitoring period ending July 31, 2011. Date required is the date the report was due. Final date is the projected 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 \$50

TOTAL \$3

Screening Date	6-Apr-2012	Docket No.	2012-0750-MWD-E	PCW
Respondent	Meadowland Utility Corporation	<i>Policy Revision 3 (September 2011)</i>		
Case ID No.	43920	<i>PCW Revision August 3, 2011</i>		
Reg. Ent. Reference No.	RN102815198			
Media [Statute]	Water Quality			
Enf. Coordinator	Stephen Thompson			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 21.4 and Tex. Water Code § 5.702			
Violation Description	Failed to pay outstanding consolidated water quality ("CWQ") fees and associated late fees for TCEQ Financial Account No. 23004116 for fiscal years 2011 and 2012.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual				
	Potential				0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%
Matrix Notes					
Adjustment					\$25,000
					\$0

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	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"/>

Violation Base Penalty \$0

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

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

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal \$0

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text"/> \$0	Violation Final Penalty Total <input type="text"/> \$0
This violation Final Assessed Penalty (adjusted for limits) <input type="text"/> \$0	

Economic Benefit Worksheet

Respondent Meadowland Utility Corporation
Case ID No. 43920
Reg. Ent. Reference No. RN102815198
Media Violation No. Water Quality
 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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

N/A

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

N/A

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator: CN600696538 Meadowland Utility Corporation Classification: AVERAGE Rating: 6.00
Regulated Entity: RN102815198 MEADOWLAND UTILITY CORPORATION WWTP Classification: AVERAGE Site Rating: 6.00

ID Number(s): WASTEWATER PERMIT WQ0013632001
WASTEWATER EPA ID TX0109886
WASTEWATER LICENSING LICENSE WQ0013632001

Location: 7,600 FT W OF THE INTX OF HWY 35 AND THE AMERICAN CANAL, APPROX 1.9 MI N OF THE INTX OF HWY 6 AND MCCORMICK ST, BRAZORIA COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 05, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 05, 2007 to April 05, 2012

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

Name: Stephen Thompson Phone: (512) 239-2558

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.

Effective Date: 01/08/2012

ADMINORDER 2010-1767-MWD-E

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(d)(2)
30 TAC Chapter 317 317.4(g)(4)(B)(iii)

Rqmt Prov: Operational Requirements No. 1 PERMIT

Description: Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: WQ13632-001 PERMIT

Description: Failed to comply with the permitted effluent limits.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.1
Rqmt Prov: TPDES Permit No. WQ0013632001 PERMIT

Description: Failed to submit the annual sludge reports for the monitoring periods ending July 31, 2008 and July 31, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(A)
30 TAC Chapter 319, SubChapter A 319.4

Rqmt Prov: TPDES Permit No. WQ0013632001 PERMIT

Description: Failed to collect and analyze samples for required parameters at the frequency specified in the permit.

- 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	05/02/2007	(629328)	7	06/01/2009	(774875)
2	06/22/2007	(629329)	8	06/17/2010	(827220)
3	07/12/2007	(629330)	9	05/21/2010	(827923)
4	08/29/2007	(629331)	10	10/14/2010	(848901)
5	08/29/2007	(629332)	11	03/13/2012	(989087)
6	08/27/2008	(720869)			

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

Date: 08/26/2008

(700633)

CN600696538

Self Report? NO

Classification: Minor

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

Description: Failure to maintain facility grounds.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 317 317.3(b)(1)

Description: Failure to maintain a standby lift station pump.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		

- 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
MEADOWLAND UTILITY
CORPORATION;
RN102815198**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2012-0750-MWD-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Meadowland Utility Corporation ("Respondent") under the authority of TEX. WATER CODE chs. 5, 7, and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Helen S. Gilbert, presented this Agreed Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent owns and operates a wastewater treatment facility located approximately 7,600 feet west of the intersection of State Highway 35 and the American Canal, approximately 1.9 miles north of the intersection of State Highway 6 and McCormick Street in Brazoria 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. During a record review conducted on February 24, 2012, a TCEQ Houston Regional Office investigator documented that Respondent:
 - a. Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, Respondent failed to submit discharge monitoring reports ("DMRs") for the months of January 2011 through December 2011 by the 20th day of the following month, and the quarterly DMRs for the monitoring periods ending January 31, April 30, July 31 and October 31, 2011; and
 - b. Failed to submit the annual sludge report for the monitoring period ending July 31, 2011, by September 30, 2011;

3. During a record review conducted on April 5, 2012, a TCEQ Houston Regional Office investigator documented that Respondent failed to pay outstanding consolidated water quality ("CWQ") fees and associated late fees for TCEQ Financial Account No. 23004116 for fiscal years 2011 and 2012.
4. Respondent received notice of the violations on or about May 4, 2012.
5. The Executive Director recognizes that Respondent performed the following corrective measures:
 - a. Submitted the DMRs for the months of January 2011 through December 2011, on July 31, 2013; and
 - b. Paid outstanding CWQ fees and associated late fees for TCEQ Financial Account No. 23004116 for fiscal years 2011 and 2012 on October 16, 2013.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5 and 26 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to timely submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17), 319.1 and 319.7(d); and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013632001, Monitoring and Reporting Requirements No. 1.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to submit the annual sludge report for the monitoring period ending July 31, 2011, by September 30, 2011, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0013632001, Sludge Provisions.
4. As evidenced by Finding of Fact No. 3, Respondent failed to pay outstanding CWQ fees and associated late fees for TCEQ Financial Account No. 23004116, in violation of 30 TEX. ADMIN. CODE § 21.4 and TEX. WATER CODE § 5.702.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of five thousand three hundred twenty-five dollars (\$5,325.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Respondent paid one hundred eighty dollars (\$180.00) of the administrative penalty. The remaining amount of five thousand one hundred forty-five dollars (\$5,145.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of one hundred forty-seven dollars (\$147.00) 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.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 6, above, for violations of state statutes and rules of the TCEQ. 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 matters set forth by this Agreed Order in this action. 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: Meadowland Utility Corporation, Docket No. 2012-0750-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. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, Respondent shall:
 - i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DMRs and annual sludge reports, in accordance with TPDES Permit No. WQ0013632001; and
 - ii. Submit the annual sludge report for the monitoring period ending July 31, 2011, in accordance with 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0013632001.
 - b. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification to demonstrate compliance with Ordering Provisions Nos. 2.a.i. and 2.a.ii. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Respondent shall submit the written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Steve Smith, Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

3. All relief not expressly granted in this Agreed Order is denied.
4. The provisions of this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. 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.
6. 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.
7. 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.
8. 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 in this Agreed Order.
9. 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.
10. 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.

11. 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 notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

M. Swaney
For the Executive Director

March 31, 2014
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 Meadowland Utility 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 Agreed 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.

Marshall J. Kus
Signature

12/3/13
Date

Marshall Kus, President
Meadowland Utility Corporation